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DIVISION 3. PROFESSIONS AND VOCATIONS GENERALLY [5000 - 9998.11] (*Heading of Division 3 added by Stats. 1939, Ch. 30.)*

CHAPTER 4. Attorneys [6000 - 6243] (*Chapter 4 added by Stats. 1939, Ch. 34.)*

ARTICLE 10.1. Alternative Dispute Resolution Certification Program [6173- 6173.] (*Article 10.1 added by Stats. 2024, Ch. 986, Sec. 1.)*

6173. (a) (1) The State Bar shall create a program to certify alternative dispute resolution firms, providers, or practitioners.

(2) A program created pursuant to paragraph (1) shall not require a firm, provider, or practitioner to be a licensee of the State Bar in order to be certified under the program.

(b) The program shall include, but shall not be limited to, all of the following:

(1) Procedures established by the State Bar for a firm, provider, or practitioner to become a certified alternative dispute resolution firm, provider, or practitioner that include, but are not limited to, a requirement that the firm, provider, or practitioner verify all of the following:

(A) The firm, provider, or practitioner requires, at a minimum, its arbitrators to comply with the Ethics Standards for Neutral Arbitrators in Contractual Arbitration as adopted by the Judicial Council pursuant to Section 1281.85 of the Code of Civil Procedure.

(B) The firm, provider, or practitioner requires, at a minimum, its mediators to comply with ethical standards that are equivalent to the Rules of Conduct for Mediators in Court-Connected Mediation Programs for General Civil Cases as provided in Rules 3.850 to 3.860, inclusive, of the California Rules of Court.

(C) The firm, provider, or practitioner has procedures in place for persons to make complaints regarding the failure of an arbitrator or mediator of the firm, provider, or practitioner to comply with the standards described in subparagraph (A) or (B), as applicable. For mediators, those complaint procedures shall be substantially similar to the complaint procedures specified in Article 3 (commencing with Rule 3.865) of Chapter 3 of Division 8 of Title 3 of the California Rules of Court.

(D) The firm, provider, or practitioner has procedures to remedy failures of arbitrators or mediators to comply with the standards described in subparagraph (A) or (B), as applicable.

(2) Different levels or tiers for certification that meet all of the following requirements:

(A) Higher levels or tiers are awarded to firms, providers, or practitioners that demonstrate a higher level of commitment to accountability and consumer protection based on criteria developed by the State Bar.

(B) The levels or tiers do not reflect an assessment of the quality of a firm, provider, or practitioner.

(C) The levels or tiers only reference standards of conduct described in subparagraph (A) or (B) of paragraph (1), as applicable.

(3) Authority for the State Bar to deny or revoke certification for a failure to meet or maintain certification standards.

(c) (1) The State Bar may charge an alternative dispute resolution firm, provider, or practitioner seeking certification pursuant to this section a fee to cover the reasonable costs of administering the program.

(2) The fee charged pursuant to paragraph (1) may be higher in the early years of the program to reimburse the State Bar for costs related to the planning and establishment of the program, including, but not limited to, technology and preliminary staffing costs.

(3) The State Bar shall not use any moneys received from the annual license fees collected pursuant to Section 6140 or 6141 for any costs associated with this section.

(d) For purposes of this article:

(1) "Alternative dispute resolution" means mediation, arbitration, conciliation, or other nonjudicial procedure that involves a neutral party in the decisionmaking process.

(2) "Program" means the program created pursuant to subdivision (a).

(Added by Stats. 2024, Ch. 986, Sec. 1. (SB 940) Effective January 1, 2025.)