

HOUSE BILL 321

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2004 Regular Session
4r1785
CF 4r1662

By: **Chairman, Judiciary Committee (By Request - Maryland Commission
on Uniform State Laws)**

Introduced and read first time: January 28, 2004

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Revised Uniform Arbitration Act**

3 FOR the purpose of enacting the Revised Uniform Arbitration Act; reenacting and
4 revising certain provisions relating to the creation and implementation of
5 agreements to settle contractual disputes by means of arbitration; allowing a
6 court to order provisional remedies during the course of an arbitration before an
7 arbitrator is selected; allowing consolidation of separate arbitration proceedings;
8 allowing an award to be vacated because of an arbitrator's partiality; providing
9 arbitrators with immunity from civil liability; authorizing an arbitrator to give
10 punitive damages or other exemplary relief under certain circumstances;
11 providing for a transition from the existing Uniform Arbitration Act to the
12 Revised Uniform Arbitration Act for arbitration agreements entered into prior to
13 the effective date of this Act; providing a delayed effective date for the repeal of
14 the existing Uniform Arbitration Act; providing for the construction of this Act;
15 and generally relating to arbitration agreements and proceedings.

16 BY adding to

17 Article - Courts and Judicial Proceedings
18 Section 3-2D-01 through 3-2D-31 to be under the new subtitle "Subtitle 2D.
19 Revised Uniform Arbitration Act"
20 Annotated Code of Maryland
21 (2002 Replacement Volume and 2003 Supplement)

22 BY repealing

23 Article - Courts and Judicial Proceedings
24 Section 3-201 through 3-232 and 3-234 and the subtitle "Subtitle 2. Arbitration
25 and Award"
26 Annotated Code of Maryland
27 (2002 Replacement Volume and 2003 Supplement)

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
29 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Courts and Judicial Proceedings**

2 SUBTITLE 2D. REVISED UNIFORM ARBITRATION ACT.

3 3-2D-01. DEFINITIONS.

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.

6 (B) "ARBITRATION ORGANIZATION" MEANS AN ASSOCIATION, AGENCY, BOARD,
7 COMMISSION, OR OTHER ENTITY THAT IS NEUTRAL AND INITIATES, SPONSORS, OR
8 ADMINISTERS AN ARBITRATION PROCEEDING OR IS INVOLVED IN THE
9 APPOINTMENT OF AN ARBITRATOR.

10 (C) "ARBITRATOR" MEANS AN INDIVIDUAL APPOINTED TO RENDER AN AWARD,
11 ALONE OR WITH OTHERS, IN A CONTROVERSY THAT IS SUBJECT TO AN AGREEMENT
12 TO ARBITRATE.

13 (D) "COURT" MEANS A CIRCUIT COURT IN THIS STATE.

14 (E) "KNOWLEDGE" MEANS ACTUAL KNOWLEDGE.

15 (F) "PERSON" MEANS AN INDIVIDUAL; CORPORATION; BUSINESS TRUST;
16 ESTATE; TRUST; PARTNERSHIP; LIMITED LIABILITY COMPANY; ASSOCIATION; JOINT
17 VENTURE; GOVERNMENT; GOVERNMENTAL SUBDIVISION, AGENCY, OR
18 INSTRUMENTALITY; PUBLIC CORPORATION; OR ANY OTHER LEGAL OR COMMERCIAL
19 ENTITY.

20 (G) "RECORD" MEANS INFORMATION THAT IS INSCRIBED ON A TANGIBLE
21 MEDIUM OR THAT IS STORED IN AN ELECTRONIC OR OTHER MEDIUM AND IS
22 RETRIEVABLE IN PERCEIVABLE FORM.

23 3-2D-02. NOTICE.

24 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON GIVES
25 NOTICE TO ANOTHER PERSON BY TAKING ACTION THAT IS REASONABLY NECESSARY
26 TO INFORM THE OTHER PERSON IN ORDINARY COURSE, WHETHER OR NOT THE
27 OTHER PERSON ACQUIRES KNOWLEDGE OF THE NOTICE.

28 (B) A PERSON HAS NOTICE IF THE PERSON HAS KNOWLEDGE OF THE NOTICE
29 OR HAS RECEIVED NOTICE.

30 (C) A PERSON RECEIVES NOTICE WHEN IT COMES TO THE PERSON'S
31 ATTENTION OR THE NOTICE IS DELIVERED AT THE PERSON'S PLACE OF RESIDENCE
32 OR PLACE OF BUSINESS, OR AT ANOTHER LOCATION HELD OUT BY THE PERSON AS A
33 PLACE OF DELIVERY OF SUCH COMMUNICATIONS.

1 3-2D-03. WHEN SUBTITLE APPLIES.

2 (A) THIS SUBTITLE GOVERNS AN AGREEMENT TO ARBITRATE MADE ON OR
3 AFTER OCTOBER 1, 2004.

4 (B) THIS SUBTITLE GOVERNS AN AGREEMENT TO ARBITRATE MADE BEFORE
5 OCTOBER 1, 2004 IF ALL THE PARTIES TO THE AGREEMENT OR TO THE ARBITRATION
6 PROCEEDING SO AGREE IN A RECORD.

7 (C) ON OR AFTER OCTOBER 1, 2006, THIS SUBTITLE GOVERNS AN AGREEMENT
8 TO ARBITRATE WHENEVER MADE.

9 3-2D-04. EFFECT OF AGREEMENT TO ARBITRATE; NONWAIVABLE PROVISIONS.

10 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS
11 SECTION, A PARTY TO AN AGREEMENT TO ARBITRATE OR TO AN ARBITRATION
12 PROCEEDING MAY WAIVE OR, THE PARTIES MAY VARY THE EFFECT OF, THE
13 REQUIREMENTS OF THIS SUBTITLE TO THE EXTENT PERMITTED BY LAW.

14 (B) BEFORE A CONTROVERSY ARISES THAT IS SUBJECT TO AN AGREEMENT TO
15 ARBITRATE, A PARTY TO THE AGREEMENT MAY NOT:

16 (1) WAIVE OR AGREE TO VARY THE EFFECT OF THE REQUIREMENTS OF §
17 3-2D-05(A), § 3-2D-06(A), § 3-2D-08, § 3-2D-17(A) OR (B), § 3-2D-26, OR § 3-2D-28 OF THIS
18 SUBTITLE;

19 (2) AGREE TO UNREASONABLY RESTRICT THE RIGHT UNDER § 3-2D-09
20 OF THIS SUBTITLE TO NOTICE OF THE INITIATION OF AN ARBITRATION PROCEEDING;

21 (3) AGREE TO UNREASONABLY RESTRICT THE RIGHT UNDER § 3-2D-12
22 OF THIS SUBTITLE TO DISCLOSURE OF ANY FACTS BY A NEUTRAL ARBITRATOR; OR

23 (4) WAIVE THE RIGHT UNDER § 3-2D-16 OF THIS SUBTITLE OF A PARTY
24 TO AN AGREEMENT TO ARBITRATE TO BE REPRESENTED BY A LAWYER AT ANY
25 PROCEEDING OR HEARING UNDER THIS SUBTITLE, BUT AN EMPLOYER AND A LABOR
26 ORGANIZATION MAY WAIVE THE RIGHT TO REPRESENTATION BY A LAWYER IN A
27 LABOR ARBITRATION.

28 (C) A PARTY TO AN AGREEMENT TO ARBITRATE OR ARBITRATION
29 PROCEEDING MAY NOT WAIVE, OR THE PARTIES MAY NOT VARY THE EFFECT OF, THE
30 REQUIREMENTS OF THIS SECTION OR § 3-2D-03(A) OR (C), § 3-2D-07, § 3-2D-14, §
31 3-2D-18, § 3-2D-20(D) OR (E), § 3-2D-22, § 3-2D-23, § 3-2D-24, 3-2D-25(A) OR (B), §
32 3-2D-29, § 3-2D-30, § 3-2D-31, OR § 3-2D-32 OF THIS SUBTITLE.

33 3-2D-05. APPLICATION FOR JUDICIAL RELIEF.

34 (A) EXCEPT AS OTHERWISE PROVIDED IN § 3-2D-28 OF THIS SUBTITLE, AN
35 APPLICATION FOR JUDICIAL RELIEF UNDER THIS SUBTITLE MUST BE MADE BY
36 MOTION TO THE COURT AND HEARD IN THE MANNER PROVIDED BY LAW OR RULE OF
37 COURT FOR MAKING AND HEARING MOTIONS.

1 (B) UNLESS A CIVIL ACTION INVOLVING THE AGREEMENT TO ARBITRATE IS
2 PENDING, NOTICE OF AN INITIAL MOTION TO THE COURT UNDER THIS SUBTITLE
3 MUST BE SERVED IN THE MANNER PROVIDED BY LAW FOR THE SERVICE OF A
4 SUMMONS IN A CIVIL ACTION. OTHERWISE, NOTICE OF THE MOTION MUST BE GIVEN
5 IN THE MANNER PROVIDED BY LAW OR RULE OF COURT FOR SERVING MOTIONS IN
6 PENDING CASES.

7 3-2D-06. VALIDITY OF AGREEMENT TO ARBITRATE.

8 (A) AN AGREEMENT CONTAINED IN A RECORD TO SUBMIT TO ARBITRATION
9 ANY EXISTING OR SUBSEQUENT CONTROVERSY ARISING BETWEEN THE PARTIES TO
10 THE AGREEMENT IS VALID, ENFORCEABLE, AND IRREVOCABLE EXCEPT UPON A
11 GROUND THAT EXISTS AT LAW OR IN EQUITY FOR THE REVOCATION OF A CONTRACT.

12 (B) THE COURT SHALL DECIDE WHETHER AN AGREEMENT TO ARBITRATE
13 EXISTS OR A CONTROVERSY IS SUBJECT TO AN AGREEMENT TO ARBITRATE.

14 (C) AN ARBITRATOR SHALL DECIDE WHETHER A CONDITION PRECEDENT TO
15 ARBITRABILITY HAS BEEN FULFILLED AND WHETHER A CONTRACT CONTAINING A
16 VALID AGREEMENT TO ARBITRATE IS ENFORCEABLE.

17 (D) IF A PARTY TO A JUDICIAL PROCEEDING CHALLENGES THE EXISTENCE
18 OF, OR CLAIMS THAT A CONTROVERSY IS NOT SUBJECT TO, AN AGREEMENT TO
19 ARBITRATE, THE ARBITRATION PROCEEDING MAY CONTINUE PENDING FINAL
20 RESOLUTION OF THE ISSUE BY THE COURT, UNLESS THE COURT OTHERWISE
21 ORDERS.

22 3-2D-07. MOTION TO COMPEL OR STAY ARBITRATION.

23 (A) ON MOTION OF A PERSON SHOWING AN AGREEMENT TO ARBITRATE AND
24 ALLEGING ANOTHER PERSON'S REFUSAL TO ARBITRATE PURSUANT TO THE
25 AGREEMENT:

26 (1) IF THE REFUSING PARTY DOES NOT APPEAR OR DOES NOT OPPOSE
27 THE MOTION, THE COURT SHALL ORDER THE PARTIES TO ARBITRATE; AND

28 (2) IF THE REFUSING PARTY OPPOSES THE MOTION, THE COURT SHALL
29 PROCEED SUMMARILY TO DECIDE THE ISSUE AND ORDER THE PARTIES TO
30 ARBITRATE UNLESS IT FINDS THAT THERE IS NO ENFORCEABLE AGREEMENT TO
31 ARBITRATE.

32 (B) ON MOTION OF A PERSON ALLEGING THAT AN ARBITRATION PROCEEDING
33 HAS BEEN INITIATED OR THREATENED BUT THAT THERE IS NO AGREEMENT TO
34 ARBITRATE, THE COURT SHALL PROCEED SUMMARILY TO DECIDE THE ISSUE. IF THE
35 COURT FINDS THAT THERE IS AN ENFORCEABLE AGREEMENT TO ARBITRATE, IT
36 SHALL ORDER THE PARTIES TO ARBITRATE.

37 (C) IF THE COURT FINDS THAT THERE IS NO ENFORCEABLE AGREEMENT, IT
38 MAY NOT PURSUANT TO SUBSECTION (A) OR (B) OF THIS SECTION ORDER THE
39 PARTIES TO ARBITRATE.

1 (D) THE COURT MAY NOT REFUSE TO ORDER ARBITRATION BECAUSE THE
2 CLAIM SUBJECT TO ARBITRATION LACKS MERIT OR GROUNDS FOR THE CLAIM HAVE
3 NOT BEEN ESTABLISHED.

4 (E) IF A PROCEEDING INVOLVING A CLAIM REFERABLE TO ARBITRATION
5 UNDER AN ALLEGED AGREEMENT TO ARBITRATE IS PENDING IN COURT, A MOTION
6 UNDER THIS SECTION MUST BE MADE IN THAT COURT. OTHERWISE A MOTION
7 UNDER THIS SECTION MAY BE MADE IN ANY COURT AS PROVIDED IN § 3-2D-27 OF
8 THIS SUBTITLE.

9 (F) IF A PARTY MAKES A MOTION TO THE COURT TO ORDER ARBITRATION,
10 THE COURT ON JUST TERMS SHALL STAY ANY JUDICIAL PROCEEDING THAT
11 INVOLVES A CLAIM ALLEGED TO BE SUBJECT TO THE ARBITRATION UNTIL THE
12 COURT RENDERS A FINAL DECISION UNDER THIS SECTION.

13 (G) IF THE COURT ORDERS ARBITRATION, THE COURT ON JUST TERMS SHALL
14 STAY ANY JUDICIAL PROCEEDING THAT INVOLVES A CLAIM SUBJECT TO THE
15 ARBITRATION. IF A CLAIM SUBJECT TO THE ARBITRATION IS SEVERABLE, THE COURT
16 MAY LIMIT THE STAY TO THAT CLAIM.

17 3-2D-08. PROVISIONAL REMEDIES.

18 (A) BEFORE AN ARBITRATOR IS APPOINTED AND IS AUTHORIZED AND ABLE
19 TO ACT, THE COURT, UPON MOTION OF A PARTY TO AN ARBITRATION PROCEEDING
20 AND FOR GOOD CAUSE SHOWN, MAY ENTER AN ORDER FOR PROVISIONAL REMEDIES
21 TO PROTECT THE EFFECTIVENESS OF THE ARBITRATION PROCEEDING TO THE SAME
22 EXTENT AND UNDER THE SAME CONDITIONS AS IF THE CONTROVERSY WERE THE
23 SUBJECT OF A CIVIL ACTION.

24 (B) AFTER AN ARBITRATOR IS APPOINTED AND IS AUTHORIZED AND ABLE TO
25 ACT:

26 (1) THE ARBITRATOR MAY ISSUE SUCH ORDERS FOR PROVISIONAL
27 REMEDIES, INCLUDING INTERIM AWARDS, AS THE ARBITRATOR FINDS NECESSARY
28 TO PROTECT THE EFFECTIVENESS OF THE ARBITRATION PROCEEDING AND TO
29 PROMOTE THE FAIR AND EXPEDITIOUS RESOLUTION OF THE CONTROVERSY, TO THE
30 SAME EXTENT AND UNDER THE SAME CONDITIONS AS IF THE CONTROVERSY WERE
31 THE SUBJECT OF A CIVIL ACTION; AND

32 (2) A PARTY TO AN ARBITRATION PROCEEDING MAY MOVE THE COURT
33 FOR A PROVISIONAL REMEDY ONLY IF THE MATTER IS URGENT AND THE
34 ARBITRATOR IS NOT ABLE TO ACT TIMELY OR THE ARBITRATOR CANNOT PROVIDE AN
35 ADEQUATE REMEDY.

36 (C) A PARTY DOES NOT WAIVE A RIGHT OF ARBITRATION BY MAKING A
37 MOTION UNDER SUBSECTION (A) OR (B) OF THIS SECTION.

1 3-2D-09. INITIATION OF ARBITRATION.

2 (A) A PERSON INITIATES AN ARBITRATION PROCEEDING BY GIVING NOTICE IN
3 A RECORD TO THE OTHER PARTIES TO THE AGREEMENT TO ARBITRATE IN THE
4 AGREED MANNER BETWEEN THE PARTIES OR, IN THE ABSENCE OF AGREEMENT, BY
5 CERTIFIED OR REGISTERED MAIL, RETURN RECEIPT REQUESTED AND OBTAINED, OR
6 BY SERVICE AS AUTHORIZED FOR THE COMMENCEMENT OF A CIVIL ACTION. THE
7 NOTICE MUST DESCRIBE THE NATURE OF THE CONTROVERSY AND THE REMEDY
8 SOUGHT.

9 (B) UNLESS A PERSON OBJECTS FOR LACK OR INSUFFICIENCY OF NOTICE
10 UNDER § 3-2D-15(C) OF THIS SUBTITLE NOT LATER THAN THE BEGINNING OF THE
11 ARBITRATION HEARING, THE PERSON BY APPEARING AT THE HEARING WAIVES ANY
12 OBJECTION TO LACK OF OR INSUFFICIENCY OF NOTICE.

13 3-2D-10. CONSOLIDATION OF SEPARATE ARBITRATION PROCEEDINGS.

14 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF THIS SECTION,
15 UPON MOTION OF A PARTY TO AN AGREEMENT TO ARBITRATE OR TO AN
16 ARBITRATION PROCEEDING, THE COURT MAY ORDER CONSOLIDATION OF SEPARATE
17 ARBITRATION PROCEEDINGS AS TO ALL OR SOME OF THE CLAIMS IF:

18 (1) THERE ARE SEPARATE AGREEMENTS TO ARBITRATE OR SEPARATE
19 ARBITRATION PROCEEDINGS BETWEEN THE SAME PERSONS OR ONE OF THEM IS A
20 PARTY TO A SEPARATE AGREEMENT TO ARBITRATE OR A SEPARATE ARBITRATION
21 PROCEEDING WITH A THIRD PERSON;

22 (2) THE CLAIMS SUBJECT TO THE AGREEMENTS TO ARBITRATE ARISE IN
23 SUBSTANTIAL PART FROM THE SAME TRANSACTION OR SERIES OF RELATED
24 TRANSACTIONS;

25 (3) THE EXISTENCE OF A COMMON ISSUE OF LAW OR FACT CREATES
26 THE POSSIBILITY OF CONFLICTING DECISIONS IN THE SEPARATE ARBITRATION
27 PROCEEDINGS; AND

28 (4) PREJUDICE RESULTING FROM A FAILURE TO CONSOLIDATE IS NOT
29 OUTWEIGHED BY THE RISK OF UNDUE DELAY OR PREJUDICE TO THE RIGHTS OF OR
30 HARDSHIP TO PARTIES OPPOSING CONSOLIDATION.

31 (B) THE COURT MAY ORDER CONSOLIDATION OF SEPARATE ARBITRATION
32 PROCEEDINGS AS TO SOME CLAIMS AND ALLOW OTHER CLAIMS TO BE RESOLVED IN
33 SEPARATE ARBITRATION PROCEEDINGS.

34 (C) THE COURT MAY NOT ORDER CONSOLIDATION OF THE CLAIMS OF A PARTY
35 TO AN AGREEMENT TO ARBITRATE IF THE AGREEMENT PROHIBITS CONSOLIDATION.
36 3-2D-11. APPOINTMENT OF ARBITRATOR; SERVICE AS A NEUTRAL ARBITRATOR.

37 (A) IF THE PARTIES TO AN AGREEMENT TO ARBITRATE AGREE ON A METHOD
38 FOR APPOINTING AN ARBITRATOR, THAT METHOD MUST BE FOLLOWED, UNLESS THE

1 METHOD FAILS. IF THE PARTIES HAVE NOT AGREED ON A METHOD, THE AGREED
2 METHOD FAILS, OR AN ARBITRATOR APPOINTED FAILS OR IS UNABLE TO ACT AND A
3 SUCCESSOR HAS NOT BEEN APPOINTED, THE COURT, ON MOTION OF A PARTY TO THE
4 ARBITRATION PROCEEDING, SHALL APPOINT THE ARBITRATOR. AN ARBITRATOR SO
5 APPOINTED HAS ALL THE POWERS OF AN ARBITRATOR DESIGNATED IN THE
6 AGREEMENT TO ARBITRATE OR APPOINTED PURSUANT TO THE AGREED METHOD.

7 (B) AN INDIVIDUAL WHO HAS A KNOWN, DIRECT, AND MATERIAL INTEREST IN
8 THE OUTCOME OF THE ARBITRATION PROCEEDING OR A KNOWN, EXISTING, AND
9 SUBSTANTIAL RELATIONSHIP WITH A PARTY MAY NOT SERVE AS AN ARBITRATOR
10 REQUIRED BY AN AGREEMENT TO BE NEUTRAL.

11 3-2D-12. DISCLOSURE BY ARBITRATOR.

12 (A) BEFORE ACCEPTING APPOINTMENT, AN INDIVIDUAL WHO IS REQUESTED
13 TO SERVE AS AN ARBITRATOR, AFTER MAKING A REASONABLE INQUIRY, SHALL
14 DISCLOSE TO ALL PARTIES TO THE AGREEMENT TO ARBITRATE AND ARBITRATION
15 PROCEEDING AND TO ANY OTHER ARBITRATORS ANY KNOWN FACTS THAT A
16 REASONABLE PERSON WOULD CONSIDER LIKELY TO AFFECT THE IMPARTIALITY OF
17 THE ARBITRATOR IN THE ARBITRATION PROCEEDING, INCLUDING:

18 (1) A FINANCIAL OR PERSONAL INTEREST IN THE OUTCOME OF THE
19 ARBITRATION PROCEEDING; AND

20 (2) AN EXISTING OR PAST RELATIONSHIP WITH ANY OF THE PARTIES TO
21 THE AGREEMENT TO ARBITRATE OR THE ARBITRATION PROCEEDING, THEIR
22 COUNSEL OR REPRESENTATIVES, A WITNESS, OR ANOTHER ARBITRATOR.

23 (B) AN ARBITRATOR HAS A CONTINUING OBLIGATION TO DISCLOSE TO ALL
24 PARTIES TO THE AGREEMENT TO ARBITRATE AND ARBITRATION PROCEEDING AND
25 TO ANY OTHER ARBITRATORS ANY FACTS THAT THE ARBITRATOR LEARNS AFTER
26 ACCEPTING APPOINTMENT WHICH A REASONABLE PERSON WOULD CONSIDER
27 LIKELY TO AFFECT THE IMPARTIALITY OF THE ARBITRATOR.

28 (C) IF AN ARBITRATOR DISCLOSES A FACT REQUIRED BY SUBSECTION (A) OR
29 (B) OF THIS SECTION TO BE DISCLOSED AND A PARTY TIMELY OBJECTS TO THE
30 APPOINTMENT OR CONTINUED SERVICE OF THE ARBITRATOR BASED UPON THE
31 FACT DISCLOSED, THE OBJECTION MAY BE A GROUND UNDER § 3-2D-23(A)(2) OF THIS
32 SUBTITLE FOR VACATING AN AWARD MADE BY THE ARBITRATOR.

33 (D) IF THE ARBITRATOR DID NOT DISCLOSE A FACT AS REQUIRED BY
34 SUBSECTION (A) OR (B) OF THIS SECTION, UPON TIMELY OBJECTION BY A PARTY, THE
35 COURT UNDER § 3-2D-23(A)(2) OF THIS SUBTITLE MAY VACATE AN AWARD.

36 (E) AN ARBITRATOR APPOINTED AS A NEUTRAL ARBITRATOR WHO DOES NOT
37 DISCLOSE A KNOWN, DIRECT, AND MATERIAL INTEREST IN THE OUTCOME OF THE
38 ARBITRATION PROCEEDING OR A KNOWN, EXISTING, AND SUBSTANTIAL
39 RELATIONSHIP WITH A PARTY IS PRESUMED TO ACT WITH EVIDENT PARTIALITY
40 UNDER § 3-2D-23(A)(2) OF THIS SUBTITLE.

1 (F) IF THE PARTIES TO AN ARBITRATION PROCEEDING AGREE TO THE
2 PROCEDURES OF AN ARBITRATION ORGANIZATION OR ANY OTHER PROCEDURES FOR
3 CHALLENGES TO ARBITRATORS BEFORE AN AWARD IS MADE, SUBSTANTIAL
4 COMPLIANCE WITH THOSE PROCEDURES IS A CONDITION PRECEDENT TO A MOTION
5 TO VACATE AN AWARD ON THAT GROUND UNDER § 3-2D-23(A)(2) OF THIS SUBTITLE.

6 3-2D-13. ACTION BY MAJORITY.

7 IF THERE IS MORE THAN ONE ARBITRATOR, THE POWERS OF AN ARBITRATOR
8 MUST BE EXERCISED BY A MAJORITY OF THE ARBITRATORS, BUT ALL OF THEM
9 SHALL CONDUCT THE HEARING UNDER § 3-2D-15(C) OF THIS SUBTITLE.

10 3-2D-14. IMMUNITY OF ARBITRATOR; COMPETENCY TO TESTIFY; ATTORNEY'S FEES
11 AND COSTS.

12 (A) AN ARBITRATOR OR AN ARBITRATION ORGANIZATION ACTING IN THAT
13 CAPACITY IS IMMUNE FROM CIVIL LIABILITY TO THE SAME EXTENT AS A JUDGE OF A
14 COURT OF THIS STATE ACTING IN A JUDICIAL CAPACITY.

15 (B) THE IMMUNITY AFFORDED BY THIS SECTION SUPPLEMENTS ANY
16 IMMUNITY UNDER OTHER LAW.

17 (C) THE FAILURE OF AN ARBITRATOR TO MAKE A DISCLOSURE REQUIRED BY §
18 3-2D-12 OF THIS SUBTITLE DOES NOT CAUSE ANY LOSS OF IMMUNITY UNDER THIS
19 SECTION.

20 (D) IN A JUDICIAL, ADMINISTRATIVE, OR SIMILAR PROCEEDING, AN
21 ARBITRATOR OR REPRESENTATIVE OF AN ARBITRATION ORGANIZATION IS NOT
22 COMPETENT TO TESTIFY, AND MAY NOT BE REQUIRED TO PRODUCE RECORDS AS TO
23 ANY STATEMENT, CONDUCT, DECISION, OR RULING OCCURRING DURING THE
24 ARBITRATION PROCEEDING, TO THE SAME EXTENT AS A JUDGE OF A COURT OF THIS
25 STATE ACTING IN A JUDICIAL CAPACITY. THIS SUBSECTION DOES NOT APPLY:

26 (1) TO THE EXTENT NECESSARY TO DETERMINE THE CLAIM OF AN
27 ARBITRATOR, ARBITRATION ORGANIZATION, OR REPRESENTATIVE OF THE
28 ARBITRATION ORGANIZATION AGAINST A PARTY TO THE ARBITRATION PROCEEDING;
29 OR

30 (2) TO A HEARING ON A MOTION TO VACATE AN AWARD UNDER §
31 3-2D-23(A)(1) OR (2) OF THIS SUBTITLE IF THE MOVANT ESTABLISHES PRIMA FACIE
32 THAT A GROUND FOR VACATING THE AWARD EXISTS.

33 (E) IF A PERSON COMMENCES A CIVIL ACTION AGAINST AN ARBITRATOR,
34 ARBITRATION ORGANIZATION, OR REPRESENTATIVE OF AN ARBITRATION
35 ORGANIZATION ARISING FROM THE SERVICES OF THE ARBITRATOR, ORGANIZATION,
36 OR REPRESENTATIVE OR IF A PERSON SEEKS TO COMPEL AN ARBITRATOR OR A
37 REPRESENTATIVE OF AN ARBITRATION ORGANIZATION TO TESTIFY OR PRODUCE
38 RECORDS IN VIOLATION OF SUBSECTION (D) OF THIS SECTION, AND THE COURT
39 DECIDES THAT THE ARBITRATOR, ARBITRATION ORGANIZATION, OR
40 REPRESENTATIVE OF AN ARBITRATION ORGANIZATION IS IMMUNE FROM CIVIL

1 LIABILITY OR THAT THE ARBITRATOR OR REPRESENTATIVE OF THE ORGANIZATION
2 IS NOT COMPETENT TO TESTIFY, THE COURT SHALL AWARD TO THE ARBITRATOR,
3 ORGANIZATION, OR REPRESENTATIVE REASONABLE ATTORNEY'S FEES AND OTHER
4 REASONABLE EXPENSES OF LITIGATION.

5 3-2D-15. ARBITRATION PROCESS.

6 (A) AN ARBITRATOR MAY CONDUCT AN ARBITRATION IN SUCH MANNER AS
7 THE ARBITRATOR CONSIDERS APPROPRIATE FOR A FAIR AND EXPEDITIOUS
8 DISPOSITION OF THE PROCEEDING. THE AUTHORITY CONFERRED UPON THE
9 ARBITRATOR INCLUDES THE POWER TO HOLD CONFERENCES WITH THE PARTIES TO
10 THE ARBITRATION PROCEEDING BEFORE THE HEARING AND, AMONG OTHER
11 MATTERS, DETERMINE THE ADMISSIBILITY, RELEVANCE, MATERIALITY AND WEIGHT
12 OF ANY EVIDENCE.

13 (B) AN ARBITRATOR MAY DECIDE A REQUEST FOR SUMMARY DISPOSITION OF
14 A CLAIM OR PARTICULAR ISSUE:

15 (1) IF ALL INTERESTED PARTIES AGREE; OR

16 (2) UPON REQUEST OF ONE PARTY TO THE ARBITRATION PROCEEDING
17 IF THAT PARTY GIVES NOTICE TO ALL OTHER PARTIES TO THE PROCEEDING, AND
18 THE OTHER PARTIES HAVE A REASONABLE OPPORTUNITY TO RESPOND.

19 (C) IF AN ARBITRATOR ORDERS A HEARING, THE ARBITRATOR SHALL SET A
20 TIME AND PLACE AND GIVE NOTICE OF THE HEARING NOT LESS THAN 5 DAYS
21 BEFORE THE HEARING BEGINS. UNLESS A PARTY TO THE ARBITRATION PROCEEDING
22 MAKES AN OBJECTION TO LACK OR INSUFFICIENCY OF NOTICE NOT LATER THAN
23 THE BEGINNING OF THE HEARING, THE PARTY'S APPEARANCE AT THE HEARING
24 WAIVES THE OBJECTION. UPON REQUEST OF A PARTY TO THE ARBITRATION
25 PROCEEDING AND FOR GOOD CAUSE SHOWN, OR UPON THE ARBITRATOR'S OWN
26 INITIATIVE, THE ARBITRATOR MAY ADJOURN THE HEARING FROM TIME TO TIME AS
27 NECESSARY BUT MAY NOT POSTPONE THE HEARING TO A TIME LATER THAN THAT
28 FIXED BY THE AGREEMENT TO ARBITRATE FOR MAKING THE AWARD UNLESS THE
29 PARTIES TO THE ARBITRATION PROCEEDING CONSENT TO A LATER DATE. THE
30 ARBITRATOR MAY HEAR AND DECIDE THE CONTROVERSY UPON THE EVIDENCE
31 PRODUCED ALTHOUGH A PARTY WHO WAS DULY NOTIFIED OF THE ARBITRATION
32 PROCEEDING DID NOT APPEAR. THE COURT, ON REQUEST, MAY DIRECT THE
33 ARBITRATOR TO CONDUCT THE HEARING PROMPTLY AND RENDER A TIMELY
34 DECISION.

35 (D) AT A HEARING UNDER SUBSECTION (C) OF THIS SECTION, A PARTY TO THE
36 ARBITRATION PROCEEDING HAS A RIGHT TO BE HEARD, TO PRESENT EVIDENCE
37 MATERIAL TO THE CONTROVERSY, AND TO CROSS-EXAMINE WITNESSES APPEARING
38 AT THE HEARING.

39 (E) IF AN ARBITRATOR CEASES OR IS UNABLE TO ACT DURING THE
40 ARBITRATION PROCEEDING, A REPLACEMENT ARBITRATOR MUST BE APPOINTED IN
41 ACCORDANCE WITH § 3-2D-11 OF THIS SUBTITLE TO CONTINUE THE PROCEEDING
42 AND TO RESOLVE THE CONTROVERSY.

1 3-2D-16. REPRESENTATION BY LAWYER.

2 A PARTY TO AN ARBITRATION PROCEEDING MAY BE REPRESENTED BY A
3 LAWYER.

4 3-2D-17. WITNESSES; SUBPOENAS; DEPOSITIONS; DISCOVERY.

5 (A) AN ARBITRATOR MAY ISSUE A SUBPOENA FOR THE ATTENDANCE OF A
6 WITNESS AND FOR THE PRODUCTION OF RECORDS AND OTHER EVIDENCE AT ANY
7 HEARING AND MAY ADMINISTER OATHS. A SUBPOENA MUST BE SERVED IN THE
8 MANNER FOR SERVICE OF SUBPOENAS IN A CIVIL ACTION AND, UPON MOTION TO
9 THE COURT BY A PARTY TO THE ARBITRATION PROCEEDING OR THE ARBITRATOR,
10 ENFORCED IN THE MANNER FOR ENFORCEMENT OF SUBPOENAS IN A CIVIL ACTION.

11 (B) IN ORDER TO MAKE THE PROCEEDINGS FAIR, EXPEDITIOUS, AND COST
12 EFFECTIVE, UPON REQUEST OF A PARTY TO OR A WITNESS IN AN ARBITRATION
13 PROCEEDING, AN ARBITRATOR MAY PERMIT A DEPOSITION OF ANY WITNESS TO BE
14 TAKEN FOR USE AS EVIDENCE AT THE HEARING, INCLUDING A WITNESS WHO
15 CANNOT BE SUBPOENAED FOR OR IS UNABLE TO ATTEND A HEARING. THE
16 ARBITRATOR SHALL DETERMINE THE CONDITIONS UNDER WHICH THE DEPOSITION
17 IS TAKEN.

18 (C) AN ARBITRATOR MAY PERMIT SUCH DISCOVERY AS THE ARBITRATOR
19 DECIDES IS APPROPRIATE IN THE CIRCUMSTANCES, TAKING INTO ACCOUNT THE
20 NEEDS OF THE PARTIES TO THE ARBITRATION PROCEEDING AND OTHER AFFECTED
21 PERSONS AND THE DESIRABILITY OF MAKING THE PROCEEDING FAIR, EXPEDITIOUS,
22 AND COST EFFECTIVE.

23 (D) IF AN ARBITRATOR PERMITS DISCOVERY UNDER SUBSECTION (C) OF THIS
24 SECTION, THE ARBITRATOR MAY ORDER A PARTY TO THE ARBITRATION PROCEEDING
25 TO COMPLY WITH THE ARBITRATOR'S DISCOVERY-RELATED ORDERS, ISSUE
26 SUBPOENAS FOR THE ATTENDANCE OF A WITNESS AND FOR THE PRODUCTION OF
27 RECORDS AND OTHER EVIDENCE AT A DISCOVERY PROCEEDING, AND TAKE ACTION
28 AGAINST A NONCOMPLYING PARTY TO THE EXTENT A COURT COULD IF THE
29 CONTROVERSY WERE THE SUBJECT OF A CIVIL ACTION IN THIS STATE.

30 (E) AN ARBITRATOR MAY ISSUE A PROTECTIVE ORDER TO PREVENT THE
31 DISCLOSURE OF PRIVILEGED INFORMATION, CONFIDENTIAL INFORMATION, TRADE
32 SECRETS, AND OTHER INFORMATION PROTECTED FROM DISCLOSURE TO THE
33 EXTENT A COURT COULD IF THE CONTROVERSY WERE THE SUBJECT OF A CIVIL
34 ACTION IN THIS STATE.

35 (F) ALL LAWS COMPELLING A PERSON UNDER SUBPOENA TO TESTIFY AND
36 ALL FEES FOR ATTENDING A JUDICIAL PROCEEDING, A DEPOSITION, OR A
37 DISCOVERY PROCEEDING AS A WITNESS APPLY TO AN ARBITRATION PROCEEDING AS
38 IF THE CONTROVERSY WERE THE SUBJECT OF A CIVIL ACTION IN THIS STATE.

39 (G) THE COURT MAY ENFORCE A SUBPOENA OR DISCOVERY-RELATED ORDER
40 FOR THE ATTENDANCE OF A WITNESS WITHIN THIS STATE AND FOR THE
41 PRODUCTION OF RECORDS AND OTHER EVIDENCE ISSUED BY AN ARBITRATOR IN

1 CONNECTION WITH AN ARBITRATION PROCEEDING IN ANOTHER STATE UPON
2 CONDITIONS DETERMINED BY THE COURT SO AS TO MAKE THE ARBITRATION
3 PROCEEDING FAIR, EXPEDITIOUS, AND COST EFFECTIVE. A SUBPOENA OR
4 DISCOVERY-RELATED ORDER ISSUED BY AN ARBITRATOR IN ANOTHER STATE MUST
5 BE SERVED IN THE MANNER PROVIDED BY LAW FOR SERVICE OF SUBPOENAS IN A
6 CIVIL ACTION IN THIS STATE AND, UPON MOTION TO THE COURT BY A PARTY TO THE
7 ARBITRATION PROCEEDING OR THE ARBITRATOR, ENFORCED IN THE MANNER
8 PROVIDED BY LAW FOR ENFORCEMENT OF SUBPOENAS IN A CIVIL ACTION IN THIS
9 STATE.

10 3-2D-18. JUDICIAL ENFORCEMENT OF PRE-AWARD RULING BY ARBITRATOR.

11 IF AN ARBITRATOR MAKES A PRE-AWARD RULING IN FAVOR OF A PARTY TO THE
12 ARBITRATION PROCEEDING, THE PARTY MAY REQUEST THE ARBITRATOR TO
13 INCORPORATE THE RULING INTO AN AWARD UNDER § 3-2D-19 OF THIS SUBTITLE. A
14 PREVAILING PARTY MAY MAKE A MOTION TO THE COURT FOR AN EXPEDITED ORDER
15 TO CONFIRM THE AWARD UNDER § 3-2D-22 OF THIS SUBTITLE, IN WHICH CASE THE
16 COURT SHALL SUMMARILY DECIDE THE MOTION. THE COURT SHALL ISSUE AN
17 ORDER TO CONFIRM THE AWARD UNLESS THE COURT VACATES, MODIFIES, OR
18 CORRECTS THE AWARD UNDER § 3-2D-23 OR § 3-2D-24 OF THIS SUBTITLE.

19 3-2D-19. AWARD.

20 (A) AN ARBITRATOR SHALL MAKE A RECORD OF AN AWARD. THE RECORD
21 MUST BE SIGNED OR OTHERWISE AUTHENTICATED BY ANY ARBITRATOR WHO
22 CONCURS WITH THE AWARD. THE ARBITRATOR OR THE ARBITRATION ORGANIZATION
23 SHALL GIVE NOTICE OF THE AWARD, INCLUDING A COPY OF THE AWARD, TO EACH
24 PARTY TO THE ARBITRATION PROCEEDING.

25 (B) AN AWARD MUST BE MADE WITHIN THE TIME SPECIFIED BY THE
26 AGREEMENT TO ARBITRATE OR, IF NOT SPECIFIED THEREIN, WITHIN THE TIME
27 ORDERED BY THE COURT. THE COURT MAY EXTEND OR THE PARTIES TO THE
28 ARBITRATION PROCEEDING MAY AGREE IN A RECORD TO EXTEND THE TIME. THE
29 COURT OR THE PARTIES MAY DO SO WITHIN OR AFTER THE TIME SPECIFIED OR
30 ORDERED. A PARTY WAIVES ANY OBJECTION THAT AN AWARD WAS NOT TIMELY
31 MADE UNLESS THE PARTY GIVES NOTICE OF THE OBJECTION TO THE ARBITRATOR
32 BEFORE RECEIVING NOTICE OF THE AWARD.

33 3-2D-20. CHANGE OF AWARD BY ARBITRATOR.

34 (A) ON MOTION TO AN ARBITRATOR BY A PARTY TO AN ARBITRATION
35 PROCEEDING, THE ARBITRATOR MAY MODIFY OR CORRECT AN AWARD:

36 (1) UPON A GROUND STATED IN § 3-2D-24(A)(1) OR (3) OF THIS SUBTITLE;

37 (2) BECAUSE THE ARBITRATOR HAS NOT MADE A FINAL AND DEFINITE
38 AWARD UPON A CLAIM SUBMITTED BY THE PARTIES TO THE ARBITRATION
39 PROCEEDING; OR

40 (3) TO CLARIFY THE AWARD.

1 (B) A MOTION UNDER SUBSECTION (A) OF THIS SECTION MUST BE MADE AND
2 NOTICE GIVEN TO ALL PARTIES WITHIN 20 DAYS AFTER THE MOVANT RECEIVES
3 NOTICE OF THE AWARD.

4 (C) A PARTY TO THE ARBITRATION PROCEEDING MUST GIVE NOTICE OF ANY
5 OBJECTION TO THE MOTION WITHIN 10 DAYS AFTER RECEIPT OF THE NOTICE.

6 (D) IF A MOTION TO THE COURT IS PENDING UNDER § 3-2D-22, § 3-2D-23, OR §
7 3-2D-24 OF THIS SUBTITLE, THE COURT MAY SUBMIT THE CLAIM TO THE
8 ARBITRATOR TO CONSIDER WHETHER TO MODIFY OR CORRECT THE AWARD:

9 (1) UPON A GROUND STATED IN § 3-2D-24(A)(1) OR (3) OF THIS SUBTITLE;

10 (2) BECAUSE THE ARBITRATOR HAS NOT MADE A FINAL AND DEFINITE
11 AWARD UPON A CLAIM SUBMITTED BY THE PARTIES TO THE ARBITRATION
12 PROCEEDING; OR

13 (3) TO CLARIFY THE AWARD.

14 (E) AN AWARD MODIFIED OR CORRECTED PURSUANT TO THIS SECTION IS
15 SUBJECT TO §§ 3-2D-19(A), 3-2D-22, 3-2D-23, AND 3-2D-24 OF THIS SUBTITLE.

16 3-2D-21. REMEDIES; FEES AND EXPENSES OF ARBITRATION PROCEEDING.

17 (A) AN ARBITRATOR MAY AWARD PUNITIVE DAMAGES OR OTHER EXEMPLARY
18 RELIEF IF SUCH AN AWARD IS AUTHORIZED BY LAW IN A CIVIL ACTION INVOLVING
19 THE SAME CLAIM AND THE EVIDENCE PRODUCED AT THE HEARING JUSTIFIES THE
20 AWARD UNDER THE LEGAL STANDARDS OTHERWISE APPLICABLE TO THE CLAIM.

21 (B) AN ARBITRATOR MAY AWARD REASONABLE ATTORNEY'S FEES AND OTHER
22 REASONABLE EXPENSES OF ARBITRATION IF SUCH AN AWARD IS AUTHORIZED BY
23 LAW IN A CIVIL ACTION INVOLVING THE SAME CLAIM OR BY THE AGREEMENT OF
24 THE PARTIES TO THE ARBITRATION PROCEEDING.

25 (C) AS TO ALL REMEDIES OTHER THAN THOSE AUTHORIZED BY SUBSECTIONS
26 (A) AND (B) OF THIS SECTION, AN ARBITRATOR MAY ORDER SUCH REMEDIES AS THE
27 ARBITRATOR CONSIDERS JUST AND APPROPRIATE UNDER THE CIRCUMSTANCES OF
28 THE ARBITRATION PROCEEDING. THE FACT THAT SUCH A REMEDY COULD NOT OR
29 WOULD NOT BE GRANTED BY THE COURT IS NOT A GROUND FOR REFUSING TO
30 CONFIRM AN AWARD UNDER § 3-2D-22 OF THIS SUBTITLE OR FOR VACATING AN
31 AWARD UNDER § 3-2D-23 OF THIS SUBTITLE.

32 (D) AN ARBITRATOR'S EXPENSES AND FEES, TOGETHER WITH OTHER
33 EXPENSES, MUST BE PAID AS PROVIDED IN THE AWARD.

34 (E) IF AN ARBITRATOR AWARDS PUNITIVE DAMAGES OR OTHER EXEMPLARY
35 RELIEF UNDER SUBSECTION (A) OF THIS SECTION, THE ARBITRATOR SHALL SPECIFY
36 IN THE AWARD THE BASIS IN FACT JUSTIFYING AND THE BASIS IN LAW
37 AUTHORIZING THE AWARD AND STATE SEPARATELY THE AMOUNT OF THE PUNITIVE
38 DAMAGES OR OTHER EXEMPLARY RELIEF.

1 3-2D-22. CONFIRMATION OF AWARD.

2 AFTER A PARTY TO AN ARBITRATION PROCEEDING RECEIVES NOTICE OF AN
3 AWARD, THE PARTY MAY MAKE A MOTION TO THE COURT FOR AN ORDER
4 CONFIRMING THE AWARD AT WHICH TIME THE COURT SHALL ISSUE A CONFIRMING
5 ORDER UNLESS THE AWARD IS MODIFIED OR CORRECTED PURSUANT TO § 3-2D-20
6 OR § 3-2D-24 OF THIS SUBTITLE OR IS VACATED PURSUANT TO § 3-2D-23 OF THIS
7 SUBTITLE.

8 3-2D-23. VACATING AWARD.

9 (A) UPON MOTION TO THE COURT BY A PARTY TO AN ARBITRATION
10 PROCEEDING, THE COURT SHALL VACATE AN AWARD MADE IN THE ARBITRATION
11 PROCEEDING IF:

12 (1) THE AWARD WAS PROCURED BY CORRUPTION, FRAUD, OR OTHER
13 UNDUE MEANS;

14 (2) THERE WAS:

15 (I) EVIDENT PARTIALITY BY AN ARBITRATOR APPOINTED AS A
16 NEUTRAL ARBITRATOR;

17 (II) CORRUPTION BY AN ARBITRATOR; OR

18 (III) MISCONDUCT BY AN ARBITRATOR PREJUDICING THE RIGHTS
19 OF A PARTY TO THE ARBITRATION PROCEEDING;

20 (3) AN ARBITRATOR REFUSED TO POSTPONE THE HEARING UPON
21 SHOWING OF SUFFICIENT CAUSE FOR POSTPONEMENT, REFUSED TO CONSIDER
22 EVIDENCE MATERIAL TO THE CONTROVERSY, OR OTHERWISE CONDUCTED THE
23 HEARING CONTRARY TO § 3-2D-15 OF THIS SUBTITLE, SO AS TO PREJUDICE
24 SUBSTANTIALLY THE RIGHTS OF A PARTY TO THE ARBITRATION PROCEEDING;

25 (4) AN ARBITRATOR EXCEEDED THE ARBITRATOR'S POWERS;

26 (5) THERE WAS NO AGREEMENT TO ARBITRATE, UNLESS THE PERSON
27 PARTICIPATED IN THE ARBITRATION PROCEEDING WITHOUT RAISING THE
28 OBJECTION UNDER § 3-2D-15(C) OF THIS SUBTITLE NOT LATER THAN THE
29 BEGINNING OF THE ARBITRATION HEARING; OR

30 (6) THE ARBITRATION WAS CONDUCTED WITHOUT PROPER NOTICE OF
31 THE INITIATION OF AN ARBITRATION AS REQUIRED IN § 3-2D-9 OF THIS SUBTITLE SO
32 AS TO PREJUDICE SUBSTANTIALLY THE RIGHTS OF A PARTY TO THE ARBITRATION
33 PROCEEDING.

34 (B) A MOTION UNDER THIS SECTION MUST BE FILED WITHIN 90 DAYS AFTER
35 THE MOVANT RECEIVES NOTICE OF THE AWARD PURSUANT TO § 3-2D-19 OF THIS
36 SUBTITLE OR WITHIN 90 DAYS AFTER THE MOVANT RECEIVES NOTICE OF A
37 MODIFIED OR CORRECTED AWARD PURSUANT TO § 3-2D-20 OF THIS SUBTITLE,

1 UNLESS THE MOVANT ALLEGES THAT THE AWARD WAS PROCURED BY CORRUPTION,
2 FRAUD, OR OTHER UNDUE MEANS, IN WHICH CASE THE MOTION MUST BE MADE
3 WITHIN 90 DAYS AFTER THE GROUND IS KNOWN OR BY THE EXERCISE OF
4 REASONABLE CARE WOULD HAVE BEEN KNOWN BY THE MOVANT.

5 (C) IF THE COURT VACATES AN AWARD ON A GROUND OTHER THAN THAT SET
6 FORTH IN SUBSECTION (A)(5) OF THIS SECTION, IT MAY ORDER A REHEARING. IF THE
7 AWARD IS VACATED ON A GROUND STATED IN SUBSECTION (A)(1) OR (2) OF THIS
8 SECTION, THE REHEARING MUST BE BEFORE A NEW ARBITRATOR. IF THE AWARD IS
9 VACATED ON A GROUND STATED IN SUBSECTION (A)(3), (4), OR (6) OF THIS SECTION,
10 THE REHEARING MAY BE BEFORE THE ARBITRATOR WHO MADE THE AWARD OR THE
11 ARBITRATOR'S SUCCESSOR. THE ARBITRATOR MUST RENDER THE DECISION IN THE
12 REHEARING WITHIN THE SAME TIME AS THAT PROVIDED IN § 3-2D-19(B) OF THIS
13 SUBTITLE FOR AN AWARD.

14 (D) IF THE COURT DENIES A MOTION TO VACATE AN AWARD, IT SHALL
15 CONFIRM THE AWARD UNLESS A MOTION TO MODIFY OR CORRECT THE AWARD IS
16 PENDING.

17 3-2D-24. MODIFICATION OR CORRECTION OF AWARD.

18 (A) UPON MOTION MADE WITHIN 90 DAYS AFTER THE MOVANT RECEIVES
19 NOTICE OF THE AWARD PURSUANT TO § 3-2D-19 OF THIS SUBTITLE OR WITHIN 90
20 DAYS AFTER THE MOVANT RECEIVES NOTICE OF A MODIFIED OR CORRECTED
21 AWARD PURSUANT TO § 3-2D-20 OF THIS SUBTITLE, THE COURT SHALL MODIFY OR
22 CORRECT THE AWARD IF:

23 (1) THERE WAS AN EVIDENT MATHEMATICAL MISCALCULATION OR AN
24 EVIDENT MISTAKE IN THE DESCRIPTION OF A PERSON, THING, OR PROPERTY
25 REFERRED TO IN THE AWARD;

26 (2) THE ARBITRATOR HAS MADE AN AWARD ON A CLAIM NOT
27 SUBMITTED TO THE ARBITRATOR AND THE AWARD MAY BE CORRECTED WITHOUT
28 AFFECTING THE MERITS OF THE DECISION UPON THE CLAIMS SUBMITTED; OR

29 (3) THE AWARD IS IMPERFECT IN A MATTER OF FORM NOT AFFECTING
30 THE MERITS OF THE DECISION ON THE CLAIMS SUBMITTED.

31 (B) IF A MOTION MADE UNDER SUBSECTION (A) OF THIS SECTION IS
32 GRANTED, THE COURT SHALL MODIFY OR CORRECT AND CONFIRM THE AWARD AS
33 MODIFIED OR CORRECTED. OTHERWISE, UNLESS A MOTION TO VACATE IS PENDING,
34 THE COURT SHALL CONFIRM THE AWARD.

35 (C) A MOTION TO MODIFY OR CORRECT AN AWARD PURSUANT TO THIS
36 SECTION MAY BE JOINED WITH A MOTION TO VACATE THE AWARD.

37 3-2D-25. JUDGMENT ON AWARD; ATTORNEY'S FEES AND LITIGATION EXPENSES.

38 (A) UPON GRANTING AN ORDER CONFIRMING, VACATING WITHOUT
39 DIRECTING A REHEARING, MODIFYING, OR CORRECTING AN AWARD, THE COURT

1 SHALL ENTER A JUDGMENT IN CONFORMITY THEREWITH. THE JUDGMENT MAY BE
2 RECORDED, DOCKETED, AND ENFORCED AS ANY OTHER JUDGMENT IN A CIVIL
3 ACTION.

4 (B) A COURT MAY ALLOW REASONABLE COSTS OF THE MOTION AND
5 SUBSEQUENT JUDICIAL PROCEEDINGS.

6 (C) ON APPLICATION OF A PREVAILING PARTY TO A CONTESTED JUDICIAL
7 PROCEEDING UNDER § 3-2D-22, § 3-2D-23, OR § 3-2D-24, THE COURT MAY ADD
8 REASONABLE ATTORNEY'S FEES AND OTHER REASONABLE EXPENSES OF
9 LITIGATION INCURRED IN A JUDICIAL PROCEEDING AFTER THE AWARD IS MADE TO
10 A JUDGMENT CONFIRMING, VACATING WITHOUT DIRECTING A REHEARING,
11 MODIFYING, OR CORRECTING AN AWARD.

12 3-2D-26. JURISDICTION.

13 (A) A COURT OF THIS STATE HAVING JURISDICTION OVER THE CONTROVERSY
14 AND THE PARTIES MAY ENFORCE AN AGREEMENT TO ARBITRATE.

15 (B) AN AGREEMENT TO ARBITRATE PROVIDING FOR ARBITRATION IN THIS
16 STATE CONFERS EXCLUSIVE JURISDICTION ON THE COURT TO ENTER JUDGMENT ON
17 AN AWARD UNDER THIS SUBTITLE.

18 3-2D-27. VENUE.

19 A MOTION PURSUANT TO § 3-2D-5 OF THIS SUBTITLE MUST BE MADE IN THE
20 COURT OF THE COUNTY IN WHICH THE AGREEMENT TO ARBITRATE SPECIFIES THE
21 ARBITRATION HEARING IS TO BE HELD OR, IF THE HEARING HAS BEEN HELD, IN THE
22 COURT OF THE COUNTY IN WHICH IT WAS HELD. OTHERWISE, THE MOTION MAY BE
23 MADE IN THE COURT OF ANY COUNTY IN WHICH AN ADVERSE PARTY RESIDES OR
24 HAS A PLACE OF BUSINESS OR, IF NO ADVERSE PARTY HAS A RESIDENCE OR PLACE
25 OF BUSINESS IN THIS STATE, IN THE COURT OF ANY COUNTY IN THIS STATE. ALL
26 SUBSEQUENT MOTIONS MUST BE MADE IN THE COURT HEARING THE INITIAL
27 MOTION UNLESS THE COURT OTHERWISE DIRECTS.

28 3-2D-28. APPEALS.

29 (A) AN APPEAL MAY BE TAKEN FROM:

- 30 (1) AN ORDER DENYING A MOTION TO COMPEL ARBITRATION;
31 (2) AN ORDER GRANTING A MOTION TO STAY ARBITRATION;
32 (3) AN ORDER CONFIRMING OR DENYING CONFIRMATION OF AN AWARD;
33 (4) AN ORDER MODIFYING OR CORRECTING AN AWARD;
34 (5) AN ORDER VACATING AN AWARD WITHOUT DIRECTING A
35 REHEARING; OR
36 (6) A FINAL JUDGMENT ENTERED PURSUANT TO THIS SUBTITLE.

1 (B) AN APPEAL UNDER THIS SECTION MUST BE TAKEN AS FROM AN ORDER OR
2 A JUDGMENT IN A CIVIL ACTION.

3 3-2D-29. UNIFORMITY OF APPLICATION AND CONSTRUCTION.

4 IN APPLYING AND CONSTRUING THIS SUBTITLE, CONSIDERATION MUST BE
5 GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT TO ITS
6 SUBJECT MATTER AMONG STATES THAT ENACT IT.

7 3-2D-30. RELATIONSHIP TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL
8 COMMERCE ACT.

9 THE PROVISIONS OF THIS SUBTITLE GOVERNING THE LEGAL EFFECT,
10 VALIDITY, AND ENFORCEABILITY OF ELECTRONIC RECORDS OR ELECTRONIC
11 SIGNATURES, AND OF CONTRACTS PERFORMED WITH THE USE OF SUCH RECORDS
12 OR SIGNATURES CONFORM TO THE REQUIREMENTS OF SECTION 102 OF THE
13 ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.

14 3-2D-31. SHORT TITLE.

15 THIS SUBTITLE MAY BE CITED AS THE REVISED UNIFORM ARBITRATION ACT.

16 SECTION 2. AND BE IT FURTHER ENACTED, That, subject to § 3-2D-3(b)
17 and (c) of the Courts Article, as enacted by this Act, this Act shall be construed to
18 apply only prospectively and may not be applied or interpreted to have any effect on
19 or application to an action or proceeding commenced or right accrued before the
20 effective date of this Act.

21 SECTION 3. AND BE IT FURTHER ENACTED, That the catchlines contained
22 in this Act are not law and may not be considered to have been enacted as a part of
23 this Act.

24 SECTION 4. AND BE IT FURTHER ENACTED, That Section(s) 3-201 through
25 3-232 and 3-234 and the subtitle "Subtitle 2. Arbitration and Award" of Article -
26 Courts and Judicial Proceedings of the Annotated Code of Maryland be repealed.

27 SECTION 5. AND BE IT FURTHER ENACTED, That Section 4 of this Act shall
28 take effect October 1, 2006.

29 SECTION 6. AND BE IT FURTHER ENACTED, That, except as provided in
30 Section 4 of this Act, this Act shall take effect October 1, 2004.