

Santa Barbara County Bar Association
Modifications to Fee Arbitration Rules of Procedure

22.0 Arbitrator Recusal, Disclosure and Disqualification

22.1 Arbitrator Recusal

An arbitrator who believes that he or she cannot render a fair and impartial decision shall recuse himself or herself. An arbitrator who believes that there could be an appearance that he or she cannot render a fair and impartial decision may recuse himself or herself. If an arbitrator (1) has a financial interest in the fee arbitration (2) has represented any Party to the arbitration, or (3) has practiced with any Party to the arbitration, then such arbitrator shall recuse himself or herself.

22.2 Arbitrator Disclosure

An arbitrator who has not voluntarily recused himself or herself should disclose all information that might cause a person aware of the facts to believe that the arbitrator cannot render a fair and impartial decision. An arbitrator should nevertheless disclose any connection, past or present, with the attorney, client, potential witnesses, or any attorney representing the attorney or client in the arbitration.

22.3 Party Disqualification of Arbitrator(s)

Each Party may disqualify one arbitrator without cause, and shall have unlimited disqualification challenges for cause. Any disqualification challenge of an arbitrator without cause shall be ineffective unless made in writing and served on the Program and other Parties within 15 days of the service of a notice of assignment of the arbitrator. Any disqualification challenge of an arbitrator for cause based on information disclosed by the arbitrator shall be ineffective unless made in writing and served on the Program and other Parties within 15 days of the service of the disclosures. If a Party challenges an arbitrator for cause the arbitrator shall accede to the challenge if the arbitrator believes he or she cannot render a fair and impartial decision, or there could be an appearance that he or she cannot render a fair and impartial decision. If the arbitrator does not agree to be disqualified, the challenge shall be decided by the Committee Chair. All decisions of the Committee Chair are final.