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March 7, 2012

Honorable William Monning
Room 6005
State Capitol
Sacramento, CA 95814

RE: Support for AB 1631

Dear Assemblymember Monning:

On behalf of the CDRC, I write to you in support of AB 1631 relating to the elimination of the sunset for the pro hac vice process established for arbitrators. CDRC was organized in 1994 to advocate for fair, accessible, and effective alternative dispute resolution processes before the legislature, state administrative agencies, and the courts. The membership of the CDRC consists of several hundred individual ADR neutrals, together with community dispute resolution organizations and providers of ADR services which, taken together, represent more than 15,000 mediators and arbitrators in California. CDRC positions do not represent the views of any individual member.

The Code of Civil Procedure 1282.4 permits attorneys who are not admitted in California to represent parties in California arbitrations provided that they submit documentation to the State Bar which will satisfy the State Bar that they are not practicing in California on a regular basis. The statute sunsets on January 1, 2013 and this bill would eliminate the sunset on this program. The State Bar studied the process and filed a report recently which demonstrated that the program works and that the vast majority of lawyers come into the state only once or twice to represent their clients in arbitrations.

This statute has worked to ensure that arbitrations can proceed smoothly in our state, especially in those cases where out of state counsel are the lawyers for the parties involved in the arbitration. This is not an attempt by these lawyers to avoid becoming members of the state bar but merely to perform their duties for their clients when the arbitration occurs in the State of California. The statute has been in effect for over twelve years and there is no evidence that there has been any abuse of the procedure by out of state attorneys as reported by the State Bar. Virtually all states permit out of state attorneys to represent parties in arbitrations. The usual process for out of state attorneys has long been to file a pro hac vice request in order to appear in state court proceedings. This law allows California to conform with long established process and for this reason, CDRC supports this bill.

CDRC Administration

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CDRC has asked me to express their appreciation to you for authoring this most important legislation.

If you have any questions or concerns regarding this letter, please do not hesitate to contact our Sacramento lobbyist, Donne Brownsey at 916.448.1222.

Sincerely,

DOUG NOLL

CDRC 2012 PRESIDENT

CDRC Administration

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