

The *Ethics Standards for Neutral Arbitrators in Contractual Arbitration* have been amended, effective July 1, 2014. For more detailed information, please see Item A1 on the Judicial Council’s October 25, 2013, agenda, at <http://www.courts.ca.gov/23770.htm>.

1 **Standard 2. Definitions**

2  
3 As used in these standards:

4  
5 **(a) Arbitrator and neutral arbitrator**

6  
7 (1) \* \* \*

8  
9 (2) Where the context includes events or acts occurring before an appointment is  
10 final, “arbitrator” and “neutral arbitrator” include a person who has been  
11 served with notice of a proposed nomination or appointment. For purposes of  
12 these standards, “proposed nomination” does not include nomination of  
13 persons by a court under Code of Civil Procedure section 1281.6 to be  
14 considered for possible selection as an arbitrator by the parties or  
15 appointment as an arbitrator by the court.

16  
17 **(b)–(n) \* \* \***

18  
19 **(o)** “Member of the arbitrator’s extended family” means the parents, grandparents,  
20 great-grandparents, children, grandchildren, great-grandchildren, siblings, uncles,  
21 aunts, nephews, and nieces of the arbitrator or the arbitrator’s spouse or domestic  
22 partner or the spouse or domestic partner of such person.

23  
24 **(p)–(s) \* \* \***

25  
26 *Standard 2 amended effective July 1, 2014.*

27  
28 **Standard 3. Application and effective date**

29  
30 **(a) \* \* \***

31  
32 **(b) These standards do not apply to:**

33  
34 (1) \* \* \*

35  
36 (2) Any arbitrator serving in:

37  
38 (A)–(C) \* \* \*

39  
40 (D) An automobile warranty dispute resolution process certified under  
41 California Code of Regulations title 16, division 33.1 or an informal

1 dispute settlement procedure under Code of Federal Regulations title  
2 16, chapter 1, part 703;

3  
4 (E)–(F) \* \* \*

5  
6 (G) An arbitration of a complaint filed against a contractor with the  
7 Contractors State License Board under Business and Professions Code  
8 sections 7085 through 7085.7; ~~or~~

9  
10 (H) An arbitration conducted under or arising out of public or private sector  
11 labor-relations laws, regulations, charter provisions, ordinances,  
12 statutes, or agreements; or

13  
14 (I) An arbitration proceeding governed by rules adopted by a securities  
15 self-regulatory organization and approved by the United States  
16 Securities and Exchange Commission under federal law.

17  
18 (c) The following persons are not subject to the standards or to specific amendments to  
19 the standards in certain arbitrations:

20  
21 (1) Persons who are serving in arbitrations in which they were appointed to serve  
22 as arbitrators before July 1, 2002, are not subject to these standards in those  
23 arbitrations.

24  
25 (2) Persons who are serving in arbitrations in which they were appointed to serve  
26 as arbitrators before January 1, 2003, are not subject to standard 8 in those  
27 arbitrations.

28  
29 (3) Persons who are serving in arbitrations in which they were appointed to serve  
30 as arbitrators before July 1, 2014, are not subject to the amendments to  
31 standards 2, 7, 8, 12, 16, and 17 that took effect July 1, 2014 in those  
32 arbitrations.

33  
34 *Standard 3 amended effective July 1, 2014.*

35  
36 **Comment to Standard 3**

37 With the exception of standard 8 and the amendments to standards 2, 7, 8, 12, 16, and 17 that  
38 took effect July 1, 2014, these standards apply to all neutral arbitrators appointed on or after July  
39 1, 2002, who meet the criteria of subdivision (a). Arbitration provider organizations, although not  
40 themselves subject to these standards, should be aware of them when performing administrative  
41 functions that involve arbitrators who are subject to these standards. A provider organization's  
42 policies and actions should facilitate, not impede, compliance with the standards by arbitrators  
43 who are affiliated with the provider organization.

1  
2 Subdivision (b)(2)(I) is intended to implement the decisions of the California Supreme Court in  
3 Jevne v. Superior Court ((2005) 35 Cal.4th 935) and of the United States Court of Appeals for the  
4 Ninth Circuit in Credit Suisse First Boston Corp. v. Grunwald ((9th Cir. 2005) 400 F.3d 1119).  
5

6 **Standard 7. Disclosure**  
7

8 (a) \* \* \*

9  
10 (b) **General provisions**  
11

12 For purposes of this standard:

13  
14 (1) \* \* \*

15  
16 (2) *Offers of employment or professional relationship*  
17

18 (A) Except as provided in (B), if an arbitrator has disclosed to the parties in  
19 an arbitration that he or she will entertain offers of employment or of  
20 professional relationships from a party or lawyer for a party while the  
21 arbitration is pending as required by subdivision (b) of standard 12, the  
22 arbitrator is not also required under this standard to disclose to the  
23 parties in that arbitration any such offer from a party or lawyer for a  
24 party that he or she subsequently receives or accepts while that  
25 arbitration is pending.  
26

27 (B) In a consumer arbitration, if an arbitrator has disclosed to the parties  
28 that he or she will entertain offers of employment or of professional  
29 relationships from a party or lawyer for a party while the arbitration is  
30 pending as required by subdivision (b) of standard 12 and has informed  
31 the parties in the pending arbitration about any such offer and the  
32 acceptance of any such offer as required by subdivision (d) of standard  
33 12, the arbitrator is not also required under this standard to disclose that  
34 offer or the acceptance of that offer to the parties in that arbitration.  
35

36 (3) \* \* \*

37  
38 (c) **Time and manner of disclosure**  
39

40 (1) *Initial disclosure*  
41

42 Within ~~ten~~ 10 calendar days of service of notice of the proposed nomination  
43 or appointment, a proposed arbitrator must disclose to all parties in writing all

1 matters listed in subdivisions (d) and (e) of this standard of which the  
2 arbitrator is then aware.

3  
4 (2) Supplemental disclosure

5  
6 If an arbitrator subsequently becomes aware of a matter that must be  
7 disclosed under either subdivision (d) or (e) of this standard, the arbitrator  
8 must disclose that matter to the parties in writing within 10 calendar days  
9 after the arbitrator becomes aware of the matter.

10  
11 **(d) Required disclosures**

12  
13 ~~A person who is nominated or appointed as an arbitrator~~ A proposed arbitrator or  
14 arbitrator must disclose all matters that could cause a person aware of the facts to  
15 reasonably entertain a doubt that the ~~proposed~~ arbitrator would be able to be  
16 impartial, including, but not limited to, all of the following:

17  
18 (1) *Family relationships with party*

19  
20 The arbitrator or a member of the arbitrator's immediate or extended family  
21 is:

22  
23 (A) A party;

24  
25 (B) a party's~~The spouse or domestic partner,~~ of a party; or

26  
27 (C) An officer, director, or trustee of a party.

28  
29 (2) *Family relationships with lawyer in the arbitration*

30  
31 (A) Current relationships

32  
33 The arbitrator, or the spouse, former spouse, domestic partner, child,  
34 sibling, or parent of the arbitrator or the arbitrator's spouse or domestic  
35 partner is:

36  
37 ~~(A)(i)~~ \* \* \*

38  
39 ~~(B)(ii)~~ \* \* \*

40  
41 ~~(C)(iii)~~ \* \* \*

42

1 (B) Past relationships

2  
3 The arbitrator or the arbitrator's spouse or domestic partner was  
4 associated in the private practice of law with a lawyer in the arbitration  
5 within the preceding two years.

6  
7 (3) \* \* \*

8  
9 (4) *Service as arbitrator for a party or lawyer for party*

10  
11 (A) The arbitrator is serving or, within the preceding five years, has served:

12  
13 (i)–(ii) \* \* \*

14  
15 (iii) As a neutral arbitrator in another prior or pending noncollective  
16 bargaining case in which he or she was selected by a person  
17 serving as a party-appointed arbitrator in the current arbitration.

18  
19 (B)–(C) \* \* \*

20  
21 (5) *Compensated service as other dispute resolution neutral*

22  
23 The arbitrator is serving or has served as a dispute resolution neutral other  
24 than an arbitrator in another pending or prior noncollective bargaining case  
25 involving a party or lawyer for a party and the arbitrator received or expects  
26 to receive any form of compensation for serving in this capacity.

27  
28 (A) Time frame

29  
30 For purposes of this paragraph (5), “prior case” means any case in  
31 which the arbitrator concluded his or her service as a dispute resolution  
32 neutral within two years before the date of the arbitrator's proposed  
33 nomination or appointment, ~~but does not include any case in which the~~  
34 ~~arbitrator concluded his or her service before January 1, 2002.~~

35  
36 (B)–(C) \* \* \*

37  
38 (6)–(7) \* \* \*

39  
40 (8) Employee, expert witness, or consultant relationships

41  
42 The arbitrator or a member of the arbitrator's immediate family is or, within

1                    the preceding two years, was an employee of or an expert witness or a  
2                    consultant for a party or for a lawyer in the arbitration.

3  
4                    ~~(8)~~(9) *Other professional relationships*

5  
6                    Any other professional relationship not already disclosed under paragraphs  
7                    ~~(2)–(7)~~(8) that the arbitrator or a member of the arbitrator’s immediate family  
8                    has or has had with a party or lawyer for a party, ~~including the following:~~

9  
10                    ~~(A) The arbitrator was associated in the private practice of law with a~~  
11                    ~~lawyer in the arbitration within the last two years.~~

12  
13                    ~~(B) The arbitrator or a member of the arbitrator’s immediate family is or,~~  
14                    ~~within the preceding two years, was an employee of or an expert~~  
15                    ~~witness or a consultant for a party; and~~

16  
17                    ~~(C) The arbitrator or a member of the arbitrator’s immediate family is or,~~  
18                    ~~within the preceding two years, was an employee of or an expert~~  
19                    ~~witness or a consultant for a lawyer in the arbitration.~~

20  
21                    ~~(9)~~(10) \* \* \*

22  
23                    ~~(10)~~(11) \* \* \*

24  
25                    ~~(11)~~(12) \* \* \*

26  
27                    ~~(12)~~(13) \* \* \*

28  
29                    ~~(13)~~(14) *Membership in organizations practicing discrimination*

30  
31                    The arbitrator’s ~~membership in~~ is a member of any organization that practices  
32                    invidious discrimination on the basis of race, sex, religion, national origin, or  
33                    sexual orientation. Membership in a religious organization, an official  
34                    military organization of the United States, or a nonprofit youth organization  
35                    need not be disclosed unless it would interfere with the arbitrator’s proper  
36                    conduct of the proceeding or would cause a person aware of the fact to  
37                    reasonably entertain a doubt concerning the arbitrator’s ability to act  
38                    impartially.

39  
40                    ~~(14)~~(15) Any other matter that:

41  
42                    (A)–(C) \* \* \*

43

1 (e) ~~Inability to conduct or timely complete proceedings~~ Other required  
2 disclosures  
3

4 In addition to the matters that must be disclosed under subdivision (d), ~~an~~ a  
5 proposed arbitrator or arbitrator must also disclose:  
6

7 (1) Professional discipline  
8

9 (A) If the arbitrator has been disbarred or had his or her license to practice a  
10 profession or occupation revoked by a professional or occupational  
11 disciplinary agency or licensing board, whether in California or  
12 elsewhere. The disclosure must specify the date of the revocation, what  
13 professional or occupational disciplinary agency or licensing board  
14 revoked the license, and the reasons given by that professional or  
15 occupational disciplinary agency or licensing board for the revocation.  
16

17 (B) If the arbitrator has resigned his or her membership in the State Bar or  
18 another professional or occupational licensing agency or board,  
19 whether in California or elsewhere, while public or private disciplinary  
20 charges were pending. The disclosure must specify the date of the  
21 resignation, what professional or occupational disciplinary agency or  
22 licensing board had charges pending against the arbitrator at the time of  
23 the resignation, and what those charges were.  
24

25 (C) If within the preceding 10 years public discipline other than that  
26 covered under (A) has been imposed on the arbitrator by a professional  
27 or occupational disciplinary agency or licensing board, whether in  
28 California or elsewhere. “Public discipline” under this provision means  
29 any disciplinary action imposed on the arbitrator that the professional  
30 or occupational disciplinary agency or licensing board identifies in its  
31 publicly available records or in response to a request for information  
32 about the arbitrator from a member of the public. The disclosure must  
33 specify the date the discipline was imposed, what professional or  
34 occupational disciplinary agency or licensing board imposed the  
35 discipline, and the reasons given by that professional or occupational  
36 disciplinary agency or licensing board for the discipline.  
37

38 (2) Inability to conduct or timely complete proceedings  
39

40 ~~(1)~~(A) If the arbitrator is not able to properly perceive the evidence or  
41 properly conduct the proceedings because of a permanent or temporary  
42 physical impairment; and  
43



1 must not be disclosed. An arbitrator must make determinations concerning disclosure on a case-  
2 by-case basis, applying the general criteria for disclosure under ~~paragraph~~ subdivision (d): is the  
3 matter something that could cause a person aware of the facts to reasonably entertain a doubt that  
4 the arbitrator would be able to be impartial?  
5

6 Code of Civil Procedure section 1281.85 specifically requires that the ethics standards adopted by  
7 the Judicial Council address the disclosure of interests, relationships, or affiliations that may  
8 constitute conflicts of interest, including prior service as an arbitrator or other dispute resolution  
9 neutral entity. Section 1281.85 further provides that the standards “shall be consistent with the  
10 standards established for arbitrators in the judicial arbitration program and may expand but may  
11 not limit the disclosure and disqualification requirements established by this chapter [chapter 2 of  
12 title 9 of part III, Code of Civil Procedure, sections 1281–1281.95].”  
13

14 Code of Civil Procedure section 1281.9 already establishes detailed requirements concerning  
15 disclosures by arbitrators, including a specific requirement that arbitrators disclose the existence  
16 of any ground specified in Code of Civil Procedure section 170.1 for disqualification of a judge.  
17 This standard does not eliminate or otherwise limit those requirements; in large part, it simply  
18 consolidates and integrates those existing statutory disclosure requirements by topic area. This  
19 standard does, however, expand upon or clarify the existing statutory disclosure requirements in  
20 the following ways:  
21

- 22 • Requiring arbitrators to ~~disclose~~ make supplemental disclosures to the parties regarding  
23 any matter about which they become aware after the time for making an initial disclosure  
24 has expired, within 10 calendar days after the arbitrator becomes aware of the matter  
25 (subdivision ~~(c)~~).
  - 26 • Expanding required disclosures about the relationships or affiliations of an arbitrator’s  
27 family members to include those of an arbitrator’s domestic partner (subdivisions (d)(1)  
28 and (2); see also definitions of immediate and extended family in standard 2).
  - 29 • Requiring arbitrators, in addition to making statutorily required disclosures regarding  
30 prior service as an arbitrator for a party or attorney for a party, to disclose both prior  
31 services ~~both~~ as a neutral arbitrator selected by a party arbitrator in the current arbitration  
32 and prior compensated service as any other type of dispute resolution neutral for a party  
33 or attorney in the arbitration (e.g., temporary judge, mediator, or referee) (subdivisions  
34 (d)(4)~~(C)~~(A)(iii) and (5)).
  - 35 • If a disclosure includes information about five or more cases, requiring arbitrators to  
36 provide a summary of that information (subdivisions (d)(4)(C) and (5)(C)).
  - 37 • Requiring the arbitrator to disclose if he or she or a member of his or her immediate  
38 family is or, within the preceding two years, was an employee, expert witness, or  
39 consultant for a party or a lawyer in the arbitration (subdivisions (d)(8) ~~(A)~~ and ~~(B)~~).
  - 40 • Requiring the arbitrator to disclose if he or she or a member of his or her immediate  
41 family has an interest that could be substantially affected by the outcome of the  
42 arbitration (subdivision (d)~~(11)~~(12)).
- 43

1 If a disclosure includes information about five or more cases, requiring arbitrators to provide a  
2 summary of that information (subdivisions ~~(d)(4)~~ and ~~(5)~~).

- 3 • Requiring arbitrators to disclose membership in organizations that practice invidious  
4 discrimination on the basis of race, sex, religion, national origin, or sexual orientation  
5 (subdivision ~~(d)(13)~~(14)).
- 6 • Requiring the arbitrator to disclose if he or she was disbarred or had his or her license to  
7 practice a profession or occupation revoked by a professional or occupational disciplinary  
8 agency or licensing board, resigned membership in the State Bar or another licensing  
9 agency or board while disciplinary charges were pending, or had any other public  
10 discipline imposed on him or her by a professional or occupational disciplinary agency or  
11 licensing board within the preceding 10 years (subdivision (e)(1)). The standard identifies  
12 the information that must be included in such a disclosure; however, arbitrators may want  
13 to provide additional information to assist parties in determining whether to disqualify an  
14 arbitrator based on such a disclosure.
- 15 • Requiring the arbitrator to disclose any constraints on his or her availability known to the  
16 arbitrator that will interfere with his or her ability to commence or complete the  
17 arbitration in a timely manner (subdivision ~~(d)~~(e)(2)).
- 18 • Clarifying that the duty to make disclosures is a continuing obligation, requiring  
19 disclosure of matters that were not known at the time of nomination or appointment but  
20 that become known afterward (subdivision ~~(e)~~(f)).

21  
22 It is good practice for an arbitrator to ask each participant to make an effort to disclose any  
23 matters that may affect the arbitrator's ability to be impartial.  
24  
25

## 26 **Standard 8. Additional disclosures in consumer arbitrations administered by a** 27 **provider organization**

### 28 29 **(a) General provisions**

#### 30 31 *(1) Reliance on information provided by provider organization*

32  
33 Except as to the information in (c)(1), an arbitrator may rely on information  
34 supplied by the administering provider organization in making the disclosures  
35 required by this standard only if the provider organization represents that the  
36 information the arbitrator is relying on is current through the end of the  
37 immediately preceding calendar quarter. If the information that must be  
38 disclosed is available on the Internet, the arbitrator may comply with the  
39 obligation to disclose this information by providing in the disclosure  
40 statement required under standard 7(c)(1) the Internet address of the specific  
41 web page at which the information is located and notifying the party that the  
42 arbitrator will supply hard copies of this information upon request.  
43

1 (2) \* \* \*

2  
3 **(b) Additional disclosures required**  
4

5 In addition to the disclosures required under standard 7, in a consumer arbitration  
6 as defined in standard 2 in which a dispute resolution provider organization is  
7 coordinating, administering, or providing the arbitration services, a ~~person~~  
8 proposed arbitrator who is nominated or appointed as an arbitrator on or after  
9 January 1, 2003 must disclose the following within the time and in the same  
10 manner as the disclosures required under standard 7(c)(1):  
11

12 (1) *Relationships between the provider organization and party or lawyer in*  
13 *arbitration*  
14

15 Any significant past, present, or currently expected financial or professional  
16 relationship or affiliation between the administering dispute resolution  
17 provider organization and a party or lawyer in the arbitration. Information  
18 that must be disclosed under this standard includes:  
19

20 (A) The provider organization has a financial interest in a party.  
21

22 ~~(A)~~(B) A party, a lawyer in the arbitration, or a law firm with which a  
23 lawyer in the arbitration is currently associated is a member of or has a  
24 financial interest in the provider organization.  
25

26 ~~(B)~~(C) Within the preceding two years the provider organization has  
27 received a gift, bequest, or favor from a party, a lawyer in the  
28 arbitration, or a law firm with which a lawyer in the arbitration is  
29 currently associated.  
30

31 ~~(C)~~(D) The provider organization has entered into, or the arbitrator currently  
32 expects that the provider organization will enter into, an agreement or  
33 relationship with any party or lawyer in the arbitration or a law firm  
34 with which a lawyer in the arbitration is currently associated under  
35 which the provider organization will administer, coordinate, or provide  
36 dispute resolution services in other noncollective bargaining matters or  
37 will provide other consulting services for that party, lawyer, or law  
38 firm.  
39

40 ~~(D)~~(E) The provider organization is coordinating, administering, or  
41 providing dispute resolution services or has coordinated, administered,  
42 or provided such services in another pending or prior noncollective  
43 bargaining case in which a party or lawyer in the arbitration was a party

1 or a lawyer. For purposes of this paragraph, “prior case” means a case  
2 in which the dispute resolution neutral affiliated with the provider  
3 organization concluded his or her service within the two years before  
4 the date of the arbitrator’s proposed nomination or appointment, but  
5 does not include any case in which the dispute resolution neutral  
6 concluded his or her service before July 1, 2002.

7  
8 (2) *Case information*

9  
10 If the provider organization is acting or has acted in any of the capacities  
11 described in paragraph (1)(~~D~~)(E), the arbitrator must disclose:

12  
13 (A)–(C) \* \* \*

14  
15 (3) *Summary of case information*

16  
17 If the total number of cases disclosed under paragraph (1)(~~D~~)(E) is greater  
18 than five, the arbitrator must also provide a summary of these cases that  
19 states:

20  
21 (A)–(D) \* \* \*

22  
23 (c) **Relationship between provider organization and arbitrator**

24  
25 If a relationship or affiliation is disclosed under ~~paragraph~~ subdivision (b), the  
26 arbitrator must also provide information about the following:

27  
28 (1)–(4) \* \* \*

29  
30 (d) \* \* \*

31  
32 *Standard 8 amended effective July 1, 2014.*

33  
34 **Comment to Standard 8**

35  
36 This standard only applies in consumer arbitrations in which a dispute resolution provider  
37 organization is administering the arbitration. Like standard 7, this standard expands upon the  
38 existing statutory disclosure requirements. Code of Civil Procedure section 1281.95 requires  
39 arbitrators in certain construction defect arbitrations to make disclosures concerning relationships  
40 between their employers or arbitration services and the parties in the arbitration. This standard  
41 requires arbitrators in all consumer arbitrations to disclose any financial or professional  
42 relationship between the administering provider organization and any party, attorney, or law firm  
43 in the arbitration and, if any such relationship exists, then the arbitrator must also disclose his or

1 her relationship with the dispute resolution provider organization. This standard ~~does not~~ requires  
2 an arbitrator to disclose if the provider organization has a financial interest in a party or lawyer in  
3 the arbitration or if a party or lawyer in the arbitration has a financial interest in the provider  
4 organization ~~because~~ even though provider organizations are prohibited under Code of Civil  
5 Procedure section 1281.92 from administering any consumer arbitration where any such  
6 relationship exists.

7  
8 **Subdivision (b).** Currently expected relationships or affiliations that must be disclosed include all  
9 relationships or affiliations that the arbitrator, at the time the disclosure is made, expects will be  
10 formed. For example, if the arbitrator knows that the administering provider organization has  
11 agreed in concept to enter into a business relationship with a party, but they have not yet signed a  
12 written agreement formalizing that relationship, this would be a “currently expected” relationship  
13 that the arbitrator would be required to disclose.

14  
15 **Standard 12. Duties and limitations regarding future professional relationships or**  
16 **employment**

17  
18 (a) \* \* \*

19  
20 (b) **Offers for ~~other~~ employment or professional relationships other than as a**  
21 **lawyer, expert witness, or consultant**

22  
23 (1) In addition to the disclosures required by standards 7 and 8, within ten  
24 calendar days of service of notice of the proposed nomination or  
25 appointment, a proposed arbitrator must disclose to all parties in writing if,  
26 while that arbitration is pending, he or she will entertain offers of  
27 employment or new professional relationships in any capacity other than as a  
28 lawyer, expert witness, or consultant from a party or a lawyer for a party,  
29 including offers to serve as a dispute resolution neutral in another case.

30  
31 (2) If the arbitrator discloses that he or she will entertain such offers of  
32 employment or new professional relationships while the arbitration is  
33 pending:

34  
35 (A) In consumer arbitrations, the disclosure must also state that the  
36 arbitrator will inform the parties as required under (d) if he or she  
37 subsequently receives an offer while that arbitration is pending.

38  
39 (B) In all other arbitrations, the disclosure must also state that the arbitrator  
40 will not inform the parties if he or she subsequently receives an offer  
41 while that arbitration is pending.  
42

1           (3) A party may disqualify the arbitrator based on this disclosure by serving a  
2           notice of disqualification in the manner and within the time specified in Code  
3           of Civil Procedure section 1281.91(b).

4  
5           (c) **Acceptance of offers under (b) prohibited unless intent disclosed**

6  
7           If an arbitrator fails to make the disclosure required by subdivision (b) of this  
8           standard, from the time of appointment until the conclusion of the arbitration the  
9           arbitrator must not entertain or accept any such offers of employment or new  
10          professional relationships, including offers to serve as a dispute resolution neutral.

11  
12          (d) **Required notice of offers under (b)**

13  
14          If, in the disclosure made under subdivision (b), the arbitrator states that he or she  
15          will entertain offers of employment or new professional relationships covered by  
16          (b), the arbitrator may entertain such offers. However, in consumer arbitrations,  
17          from the time of appointment until the conclusion of the arbitration, the arbitrator  
18          must inform all parties to the current arbitration of any such offer and whether it  
19          was accepted as provided in this subdivision.

20  
21          (1) The arbitrator in a consumer arbitration must notify the parties in writing of  
22          any such offer within five days of receiving the offer and, if the arbitrator  
23          accepts the offer, must notify the parties in writing within five days of that  
24          acceptance. The arbitrator's notice must identify the party or attorney who  
25          made the offer and provide a general description of the employment or new  
26          professional relationship that was offered including, if the offer is to serve as  
27          a dispute resolution neutral, whether the offer is to serve in a single case or  
28          multiple cases.

29  
30          (2) If the arbitrator fails to inform the parties of an offer or an acceptance as  
31          required under (1), that constitutes a failure to comply with the arbitrator's  
32          obligation to make a disclosure required under these ethics standards.

33  
34          (3) If an arbitrator has informed the parties in a pending arbitration about an offer  
35          as required under (1):

36  
37                (A) Receiving or accepting that offer does not, by itself, constitute  
38                corruption in or misconduct by the arbitrator;

39  
40                (B) The arbitrator is not also required to disclose that offer or its acceptance  
41                under standard 7; and  
42



1 concerning situations in which a party fails to timely pay the arbitrator’s fees,  
2 including whether the arbitrator will or may stop the arbitration proceedings.

3  
4 *Standard 16 amended effective July 1, 2014.*

5  
6 **Comment to Standard 16**

7  
8 This standard is not intended to affect any authority a court may have to make orders with respect  
9 to the enforcement of arbitration agreements or arbitrator fees. It is also not intended to require  
10 any arbitrator or arbitration provider organization to establish a particular requirement or practice  
11 concerning fees or deposits, but only to inform the parties if such a requirement or practice has  
12 been established.

13  
14 **Standard 17. Marketing**

15  
16 (a) An arbitrator must be truthful and accurate in marketing his or her services. An  
17 arbitrator may advertise a general willingness to serve as an arbitrator and convey  
18 biographical information and commercial terms of employment and but must not  
19 make any representation that directly or indirectly implies favoritism or a specific  
20 outcome. An arbitrator must ensure that his or her personal marketing activities and  
21 any activities carried out on his or her behalf, including any activities of a provider  
22 organization with which the arbitrator is affiliated, comply with this requirement.

23  
24 (b) \* \* \*

25  
26 (c) An arbitrator must not solicit appointment as an arbitrator in a specific case or  
27 specific cases.

28  
29 (d) As used in this standard, “solicit” means to communicate in person, by telephone,  
30 or through real-time electronic contact to any prospective participant in the  
31 arbitration concerning the availability for professional employment of the arbitrator  
32 in which a significant motive is pecuniary gain. The term solicit does not include:  
33 (1) responding to a request from all parties in a case to submit a proposal to provide  
34 arbitration services in that case; or (2) responding to inquiries concerning the  
35 arbitrator’s availability, qualifications, experience, or fee arrangements.

36  
37 *Standard 17 amended effective July 1, 2014.*

38  
39 **Comment to Standard 17**

40  
41 **Subdivision (b) and (c).** Arbitrators should keep in mind that, in addition to these restrictions on  
42 solicitation, several other standards contain related disclosure requirements. For example, under  
43 standard 7(d)(4)-(6), arbitrators must disclose information about their past, current, and

1 prospective service as an arbitrator or other dispute resolution for a party or attorney in the  
2 arbitration. Under standard 8(b)(1)(C) and (D), in consumer arbitrations administered by a  
3 provider organization, arbitrators must disclose if the provider organization has coordinated,  
4 administered, or provided dispute resolution services, is coordinating, administering, or providing  
5 such services, or has an agreement to coordinate, administer, or provide such services for a party  
6 or attorney in the arbitration. And under standard 12 arbitrators must disclose if, while an  
7 arbitration is pending, they will entertain offers from a party or attorney in the arbitration to serve  
8 as a dispute resolution neutral in another case.

9  
10 ~~This~~ These provisions ~~is~~ are not intended to prohibit an arbitrator from accepting another  
11 arbitration from a party or attorney in the arbitration while the first matter is pending, as long as  
12 the arbitrator complies with the provisions of standard 12 and there was no express solicitation of  
13 this business by the arbitrator.