

Procedures for Binding Arbitration

Arbitrations Submitted by a Pre-Dispute Arbitration Agreement: If you have a contractual arbitration clause, please submit to our offices a copy of the contract with the arbitration clause, along with the attached Arbitration Registration Form, and a Statement of Claims. Thereafter, the Case Administrator will proceed with a conflict check and issue disclosures. The parties will have **five (5) days** to lodge any objections.

Respondent will have **fifteen (15) days** to file an Answering Statement. If there are no objections, an Arbitration Management Conference will be scheduled for the parties to discuss logistics with the Arbitrator. Parties should submit a joint report addressing: (i) discovery (anticipated issues, discovery timeline and cut-off); (ii) anticipated motions to be filed and suggested hearing dates; and (iii) the date for arbitration and suggested guidelines applicable thereto (Conference Requirements).

Arbitrations Submitted by a Stipulation for Arbitration: If the parties agree to arbitration, please submit a copy of the Stipulation for Arbitration signed by the parties, along with the attached Arbitration Registration Form, a Statement of Claims, and Answering Statement (if any). If the parties do not have a Stipulation for Arbitration, please use the attached Arbitration Registration Form. Respondent will have **fifteen (15) days** to file an Answering Statement if they have not already done so. Please notify our office if the parties have agreed on an arbitrator, or if the parties would like to proceed with the Arbitrator Selection Process. Subsequently, our Case Administrator will proceed with a conflict check and issue disclosures. The parties will have **fifteen (15) days** to lodge any objections. If there are no objections, an Arbitration Management Conference will be scheduled for the parties to discuss logistics with the Arbitrator. See above for Conference Requirements.

Arbitrations Submitted by Court Order: If you have a Court Order granting a motion to compel arbitration, please submit a copy of the Appointment Order, the attached Arbitration Registration Form, a Statement of Claims, and Answering Statement (if any). Respondent will have **fifteen (15) days** to file an Answering Statement if they have not already done so. Thereafter, a SoCal DRC Case Manager will proceed with a conflict check and issue disclosures. The parties will have **fifteen (15) days** to lodge any objections. If there are no objections, an Arbitration Management Conference will be scheduled for the parties to discuss logistics with the Arbitrator.

Our offices must receive a copy of either the Arbitration Agreement, Stipulation for Arbitration, or Court Order on the motion to compel arbitration before the arbitration can proceed.

Appointment of Arbitrator: If the parties have agreed to an Arbitrator, the appointment date will be the date that our office receives the Arbitration Registration Form, the Stipulation, or Court Order for Arbitration.

Statement of Claims/Complaint: Claimant must serve their Statement of Claim(s) or Complaint to the opposing side and our offices simultaneously. Our offices must receive a copy of your Statement of Claims(s) or the Complaint so that there is an expressed record of your grievance(s).

Counter-Claims/Cross-Complaints: If Respondent wishes to submit Counter-Claims or Cross-Complaints please do so while serving opposing counsel/party and the SoCal Dispute Resolution Center ("SoCal DRC")

simultaneously. The party served with the claim will have **fifteen (15) days** to file an Answering Statement, which shall be served on opposing counsel/party and simultaneously.

Arbitration Rules: On the attached *Arbitration Registration Form*, please specify which arbitration rules apply to these proceedings. Our neutrals can proceed under any arbitration rules; however, ***the rules must be agreed-upon in advance of the proceedings***. Otherwise, the arbitration will be conducted according to the arbitration rules as set forth by California law.

Arbitration Management Conference: An Arbitration Management Conference is optional, but strongly encouraged for Arbitrations with more than four (4) hours of hearing. This conference is usually telephonic, but can be conducted in person at the agreement of counsel. However, please be advised that the Arbitrator will not hear substantive arguments during this time. The purpose of the conference is to discuss case status, discovery timelines, and to set hearing dates.

Document Filing: Arbitrations are adversarial proceedings and opposing counsel/party must be served filings through the same method and at the same time as service to the Arbitrator. The SoCal DRC Case Manager will not forward documents to the Arbitrator if the opposing parties have not been properly served.

Subpoenas: If subpoenas need to be issued, our offices use the same forms as the California Superior Court system. For personal appearance: <http://www.courtinfo.ca.gov/forms/documents/subp020.pdf>. For subpoenas *duces tecum*: <http://www.courtinfo.ca.gov/forms/fillable/subp002.pdf>. Please refer to C.C.P. §1282.6 for further information regarding the issuance of subpoenas in arbitration proceedings.

Motions: Please be advised that you should contact your Case Administrator prior to filing discovery motions and substantive motions. She will help you coordinate a hearing schedule, and may provide you with further instructions on how to submit these documents.

Fees: Arbitrator fees must be deposited in advance of each hearing based upon the parties' estimation of time. The Parties should determine the fee-split prior to the appointment of the Arbitrator.

Continuances/Rescheduling and Cancellations: Requests for continuances, rescheduling, and cancellations (hereafter "cancellation") of hearing dates **must be received by our offices in writing**. There are no exceptions. Requests for cancellations of arbitrator-supervised deposition hearings and binding arbitration hearings must be received by our offices no later than the deadline outlined in the hearing notice. Should the request for cancellation be received after the deadline, then the party requesting the cancellation will be responsible for payment of **the entire scheduled time** lost by the Arbitrator. This amount includes the opposing parties' share of the lost time. If the late cancellation was mutually requested by all parties, then all parties will be responsible for the entire time lost by the Arbitrator.

All parties must agree to cancel the arbitration. In the alternative, the Arbitrator will either grant or deny a cancellation request. The request may be submitted either by oral argument to the Arbitrator or by written submission. These Procedures should supplement the party-agreed arbitration rules. If these Procedures conflict, then the corresponding provision(s) in the party-agreed arbitration rules will govern. Thank you for using the SoCal Dispute Resolution Center. Please feel free to contact our offices if you should have any questions or concerns.