

FIRST RESOLUTION SERVICES ARBITRATOR'S INITIAL DISCLOSURE FORM

Case Name: _____

Case Number: _____

Preface

In all First Resolution Services (“FRS”) arbitrations administered in California, the California laws of arbitrator disclosure, conflicts-checks, and conduct are applicable, regardless of whether California state law applies to the substantive dispute. If there is another body of law that may apply to the substantive dispute, then any additional requirements of that body of law are also applicable (to arbitrator disclosure, conflicts-checks, and conduct), but that body of law cannot in any way lessen or diminish the requirements of California law that remain applicable under FRS policy, which is binding on the arbitrators.

For the sake of further clarity, after setting forth California disclosure requirements, this form provides additional questions – which may supplement, but cannot in any way lessen or diminish the requirements of California law.

Any doubts should be resolved in favor of disclosure. In order to encourage disclosure by arbitrators, disclosure of information pursuant to this form is not to be construed as an indication that the arbitrator considers that the disclosed circumstance is likely to affect impartiality or independence.

California law

1. Have you thoroughly and diligently reviewed Code of Civil Procedure Section 1281.9, including the definitions in subdivisions (c), (d), and (e)? Y___ N___

2. Have you thoroughly and diligently reviewed California Rules of Court, Standards 1 through 10, including their requirements pertaining to arbitrator disclosure and conflicts-checks, and including the definitions in Standard 2, and Standards 7(b)(1) and 7(d)(5)(A)? Y___ N___

3. Have you thoroughly and diligently reviewed California Rules of Court, Rule 3.816, subdivisions (1) and (2)? Y___ N___

4. Have you made a reasonable effort to inform yourself – in the manner defined by California Rules of Court, Standard 9 – of matters that must be disclosed under Code of Civil Procedure Section 1281.9, California Rules of Court, Standard 7, and Rule 3.816(b)? Y___ N___

5. Are there any matters that you are required to, or wish to, disclose? Y___ N___

6. Is this a “consumer arbitration”, as defined in California Rules of Court, Standard 2(d)? Y___ N___

If so, then have you made a reasonable effort to inform yourself of matters that must be disclosed under California Rules of Court, Standard 8, using the definitions under Standard 8(b)(1)(D)? Y___ N___ N/A ___

7. Is this a “residential construction contract dispute”, under, Code of Civil Procedure Section 1281.95? Y___ N___

If so, then have you made a reasonable effort to inform yourself of matters that must be disclosed under Code of Civil Procedure Section 1281.95? Y___ N___ N/A ___

Additional Questions

8. Have you had any prior interactions with any of the individual participants in this arbitration (including, without limitation, the lawyers, party-representatives, and known potential witnesses)? Y___ N___

9. Have you or any family member ever had any ownerships interest in any of the parties, or ever worked for any of the parties or their lawyers or law firms, or served as an expert witness or consultant to any of them? Y___ N___
 10. Have you, your law firm, or any family member ever represented any of the parties in any legal matter? Y___ N___
 11. Have you or a family member ever sued, or been sued, by any of the parties, lawyers, or law firms? Y___ N___
 12. Have any of the parties, lawyers, law firms, or known potential witnesses appeared (or testified) before you in a past arbitration or mediation? Y___ N___
 13. If any party is not a natural person, then are you aware of any subsidiaries or other related entities of that party?
Y___ N___ N/A ___
- If yes, then on an attached sheet, please name them and specify their relationship to the parties, and include them in your conflicts-check and disclosure.*
14. Within the last five (5) years, have you or anyone with whom you are close (including, without limitation, a family member, or close social or business associate) been involved in a dispute involving the subject matter in this case?
Y___ N___
 15. Within the last five (5) years, have you or your law firm worked on the same legal matter as any lawyer or law firm that is appearing in the arbitration (whether in adverse roles, as co-counsel, or otherwise)? Y___ N___
 16. While the arbitration is pending, will you consider employment in any capacity (outside of this arbitration) from a party, lawyer or law firm involved in this case? Y___ N___
 17. Are there any connections, direct or indirect (including, without limitation, financial, professional, social, or any other kind of connections), with any of the case participants (including, without limitation, the parties, lawyers, law firms, and known potential witnesses, or their relatives), or any other relevant matters, that have not been covered by the above questions? Y___ N___

If disclosure is required (or appropriate) under any of Questions 1 - 7, or if you answered yes to Questions 5 or any of Questions 8 - 17, then please provide additional information on attached sheet(s).

There are ___ attached sheets. [Draw dash or write "N/A", if none.]

I understand that my obligation to check for conflicts is ongoing for the length of my service as an arbitrator in this matter. I hereby swear and attest to the veracity of the foregoing, and everything on attached sheet(s) (if any):

Dated: _____

Signed: _____

City & State of signing: _____

Arbitrator's Full Name: _____

Law Firm (if applicable): _____