

Rule 983.4 Out-of-State Attorney Arbitration Counsel

(a) **Definition**

An "Out-of-State Attorney Arbitration Counsel" is an attorney

1. 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 a~~ United States court or ~~the highest a~~ court in ~~of~~ any state, territory, ~~dependency~~ -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; and
2. Has filed a certificate with the State Bar of California along with the required filing fee, and received written confirmation from the State Bar that it reviewed the certificate for completeness; and
3. Has served a ~~the~~ certificate ~~reviewed by the State Bar of California~~ in accordance with the requirements of Code of Civil Procedure section 1282.4 upon the arbitrator, the arbitrators, or the arbitral forum, the State Bar of California, and all other parties and counsel in the arbitration whose addresses are known to the attorney; and
4. Whose appearance has been approved by the arbitrator, the arbitrators or the arbitral forum.

(b) **The State Bar Out-of-State Attorney Arbitration Counsel Program**

The State Bar of California shall ~~establish and administer a program to implement the State Bar of California's responsibilities under Code of Civil Procedure section 1282.4. The State Bar of California's program shall be operative only as long as the applicable provisions of Code of Civil Procedure section 1282.4 remain in effect.~~ ~~for attorneys who are not members of the State Bar of California but who have been retained to appear in an arbitration proceeding in this state.~~

(c) **Eligibility to Appear as an Out-of-State Attorney Arbitration Counsel**

To be eligible to appear as an Out-of-State Attorney Arbitration Counsel, an attorney must comply with all of the applicable provisions of Code of Civil

Procedure section 1282.4 and the requirements of this rule and the rules and regulations adopted by the State Bar of California pursuant to this rule.

(d) **Discipline/ Revocation of Permission to Appear**

1. An attorney who files a certificate containing false information or who otherwise fails to comply with the standards of professional conduct required of members of the State Bar of California shall be subject to the disciplinary jurisdiction of the State Bar with respect to any of his or her acts occurring in the course of the arbitration to the same extent as a member of the State Bar of California.
2. **The arbitral forum may on its own withdraw permission granted pursuant to this rule.**

(e) **Disqualification**

Failure to timely file a certificate or absent special circumstances, repeated appearances by an Out-of-State Attorney Arbitration Counsel shall be grounds for disqualification from serving in the arbitration in which the certificate was filed.

(f) **Fee**

~~The Out-of-State Attorney Arbitration Counsel shall pay a reasonable fee not exceeding \$50 to the State Bar of California with copy of the certificate that is served upon the State Bar.~~ **The State Bar shall have the authority to set and collect appropriate fees and penalties.**

(g) **Effect of Rule on Representations in Arbitrations**

Nothing in this rule limits the authorization under existing law of other persons who are not members of the State Bar of California from representing any party to such arbitrations as may be specified by existing law.

(h) **Inherent Power of Supreme Court**

Nothing in these rules shall be constructed as affecting the power of the Supreme Court to exercise its inherent jurisdiction over the practice of law in California.