

Excerpt from the Rules of the State Bar of California

Article 4. Appointment and Requirements of Arbitrators

Rule 3.580 Appointment of Arbitrators

- (A) To administer the Fee Arbitration program, the Board of Trustees of the State Bar shall appoint a presiding arbitrator and assistant presiding arbitrator(s) who shall serve for a term of four years and may be reappointed.
- (B) All attorney and lay arbitrators participating in the Fee Arbitration program shall be appointed by the Appointments Committee pursuant to the qualifications required by these rules.

Rule 3.580 adopted effective November 18, 2022.

Rule 3.581 Arbitrator Qualifications

- (A) Presiding arbitrators and assistant presiding arbitrators shall meet all of the following qualifications:
 - (1) Be, and have been for at least five years an active licensee in good standing with the State Bar of California or be a retired judge who is an active licensee of the state of California;
 - (2) Not have a pending open investigation or disciplinary matter filed with the State Bar Court, any federal court or agency, or other state bar discipline authority. Conviction of a crime for any felony or misdemeanor required to be reported under Business and Professions Code section 6068(o)(5) may constitute grounds for rejection of the applicant. The imposition of any public discipline by the State Bar Court, or a federal court or agency or other state bar discipline authority authorized to impose comparable professional discipline against attorneys may also constitute grounds for rejection of an application;
 - (3) Have basic technological proficiency; and
 - (4) Have served as an arbitrator for a local bar or the State Bar program for a minimum of five years.
 - (5) In addition of meeting the above qualifications, the Board of Trustees shall consider all other relevant qualifications, including but not limited to, prior arbitration experience, quality of prior work, and demonstrated leadership with a local bar fee arbitration program.
- (B) Attorney arbitrators shall meet all of the following qualifications:

- (1) Be, and have been for at least five years an active licensee in good standing with the State Bar of California or be a retired judge who is an active licensee of the state of California;
 - (2) Not have a pending open investigation or disciplinary matter filed with the State Bar Court, any federal court or agency, or other state bar discipline authority. Conviction of a crime for any felony or misdemeanor required to be reported under Business and Professions Code section 6068(o)(5) may constitute grounds for rejection of the applicant. The imposition of any public discipline by the State Bar Court, or a federal court or agency or other state bar discipline authority authorized to impose comparable professional discipline against attorneys may also constitute grounds for rejection of an application; and
 - (3) Have basic technological proficiency.
- (C) Lay arbitrators shall meet all of the following qualifications:
- (1) Have never been an active or inactive licensee of the bar of any state or the District of Columbia;
 - (2) Have never worked regularly for a public or private law office or practice, court of law or attended law school for any period of time;
 - (3) Have never worked as a paralegal, law firm staff, or law clerk;
 - (4) Have never been convicted of a felony, or a misdemeanor involving dishonesty or other moral turpitude, or an attempt or a conspiracy or solicitation of another to commit a felony or a misdemeanor of any type; and
 - (5) Have basic technological proficiency.
- (D) The Board of Trustees and/or the Appointments Committee may consider, any additional relevant factors in connection with any decision to accept or exclude any applicant for appointment.

Rule 3.581 adopted effective November 18, 2022.

Rule 3.582 Requirements of Arbitrators

- (A) During the term of service, all attorney arbitrators are required to report to the Fee Arbitration program the following:

- (1) The existence of any open investigation or disciplinary complaint filed with the State Bar Court or imposition of public professional discipline by the State Bar of California or by any federal court or agency authorized to impose comparable professional discipline against attorneys.
 - (2) The existence of any criminal conviction of a felony or misdemeanor required to be reported under Business and Professions Code section 6068(o)(5).
- (B) During the term of service, all lay arbitrators are required to report to the Fee Arbitration program the existence of any criminal conviction of a felony, or a misdemeanor involving dishonesty or other moral turpitude, or an attempt or a conspiracy or solicitation of another to commit a felony or a misdemeanor of any type.
- (C) All arbitrators must affirmatively state every three years, on a form approved by the State Bar, that they still meet the minimum requirements.
- (D) All arbitrators are required to complete training on conducting arbitrations within 90 days of appointment. Arbitrators may not conduct arbitrations prior to completion of this training. Thereafter, arbitrators must complete training every three years to maintain their appointment.
- (E) Failure to complete any of these requirements may be cause for removal.

Rule 3.582 adopted effective November 18, 2022.

Rule 3.583 Removal of Arbitrators

- (A) Arbitrators may be removed by the Appointments Committee or the presiding arbitrator for any of the following reasons:
- (1) Failure to complete any of the requirements under these rules.
 - (2) Failure to maintain the minimum qualifications under these rules.
 - (3) Prolonged unavailability or lack of participation in arbitrations.
 - (4) Other good cause.

Rule 3.583 adopted effective November 18, 2022.