TITLE 3. PROGRAMS AND SERVICES

DIVISION 3. NON-MEMBER ATTORNEYS

CHAPTER 2. OUT-OF-STATE ATTORNEY ARBITRATION COUNSEL

Rule 3.380 Compliance procedure

To appear as Out-of-State Attorney Arbitration counsel, an attorney who meets the eligibility requirements of Code of Civil Procedure § 1282.4 and Rule 9.43 of the California Rules of Court ("Rule 9.43") must

(A) be retained to appear in an arbitration in California in association with an active member of the State Bar of California;

(B) complete the Certificate of Out-of-State-Attorney Counsel for Arbitration, which includes an agreement to comply with the standards of professional conduct required of members of the State Bar of California;

(C) serve a copy of the completed certificate with an original signature and provide proof of service in accordance with California law[1] on

(a) the State Bar with the nonrefundable fee prescribed in the Schedule of Charges and Deadlines; and

(b) all other parties and counsel; and

(D) obtain the approval of the arbitrator or the arbitral forum as indicated on the Certificate of Out-of-State-Attorney Counsel for Arbitration.

Rule 3.381 Duration of certificate

An Out-of-State-Attorney Arbitration Counsel Certificate remains in effect

(A) until resolution of the arbitration matter;

(B) as long as an active member of the State Bar of California is associated as attorney of record in the arbitration matter;

(C) as long as the attorney complies with the requirements of Code of Civil Procedure 1284.4, Rule 9.43, and these rules;

[1] Code of Civil Procedu

PROPOSED

2

(D) unless the attorney is subject to disciplinary action by the California Supreme Court or the State Bar Court for failure to comply with the standards of professional conduct required of members of the State Bar of California;

(E) unless discipline is imposed by a professional or occupational licensing authority;

(F) unless the State Bar determines that the attorney has filed a certificate containing false information;

(G) until the Out-of-State Attorney Arbitration Counsel is terminated; or

(H) unless the attorney requests termination.

Rule 3.382 Public information

State Bar records for attorneys permitted to practice law as Out-of-State Attorney Arbitration Counsel are public to the same extent as member records.

Out-of-State Attorney Arbitration Counsel Program Rules (effective January 1, 1999)

1.0 Purpose

The purpose of the Out-of-State Attorney Arbitration Counsel Program Rules is to establish a program to implement the State Bar of California's responsibilities under Civil Code of Procedure Section 1282.4 and California Rules of Court, rule 9.43, for out-of-state attorneys to represent parties in the course of, or in connection with an arbitration proceeding in California.

2.0 Definitions

2.1 An "Out-of-State Attorney Arbitration Counsel" is an attorney who, in accordance with the requirements of Code of Civil Procedure section 1282.4 and California Rules of Court, rule 9.43 may represent parties in the course of, or in connection with an arbitration proceeding in California.

2.2 The "Rules" are these Out-of-State Attorney Arbitration Counsel Program Rules.

2.3 The "State Bar" is the chief executive officer of the State Bar, or a person or persons designated by the chief executive officer who shall have the authority to administer and interpret these Rules.

3.0 Eligibility for Filing Certificate

3.1 The State Bar shall accept a certificate served upon the State Bar by an attorney where service of the certificate satisfies the following requirements:

3.1.1 The certificate is filed by an attorney who is not a member of the State Bar of California but who is a member in good standing of and eligible to practice before the bar of any United States court or the highest court in any state, territory or insular possession of the United States, and who has been retained to appear in the course of, or in connection with an arbitration proceeding in this state;

3.1.2 The certificate is verified and contains proof of service by mail in accordance with section 1013a of the Code of Civil Procedure upon all parties and upon the State Bar of California at the San Francisco office, prior to the first scheduled hearing in an arbitration or, in the event that the attorney is retained after the first hearing has commenced, then the certificate shall be served prior to the first hearing at which the attorney appears.

3.1.3 All Certificates shall contain:

3.1.3.1 the information required under Code of Civil Procedure Section 1282.4 (c); and

3.1.3.2 a statement of agreement to become familiar with and comply with the standards of professional conduct required of members of the State Bar of California; and

3.1.3.3 the appropriate non-refundable processing fee.

4.0 Duration

4.1 A certificate shall remain in effect until the resolution of the arbitration matter; or

4.2 As long as an active member of the State Bar of California is associated as attorney of record in the arbitration matter; or

4.3 The State Bar is notified that the out-of-state attorney has been suspended or disbarred from the practice of law before the bar of any court or otherwise fails to comply with the standards of professional conduct required of members of the State Bar of California and has been subject to final disciplinary action by the Supreme Court, the State Bar Court or any body authorized to impose professional discipline with respect to any of his or her acts occurring in the course of the arbitration; or

4.4 The State Bar is notified that the attorney filed a certificate containing false information; or

4.5 The State Bar of California's program is terminated under the applicable provisions of the Code of Civil Procedure Section 1282.4.

5.0 Public Nature of Records

An applicant's or an Out-of-State Attorney Arbitration Counsel's status as it relates to the Out-of-State Attorney Arbitration Counsel Program and the information contained in 3.1.3 provided to the State Bar of California or its representatives under this Program is not confidential and shall be disclosed upon request to any interested person, except to the extent that disclosure is prohibited by law.

CURRENT