

August 10, 2007

\*\*SERVICE LIST\*\*

**RE:**    CASE NAME  
          ADRS CASE No. ##-####

**ADR Services, Inc.**  
**Procedures for Binding Arbitration**

Dear Counsel/Parties:

Thank you for selecting ADR Services, Inc. to administer the arbitration in the above-referenced matter. In order to best accommodate the parties during this process, please observe the following Arbitration Procedures outlined in this letter and complete and return the attached Arbitration Registration Form.

**Arbitrations Submitted by a Pre-Dispute Arbitration Agreement**

If you have a contractual arbitration clause, please submit to our offices a copy of the contract with the arbitration clause, along with the attached Arbitration Registration Form, and a Statement of Claims. Respondent will have fifteen (15) days to file an Answering Statement. If the parties have not agreed upon an arbitrator, the Director of Operations will proceed with the Arbitrator Selection Process.<sup>1</sup> After the appointment, an ADR Services Case Manager will proceed with a conflict check and issue disclosures. The parties will have fifteen (15) days to lodge any objections. If there are no objections, an Arbitration Management Conference will be scheduled for the parties to discuss logistics with the Arbitrator.<sup>2</sup>

**Arbitrations Submitted by a Stipulation for Arbitration**

If the parties agree to arbitration, please submit a copy of the Stipulation for Arbitration signed by the parties, along with the attached Arbitration Registration Form, a Statement of Claims, and Answering Statement (if any). If the parties do not have a Stipulation for Arbitration, please use the attached Arbitration Registration Form. Respondent will have fifteen (15) days to file an Answering Statement if they have not already done so. Please notify our office if the parties

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<sup>1</sup> Selection of Arbitrator Process: ADR Services will propose a list of ten (10) neutrals to counsel. Each counsel will have an opportunity to strike three (3) names from the list in which they oppose and rank the remaining names in order of preference leaving no names blank. The neutral that appears highest in preference on all lists and not struck from any lists will be appointed the Arbitrator for this matter.

<sup>2</sup> The Case Management Conference is the best time for the parties to address any administrative issues with both the other party and ADR Services. Typical issues include: estimated number of hearing days; date(s), time(s), and place for hearing; procedural questions; timetable for discovery, and exchange of information.

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have agreed on an arbitrator, or if the parties would like to proceed with the Arbitrator Selection Process<sup>1</sup>. Subsequently, an ADR Services Case Manager will proceed with a conflict check and issue disclosures. The parties will have **fifteen (15) days** to lodge any objections. If there are no objections, an Arbitration Management Conference will be scheduled for the parties to discuss logistics with the Arbitrator.<sup>2</sup>

#### **Arbitrations Submitted by Court Order**

If you have a Court Order granting a motion to compel arbitration, please submit a copy of the Appointment Order, the attached Arbitration Registration Form, a Statement of Claims, and Answering Statement (if any). Respondent will have **fifteen (15) days** to file an Answering Statement if they have not already done so. Thereafter, an ADR Services Case Manager will proceed with a conflict check and issue disclosures. The parties will have **fifteen (15) days** to lodge any objections. If there are no objections, an Arbitration Management Conference will be scheduled for the parties to discuss logistics with the Arbitrator.<sup>2</sup>

***Our offices must receive a copy of either the Arbitration Agreement, Stipulation for Arbitration, or Court Order on the motion to compel arbitration before the arbitration can proceed.***

#### **Appointment of Arbitrator**

If the parties have agreed to an Arbitrator the appointment date will be the date that our office receives the Arbitration Registration Form, the Stipulation, or Court Order for Arbitration. If the parties have not selected an Arbitrator and are using the Arbitrator Selection Process, then the Director of Operations will issue a dated letter post-selection, confirming and dating the appointment of the arbitrator.

#### **Statement of Claims/Complaint**

Claimant must serve their Statement of Claim(s) or Complaint to the opposing side and our offices simultaneously. ***Our offices must receive a copy of your Statement of Claims(s) or the Complaint so that there is an expressed record of your grievance(s).***

#### **Counter-Claims/Cross-Complaints**

If Respondent wishes to submit Counter-Claims or Cross-Complaints, please do so while serving opposing counsel/party and ADR Services simultaneously. The party served with the claim will have **fifteen (15) days** to file an Answering Statement, which shall be served on opposing counsel/party and ADR Services simultaneously.

#### **Arbitration Rules**

On the attached *Arbitration Registration Form*, please specify which arbitration rules apply to these proceedings. Our neutrals can proceed under any arbitration rules; however, ***the rules must be agreed-upon in advance of the proceedings.*** Otherwise, the arbitration will be conducted according to the arbitration rules as set forth by California law

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### **Arbitration Management Conference**

An Arbitration Management Conference is optional, but strongly encouraged for Arbitrations with more than three (3) hours of hearing. This conference is usually telephonic, but can be conducted in person at the agreement of counsel. However, please be advised that the Arbitrator will not hear substantive arguments during this time. The purpose of the conference is to discuss case status, discovery timelines, and to set hearing dates. For more information regarding the Arbitration Management Conference please refer to footnote number 2 of this letter.

### **Document Filing**

Arbitrations are adversarial proceedings; therefore, opposing counsel/party must be served filings through the same method and at the same time as service to the Arbitrator. The ADR Services Case Manager will not forward documents to the Arbitrator if the opposing parties have not been properly served.

### **Subpoenas**

If subpoenas need to be issued, our offices use the same forms as the California Superior Court system. For personal appearance: <http://www.courtinfo.ca.gov/forms/documents/subp020.pdf>  
For subpoenas *duces tecum*: <http://www.courtinfo.ca.gov/forms/fillable/subp002.pdf>

Please refer to C.C.P. §1282.6 for further information regarding the issuance of subpoenas in arbitration proceedings.

### **Motions**

Please be advised that you should contact your case manager prior to filing discovery motions and substantive motions. He/she will help you coordinate a hearing schedule, and may provide you with further instructions on how to submit these documents.

### **Fees**

Arbitrator fees must be deposited in advance of each hearing based upon the parties' estimation of time. The Parties should determine the fee-split prior to the appointment of the Arbitrator.

### **Continuances/Rescheduling and Cancellations**

Requests for continuances, rescheduling, and cancellations (hereafter "cancellation") of hearing dates **must be received by our offices in writing**. There are no exceptions. Requests for cancellations of arbitrator-supervised deposition hearings and binding arbitration hearings must be received by our offices no later than the deadline outlined in the hearing notice. Should the request for cancellation be received after the deadline, then the party requesting the cancellation will be responsible for payment of **the entire scheduled time** lost by the Arbitrator. This amount includes the opposing parties' share of the lost time. If the late cancellation was mutually requested by all parties, then all parties will be responsible for the entire time lost by the Arbitrator.

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All parties must agree to cancel the arbitration. In the alternative, the Arbitrator will either grant or deny a cancellation request. The request may be submitted either by oral argument to the Arbitrator or by written submission.

These Procedures should supplement the party-agreed arbitration rules. If these Procedures conflict, then the corresponding provision(s) in the party-agreed arbitration rules will govern.

Thank you for using ADR Services. Please feel free to contact our offices if you should have any questions or concerns.

Sincerely,

Jessica L. Stock  
Director of Operations

*Enclosures*