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

Introduced and read first time: February 17, 2005

Assigned to: Rules and Executive Nominations

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; providing for a transition from
 10 the existing Uniform Arbitration Act to the Revised Uniform Arbitration Act for
 11 arbitration agreements entered into before the effective date of this Act;
 12 providing a delayed effective date for the repeal of the existing Uniform
 13 Arbitration Act; providing for the construction of this Act; and generally relating
 14 to arbitration agreements and proceedings.

15 BY adding to

16 Article - Courts and Judicial Proceedings
 17 Section 3-2D-01 through 3-2D-31 to be under the new subtitle "Subtitle 2D.
 18 Revised Uniform Arbitration Act"
 19 Annotated Code of Maryland
 20 (2002 Replacement Volume and 2004 Supplement)

21 BY repealing

22 Article - Courts and Judicial Proceedings
 23 Section 3-201 through 3-232 and 3-234 and the subtitle "Subtitle 2. Arbitration
 24 and Award"
 25 Annotated Code of Maryland
 26 (2002 Replacement Volume and 2004 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 28 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, 2005.

4 (B) THIS SUBTITLE GOVERNS AN AGREEMENT TO ARBITRATE MADE BEFORE
5 OCTOBER 1, 2005, 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, 2007, 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-18, § 3-2D-20(D) OR (E), § 3-2D-22, § 3-2D-23,
18 § 3-2D-24, § 3-2D-25(A) OR (B), § 3-2D-26, § 3-2D-28, § 3-2D-29, OR § 3-2D-30 OF THIS
19 SUBTITLE;

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

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

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

29 (C) A PARTY TO AN AGREEMENT TO ARBITRATE OR ARBITRATION
30 PROCEEDING MAY NOT WAIVE, OR THE PARTIES MAY NOT VARY THE EFFECT OF, THE
31 REQUIREMENTS OF THIS SECTION OR § 3-2D-03(A) OR (C), § 3-2D-07, § 3-2D-14, §
32 3-2D-18, § 3-2D-20(D) OR (E), § 3-2D-22, § 3-2D-23, § 3-2D-24, § 3-2D-25(A) OR (B), §
33 3-2D-29, § 3-2D-30, § 3-2D-31, OR § 3-2D-32 OF THIS SUBTITLE.

34 3-2D-05. APPLICATION FOR JUDICIAL RELIEF.

35 (A) EXCEPT AS OTHERWISE PROVIDED IN § 3-2D-28 OF THIS SUBTITLE, AN
36 APPLICATION FOR JUDICIAL RELIEF UNDER THIS SUBTITLE SHALL BE MADE BY

1 MOTION TO THE COURT AND HEARD IN THE MANNER PROVIDED BY LAW OR RULE OF
2 COURT FOR MAKING AND HEARING MOTIONS.

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

7 (2) NOTICE OF THE MOTION SHALL BE GIVEN IN THE MANNER
8 PROVIDED BY LAW OR RULE OF COURT FOR SERVING MOTIONS IN PENDING CASES.

9 3-2D-06. VALIDITY OF AGREEMENT TO ARBITRATE.

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

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

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

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

24 3-2D-07. MOTION TO COMPEL OR STAY ARBITRATION.

25 (A) ON MOTION OF A PERSON SHOWING AN AGREEMENT TO ARBITRATE AND
26 ALLEGING ANOTHER PERSON'S REFUSAL TO ARBITRATE IN ACCORDANCE WITH THE
27 AGREEMENT:

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

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

34 (B) (1) ON MOTION OF A PERSON ALLEGING THAT AN ARBITRATION
35 PROCEEDING HAS BEEN INITIATED OR THREATENED BUT THAT THERE IS NO
36 AGREEMENT TO ARBITRATE, THE COURT SHALL PROCEED SUMMARILY TO DECIDE
37 THE ISSUE.

1 (2) IF THE COURT FINDS THAT THERE IS AN ENFORCEABLE AGREEMENT
2 TO ARBITRATE, IT SHALL ORDER THE PARTIES TO ARBITRATE.

3 (C) IF THE COURT FINDS THAT THERE IS NO ENFORCEABLE AGREEMENT, IT
4 MAY NOT UNDER SUBSECTION (A) OR (B) OF THIS SECTION ORDER THE PARTIES TO
5 ARBITRATE.

6 (D) THE COURT MAY NOT REFUSE TO ORDER ARBITRATION BECAUSE THE
7 CLAIM SUBJECT TO ARBITRATION LACKS MERIT OR GROUNDS FOR THE CLAIM HAVE
8 NOT BEEN ESTABLISHED.

9 (E) (1) IF A PROCEEDING INVOLVING A CLAIM REFERABLE TO ARBITRATION
10 UNDER AN ALLEGED AGREEMENT TO ARBITRATE IS PENDING IN COURT, A MOTION
11 UNDER THIS SECTION SHALL BE MADE IN THAT COURT.

12 (2) SUBJECT TO PARAGRAPH (1) OF THIS SUBSECTION, A MOTION UNDER
13 THIS SECTION MAY BE MADE IN ANY COURT AS PROVIDED IN § 3-2D-27 OF THIS
14 SUBTITLE.

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

19 (G) (1) IF THE COURT ORDERS ARBITRATION, THE COURT ON JUST TERMS
20 SHALL STAY ANY JUDICIAL PROCEEDING THAT INVOLVES A CLAIM SUBJECT TO THE
21 ARBITRATION.

22 (2) IF A CLAIM SUBJECT TO THE ARBITRATION IS SEVERABLE, THE
23 COURT MAY LIMIT THE STAY TO THAT CLAIM.

24 3-2D-08. PROVISIONAL REMEDIES.

25 (A) BEFORE AN ARBITRATOR IS APPOINTED AND IS AUTHORIZED AND ABLE
26 TO ACT, THE COURT, ON MOTION OF A PARTY TO AN ARBITRATION PROCEEDING AND
27 FOR GOOD CAUSE SHOWN, MAY ENTER AN ORDER FOR PROVISIONAL REMEDIES TO
28 PROTECT THE EFFECTIVENESS OF THE ARBITRATION PROCEEDING TO THE SAME
29 EXTENT AND UNDER THE SAME CONDITIONS AS IF THE CONTROVERSY WERE THE
30 SUBJECT OF A CIVIL ACTION.

31 (B) AFTER AN ARBITRATOR IS APPOINTED AND IS AUTHORIZED AND ABLE TO
32 ACT:

33 (1) THE ARBITRATOR MAY ISSUE ORDERS FOR PROVISIONAL REMEDIES,
34 INCLUDING INTERIM AWARDS, AS THE ARBITRATOR FINDS NECESSARY TO PROTECT
35 THE EFFECTIVENESS OF THE ARBITRATION PROCEEDING AND TO PROMOTE THE
36 FAIR AND EXPEDITIOUS RESOLUTION OF THE CONTROVERSY, TO THE SAME EXTENT
37 AND UNDER THE SAME CONDITIONS AS IF THE CONTROVERSY WERE THE SUBJECT
38 OF A CIVIL ACTION; AND

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

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

7 3-2D-09. INITIATION OF ARBITRATION.

8 (A) (1) A PERSON INITIATES AN ARBITRATION PROCEEDING BY GIVING
9 NOTICE IN A RECORD TO THE OTHER PARTIES TO THE AGREEMENT TO ARBITRATE IN
10 THE AGREED MANNER BETWEEN THE PARTIES OR, IN THE ABSENCE OF AGREEMENT,
11 BY CERTIFIED OR REGISTERED MAIL, RETURN RECEIPT REQUESTED AND OBTAINED,
12 OR BY SERVICE AS AUTHORIZED FOR THE COMMENCEMENT OF A CIVIL ACTION.

13 (2) THE NOTICE SHALL DESCRIBE THE NATURE OF THE CONTROVERSY
14 AND THE REMEDY SOUGHT.

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

19 3-2D-10. CONSOLIDATION OF SEPARATE ARBITRATION PROCEEDINGS.

20 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF THIS SECTION,
21 ON MOTION OF A PARTY TO AN AGREEMENT TO ARBITRATE OR TO AN ARBITRATION
22 PROCEEDING, THE COURT MAY ORDER CONSOLIDATION OF SEPARATE ARBITRATION
23 PROCEEDINGS AS TO ALL OR SOME OF THE CLAIMS IF:

24 (1) THERE ARE SEPARATE AGREEMENTS TO ARBITRATE OR SEPARATE
25 ARBITRATION PROCEEDINGS BETWEEN THE SAME PERSONS OR ONE OF THEM IS A
26 PARTY TO A SEPARATE AGREEMENT TO ARBITRATE OR A SEPARATE ARBITRATION
27 PROCEEDING WITH A THIRD PERSON;

28 (2) THE CLAIMS SUBJECT TO THE AGREEMENTS TO ARBITRATE ARISE IN
29 SUBSTANTIAL PART FROM THE SAME TRANSACTION OR SERIES OF RELATED
30 TRANSACTIONS;

31 (3) THE EXISTENCE OF A COMMON ISSUE OF LAW OR FACT CREATES
32 THE POSSIBILITY OF CONFLICTING DECISIONS IN THE SEPARATE ARBITRATION
33 PROCEEDINGS; AND

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

1 (B) THE COURT MAY ORDER CONSOLIDATION OF SEPARATE ARBITRATION
2 PROCEEDINGS AS TO SOME CLAIMS AND ALLOW OTHER CLAIMS TO BE RESOLVED IN
3 SEPARATE ARBITRATION PROCEEDINGS.

4 (C) THE COURT MAY NOT ORDER CONSOLIDATION OF THE CLAIMS OF A PARTY
5 TO AN AGREEMENT TO ARBITRATE IF THE AGREEMENT PROHIBITS CONSOLIDATION.

6 3-2D-11. APPOINTMENT OF ARBITRATOR; SERVICE AS A NEUTRAL ARBITRATOR.

7 (A) (1) IF THE PARTIES TO AN AGREEMENT TO ARBITRATE AGREE ON A
8 METHOD FOR APPOINTING AN ARBITRATOR, THAT METHOD SHALL BE FOLLOWED,
9 UNLESS THE METHOD FAILS.

10 (2) (I) IF THE PARTIES HAVE NOT AGREED ON A METHOD, THE
11 AGREED METHOD FAILS, OR AN ARBITRATOR APPOINTED FAILS OR IS UNABLE TO
12 ACT AND A SUCCESSOR HAS NOT BEEN APPOINTED, THE COURT, ON MOTION OF A
13 PARTY TO THE ARBITRATION PROCEEDING, SHALL APPOINT THE ARBITRATOR.

14 (II) AN ARBITRATOR SO APPOINTED HAS ALL THE POWERS OF AN
15 ARBITRATOR DESIGNATED IN THE AGREEMENT TO ARBITRATE OR APPOINTED
16 PURSUANT TO THE AGREED METHOD.

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

21 3-2D-12. DISCLOSURE BY ARBITRATOR.

22 (A) BEFORE ACCEPTING APPOINTMENT, AN INDIVIDUAL WHO IS REQUESTED
23 TO SERVE AS AN ARBITRATOR, AFTER MAKING A REASONABLE INQUIRY, SHALL
24 DISCLOSE TO ALL PARTIES TO THE AGREEMENT TO ARBITRATE AND ARBITRATION
25 PROCEEDING AND TO ANY OTHER ARBITRATORS ANY KNOWN FACTS THAT A
26 REASONABLE PERSON WOULD CONSIDER LIKELY TO AFFECT THE IMPARTIALITY OF
27 THE ARBITRATOR IN THE ARBITRATION PROCEEDING, INCLUDING:

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

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

33 (B) AN ARBITRATOR HAS A CONTINUING OBLIGATION TO DISCLOSE TO ALL
34 PARTIES TO THE AGREEMENT TO ARBITRATE AND ARBITRATION PROCEEDING AND
35 TO ANY OTHER ARBITRATORS ANY FACTS THAT THE ARBITRATOR LEARNS AFTER
36 ACCEPTING APPOINTMENT WHICH A REASONABLE PERSON WOULD CONSIDER
37 LIKELY TO AFFECT THE IMPARTIALITY OF THE ARBITRATOR.

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

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

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

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

19 3-2D-13. ACTION BY MAJORITY.

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

23 3-2D-14. IMMUNITY OF ARBITRATOR; COMPETENCY TO TESTIFY; ATTORNEY'S FEES
24 AND COSTS.

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

28 (B) THE IMMUNITY AFFORDED BY THIS SECTION SUPPLEMENTS ANY
29 IMMUNITY UNDER OTHER LAW.

30 (C) THE FAILURE OF AN ARBITRATOR TO MAKE A DISCLOSURE REQUIRED BY §
31 3-2D-12 OF THIS SUBTITLE DOES NOT CAUSE ANY LOSS OF IMMUNITY UNDER THIS
32 SECTION.

33 (D) (1) IN A JUDICIAL, ADMINISTRATIVE, OR SIMILAR PROCEEDING, AN
34 ARBITRATOR OR REPRESENTATIVE OF AN ARBITRATION ORGANIZATION IS NOT
35 COMPETENT TO TESTIFY, AND MAY NOT BE REQUIRED TO PRODUCE RECORDS AS TO
36 ANY STATEMENT, CONDUCT, DECISION, OR RULING OCCURRING DURING THE
37 ARBITRATION PROCEEDING, TO THE SAME EXTENT AS A JUDGE OF A COURT OF THIS
38 STATE ACTING IN A JUDICIAL CAPACITY.

39 (2) THIS SUBSECTION DOES NOT APPLY:

1 (I) TO THE EXTENT NECESSARY TO DETERMINE THE CLAIM OF AN
2 ARBITRATOR, ARBITRATION ORGANIZATION, OR REPRESENTATIVE OF THE
3 ARBITRATION ORGANIZATION AGAINST A PARTY TO THE ARBITRATION PROCEEDING;
4 OR

5 (II) TO A HEARING ON A MOTION TO VACATE AN AWARD UNDER §
6 3-2D-23(A)(1) OR (2) OF THIS SUBTITLE IF THE MOVANT ESTABLISHES PRIMA FACIE
7 THAT A GROUND FOR VACATING THE AWARD EXISTS.

8 (E) IF A PERSON COMMENCES A CIVIL ACTION AGAINST AN ARBITRATOR,
9 ARBITRATION ORGANIZATION, OR REPRESENTATIVE OF AN ARBITRATION
10 ORGANIZATION ARISING FROM THE SERVICES OF THE ARBITRATOR, ORGANIZATION,
11 OR REPRESENTATIVE OR IF A PERSON SEEKS TO COMPEL AN ARBITRATOR OR A
12 REPRESENTATIVE OF AN ARBITRATION ORGANIZATION TO TESTIFY OR PRODUCE
13 RECORDS IN VIOLATION OF SUBSECTION (D) OF THIS SECTION, AND THE COURT
14 DECIDES THAT THE ARBITRATOR, ARBITRATION ORGANIZATION, OR
15 REPRESENTATIVE OF AN ARBITRATION ORGANIZATION IS IMMUNE FROM CIVIL
16 LIABILITY OR THAT THE ARBITRATOR OR REPRESENTATIVE OF THE ORGANIZATION
17 IS NOT COMPETENT TO TESTIFY, THE COURT SHALL AWARD TO THE ARBITRATOR,
18 ORGANIZATION, OR REPRESENTATIVE REASONABLE ATTORNEY'S FEES AND OTHER
19 REASONABLE EXPENSES OF LITIGATION.

20 3-2D-15. ARBITRATION PROCESS.

21 (A) (1) AN ARBITRATOR MAY CONDUCT AN ARBITRATION IN SUCH MANNER
22 AS THE ARBITRATOR CONSIDERS APPROPRIATE FOR A FAIR AND EXPEDITIOUS
23 DISPOSITION OF THE PROCEEDING.

24 (2) THE AUTHORITY CONFERRED ON THE ARBITRATOR INCLUDES THE
25 POWER TO HOLD CONFERENCES WITH THE PARTIES TO THE ARBITRATION
26 PROCEEDING BEFORE THE HEARING AND, AMONG OTHER MATTERS, DETERMINE
27 THE ADMISSIBILITY, RELEVANCE, MATERIALITY AND WEIGHT OF ANY EVIDENCE.

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

30 (1) IF ALL INTERESTED PARTIES AGREE; OR

31 (2) ON REQUEST OF ONE PARTY TO THE ARBITRATION PROCEEDING, IF
32 THAT PARTY GIVES NOTICE TO ALL OTHER PARTIES TO THE PROCEEDING, AND THE
33 OTHER PARTIES HAVE A REASONABLE OPPORTUNITY TO RESPOND.

34 (C) (1) IF AN ARBITRATOR ORDERS A HEARING, THE ARBITRATOR SHALL
35 SET A TIME AND PLACE AND GIVE NOTICE OF THE HEARING NOT LESS THAN 5 DAYS
36 BEFORE THE HEARING BEGINS.

37 (2) UNLESS A PARTY TO THE ARBITRATION PROCEEDING MAKES AN
38 OBJECTION TO LACK OR INSUFFICIENCY OF NOTICE NOT LATER THAN THE
39 BEGINNING OF THE HEARING, THE PARTY'S APPEARANCE AT THE HEARING WAIVES
40 THE OBJECTION.

1 (3) ON REQUEST OF A PARTY TO THE ARBITRATION PROCEEDING AND
2 FOR GOOD CAUSE SHOWN, OR UPON THE ARBITRATOR'S OWN INITIATIVE, THE
3 ARBITRATOR MAY ADJOURN THE HEARING FROM TIME TO TIME AS NECESSARY BUT
4 MAY NOT POSTPONE THE HEARING TO A TIME LATER THAN THAT FIXED BY THE
5 AGREEMENT TO ARBITRATE FOR MAKING THE AWARD UNLESS THE PARTIES TO THE
6 ARBITRATION PROCEEDING CONSENT TO A LATER DATE.

7 (4) THE ARBITRATOR MAY HEAR AND DECIDE THE CONTROVERSY ON
8 THE EVIDENCE PRODUCED ALTHOUGH A PARTY WHO WAS DULY NOTIFIED OF THE
9 ARBITRATION PROCEEDING DID NOT APPEAR.

10 (5) THE COURT, ON REQUEST, MAY DIRECT THE ARBITRATOR TO
11 CONDUCT THE HEARING PROMPTLY AND RENDER A TIMELY DECISION.

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

16 (E) IF AN ARBITRATOR CEASES OR IS UNABLE TO ACT DURING THE
17 ARBITRATION PROCEEDING, A REPLACEMENT ARBITRATOR SHALL BE APPOINTED IN
18 ACCORDANCE WITH § 3-2D-11 OF THIS SUBTITLE TO CONTINUE THE PROCEEDING
19 AND TO RESOLVE THE CONTROVERSY.

20 3-2D-16. REPRESENTATION BY LAWYER.

21 A PARTY TO AN ARBITRATION PROCEEDING MAY BE REPRESENTED BY A
22 LAWYER.

23 3-2D-17. WITNESSES; SUBPOENAS; DEPOSITIONS; DISCOVERY.

24 (A) (1) AN ARBITRATOR MAY ISSUE A SUBPOENA FOR THE ATTENDANCE OF
25 A WITNESS AND FOR THE PRODUCTION OF RECORDS AND OTHER EVIDENCE AT ANY
26 HEARING AND MAY ADMINISTER OATHS.

27 (2) A SUBPOENA SHALL BE SERVED IN THE MANNER FOR SERVICE OF
28 SUBPOENAS IN A CIVIL ACTION AND, ON MOTION TO THE COURT BY A PARTY TO THE
29 ARBITRATION PROCEEDING OR THE ARBITRATOR, ENFORCED IN THE MANNER FOR
30 ENFORCEMENT OF SUBPOENAS IN A CIVIL ACTION.

31 (B) (1) IN ORDER TO MAKE THE PROCEEDINGS FAIR, EXPEDITIOUS, AND
32 COST EFFECTIVE, ON REQUEST OF A PARTY TO OR A WITNESS IN AN ARBITRATION
33 PROCEEDING, AN ARBITRATOR MAY PERMIT A DEPOSITION OF ANY WITNESS TO BE
34 TAKEN FOR USE AS EVIDENCE AT THE HEARING, INCLUDING A WITNESS WHO
35 CANNOT BE SUBPOENAED FOR OR IS UNABLE TO ATTEND A HEARING.

36 (2) THE ARBITRATOR SHALL DETERMINE THE CONDITIONS UNDER
37 WHICH THE DEPOSITION IS TAKEN.

1 (C) AN ARBITRATOR MAY PERMIT SUCH DISCOVERY AS THE ARBITRATOR
2 DECIDES IS APPROPRIATE IN THE CIRCUMSTANCES, TAKING INTO ACCOUNT THE
3 NEEDS OF THE PARTIES TO THE ARBITRATION PROCEEDING AND OTHER AFFECTED
4 PERSONS AND THE DESIRABILITY OF MAKING THE PROCEEDING FAIR, EXPEDITIOUS,
5 AND COST EFFECTIVE.

6 (D) IF AN ARBITRATOR PERMITS DISCOVERY UNDER SUBSECTION (C) OF THIS
7 SECTION, THE ARBITRATOR MAY ORDER A PARTY TO THE ARBITRATION PROCEEDING
8 TO COMPLY WITH THE ARBITRATOR'S DISCOVERY-RELATED ORDERS, ISSUE
9 SUBPOENAS FOR THE ATTENDANCE OF A WITNESS AND FOR THE PRODUCTION OF
10 RECORDS AND OTHER EVIDENCE AT A DISCOVERY PROCEEDING, AND TAKE ACTION
11 AGAINST A NONCOMPLYING PARTY TO THE EXTENT A COURT COULD IF THE
12 CONTROVERSY WERE THE SUBJECT OF A CIVIL ACTION IN THIS STATE.

13 (E) AN ARBITRATOR MAY ISSUE A PROTECTIVE ORDER TO PREVENT THE
14 DISCLOSURE OF PRIVILEGED INFORMATION, CONFIDENTIAL INFORMATION, TRADE
15 SECRETS, AND OTHER INFORMATION PROTECTED FROM DISCLOSURE TO THE
16 EXTENT A COURT COULD IF THE CONTROVERSY WERE THE SUBJECT OF A CIVIL
17 ACTION IN THIS STATE.

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

22 (G) (1) THE COURT MAY ENFORCE A SUBPOENA OR DISCOVERY-RELATED
23 ORDER FOR THE ATTENDANCE OF A WITNESS WITHIN THIS STATE AND FOR THE
24 PRODUCTION OF RECORDS AND OTHER EVIDENCE ISSUED BY AN ARBITRATOR IN
25 CONNECTION WITH AN ARBITRATION PROCEEDING IN ANOTHER STATE ON
26 CONDITIONS DETERMINED BY THE COURT SO AS TO MAKE THE ARBITRATION
27 PROCEEDING FAIR, EXPEDITIOUS, AND COST EFFECTIVE.

28 (2) A SUBPOENA OR DISCOVERY-RELATED ORDER ISSUED BY AN
29 ARBITRATOR IN ANOTHER STATE SHALL BE SERVED IN THE MANNER PROVIDED BY
30 LAW FOR SERVICE OF SUBPOENAS IN A CIVIL ACTION IN THIS STATE AND, ON
31 MOTION TO THE COURT BY A PARTY TO THE ARBITRATION PROCEEDING OR THE
32 ARBITRATOR, ENFORCED IN THE MANNER PROVIDED BY LAW FOR ENFORCEMENT OF
33 SUBPOENAS IN A CIVIL ACTION IN THIS STATE.

34 3-2D-18. JUDICIAL ENFORCEMENT OF PRE-AWARD RULING BY ARBITRATOR.

35 (A) IF AN ARBITRATOR MAKES A PRE-AWARD RULING IN FAVOR OF A PARTY
36 TO THE ARBITRATION PROCEEDING, THE PARTY MAY REQUEST THE ARBITRATOR TO
37 INCORPORATE THE RULING INTO AN AWARD UNDER § 3-2D-19 OF THIS SUBTITLE.

38 (B) (1) A PREVAILING PARTY MAY MAKE A MOTION TO THE COURT FOR AN
39 EXPEDITED ORDER TO CONFIRM THE AWARD UNDER § 3-2D-22 OF THIS SUBTITLE, IN
40 WHICH CASE THE COURT SHALL SUMMARILY DECIDE THE MOTION.

1 (2) THE COURT SHALL ISSUE AN ORDER TO CONFIRM THE AWARD
2 UNLESS THE COURT VACATES, MODIFIES, OR CORRECTS THE AWARD UNDER §
3 3-2D-23 OR § 3-2D-24 OF THIS SUBTITLE.

4 3-2D-19. AWARD.

5 (A) (1) AN ARBITRATOR SHALL MAKE A RECORD OF AN AWARD.

6 (2) THE RECORD SHALL BE SIGNED OR OTHERWISE AUTHENTICATED BY
7 ANY ARBITRATOR WHO CONCURS WITH THE AWARD.

8 (3) THE ARBITRATOR OR THE ARBITRATION ORGANIZATION SHALL GIVE
9 NOTICE OF THE AWARD, INCLUDING A COPY OF THE AWARD, TO EACH PARTY TO THE
10 ARBITRATION PROCEEDING.

11 (B) (1) AN AWARD SHALL BE MADE WITHIN THE TIME SPECIFIED BY THE
12 AGREEMENT TO ARBITRATE OR, IF NOT SPECIFIED THEREIN, WITHIN THE TIME
13 ORDERED BY THE COURT.

14 (2) (I) THE COURT MAY EXTEND OR THE PARTIES TO THE
15 ARBITRATION PROCEEDING MAY AGREE IN A RECORD TO EXTEND THE TIME.

16 (II) THE COURT OR THE PARTIES MAY DO SO WITHIN OR AFTER THE
17 TIME SPECIFIED OR ORDERED.

18 (3) A PARTY WAIVES ANY OBJECTION THAT AN AWARD WAS NOT TIMELY
19 MADE UNLESS THE PARTY GIVES NOTICE OF THE OBJECTION TO THE ARBITRATOR
20 BEFORE RECEIVING NOTICE OF THE AWARD.

21 3-2D-20. CHANGE OF AWARD BY ARBITRATOR.

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

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

25 (2) BECAUSE THE ARBITRATOR HAS NOT MADE A FINAL AND DEFINITE
26 AWARD ON A CLAIM SUBMITTED BY THE PARTIES TO THE ARBITRATION
27 PROCEEDING; OR

28 (3) TO CLARIFY THE AWARD.

29 (B) A MOTION UNDER SUBSECTION (A) OF THIS SECTION SHALL BE MADE AND
30 NOTICE GIVEN TO ALL PARTIES WITHIN 20 DAYS AFTER THE MOVANT RECEIVES
31 NOTICE OF THE AWARD.

32 (C) A PARTY TO THE ARBITRATION PROCEEDING SHALL GIVE NOTICE OF ANY
33 OBJECTION TO THE MOTION WITHIN 10 DAYS AFTER RECEIPT OF THE NOTICE.

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

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

5 (2) BECAUSE THE ARBITRATOR HAS NOT MADE A FINAL AND DEFINITE
6 AWARD ON A CLAIM SUBMITTED BY THE PARTIES TO THE ARBITRATION
7 PROCEEDING; OR

8 (3) TO CLARIFY THE AWARD.

9 (E) AN AWARD MODIFIED OR CORRECTED IN ACCORDANCE WITH THIS
10 SECTION IS SUBJECT TO §§ 3-2D-19(A), 3-2D-22, 3-2D-23, AND 3-2D-24 OF THIS
11 SUBTITLE.

12 3-2D-21. FEES AND EXPENSES OF ARBITRATION PROCEEDING.

13 AN ARBITRATOR'S EXPENSES AND FEES, TOGETHER WITH OTHER EXPENSES,
14 SHALL BE PAID AS PROVIDED IN THE AWARD.

15 3-2D-22. CONFIRMATION OF AWARD.

16 AFTER A PARTY TO AN ARBITRATION PROCEEDING RECEIVES NOTICE OF AN
17 AWARD, THE PARTY MAY MAKE A MOTION TO THE COURT FOR AN ORDER
18 CONFIRMING THE AWARD AT WHICH TIME THE COURT SHALL ISSUE A CONFIRMING
19 ORDER UNLESS THE AWARD IS MODIFIED OR CORRECTED IN ACCORDANCE WITH §
20 3-2D-20 OR § 3-2D-24 OF THIS SUBTITLE OR IS VACATED IN ACCORDANCE WITH §
21 3-2D-23 OF THIS SUBTITLE.

22 3-2D-23. VACATING AWARD.

23 (A) ON MOTION TO THE COURT BY A PARTY TO AN ARBITRATION
24 PROCEEDING, THE COURT SHALL VACATE AN AWARD MADE IN THE ARBITRATION
25 PROCEEDING IF:

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

28 (2) THERE WAS:

29 (I) EVIDENT PARTIALITY BY AN ARBITRATOR APPOINTED AS A
30 NEUTRAL ARBITRATOR;

31 (II) CORRUPTION BY AN ARBITRATOR; OR

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

34 (3) AN ARBITRATOR REFUSED TO POSTPONE THE HEARING ON
35 SHOWING OF SUFFICIENT CAUSE FOR POSTPONEMENT, REFUSED TO CONSIDER

1 EVIDENCE MATERIAL TO THE CONTROVERSY, OR OTHERWISE CONDUCTED THE
2 HEARING CONTRARY TO § 3-2D-15 OF THIS SUBTITLE, SO AS TO PREJUDICE
3 SUBSTANTIALLY THE RIGHTS OF A PARTY TO THE ARBITRATION PROCEEDING;

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

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

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

13 (B) A MOTION UNDER THIS SECTION SHALL BE FILED WITHIN 90 DAYS AFTER
14 THE MOVANT RECEIVES NOTICE OF THE AWARD IN ACCORDANCE WITH § 3-2D-19 OF
15 THIS SUBTITLE OR WITHIN 90 DAYS AFTER THE MOVANT RECEIVES NOTICE OF A
16 MODIFIED OR CORRECTED AWARD IN ACCORDANCE WITH § 3-2D-20 OF THIS
17 SUBTITLE, UNLESS THE MOVANT ALLEGES THAT THE AWARD WAS PROCURED BY
18 CORRUPTION, FRAUD, OR OTHER UNDUE MEANS, IN WHICH CASE THE MOTION
19 SHALL BE MADE WITHIN 90 DAYS AFTER THE GROUND IS KNOWN OR BY THE
20 EXERCISE OF REASONABLE CARE WOULD HAVE BEEN KNOWN BY THE MOVANT.

21 (C) (1) IF THE COURT VACATES AN AWARD ON A GROUND OTHER THAN
22 THAT SET FORTH IN SUBSECTION (A)(5) OF THIS SECTION, IT MAY ORDER A
23 REHEARING.

24 (2) IF THE AWARD IS VACATED ON A GROUND STATED IN SUBSECTION
25 (A)(1) OR (2) OF THIS SECTION, THE REHEARING SHALL BE BEFORE A NEW
26 ARBITRATOR.

27 (3) IF THE AWARD IS VACATED ON A GROUND STATED IN SUBSECTION
28 (A)(3), (4), OR (6) OF THIS SECTION, THE REHEARING MAY BE BEFORE THE
29 ARBITRATOR WHO MADE THE AWARD OR THE ARBITRATOR'S SUCCESSOR.

30 (4) THE ARBITRATOR SHALL RENDER THE DECISION IN THE REHEARING
31 WITHIN THE SAME TIME AS THAT PROVIDED IN § 3-2D-19(B) OF THIS SUBTITLE FOR
32 AN AWARD.

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

36 (E) THE FACT THAT A COURT COULD NOT GRANT A REMEDY GIVEN BY AN
37 ARBITRATOR IN A COURT OF LAW IS NOT A GROUND FOR REFUSING TO CONFIRM AN
38 AWARD IN ACCORDANCE WITH § 3-2D-22 OF THIS SUBTITLE OR FOR VACATING AN
39 AWARD IN ACCORDANCE WITH § 3-2D-23 OF THIS SUBTITLE, AND AN ARBITRATOR

1 MAY ORDER REMEDIES THAT THE ARBITRATOR CONSIDERS JUST AND APPROPRIATE
2 UNDER THE CIRCUMSTANCES OF THE ARBITRATION PROCEEDING.

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

4 (A) ON MOTION MADE WITHIN 90 DAYS AFTER THE MOVANT RECEIVES
5 NOTICE OF THE AWARD IN ACCORDANCE WITH § 3-2D-19 OF THIS SUBTITLE OR
6 WITHIN 90 DAYS AFTER THE MOVANT RECEIVES NOTICE OF A MODIFIED OR
7 CORRECTED AWARD IN ACCORDANCE WITH § 3-2D-20 OF THIS SUBTITLE, THE COURT
8 SHALL MODIFY OR CORRECT THE AWARD IF:

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

12 (2) THE ARBITRATOR HAS MADE AN AWARD ON A CLAIM NOT
13 SUBMITTED TO THE ARBITRATOR AND THE AWARD MAY BE CORRECTED WITHOUT
14 AFFECTING THE MERITS OF THE DECISION ON THE CLAIMS SUBMITTED; OR

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

17 (B) (1) IF A MOTION MADE UNDER SUBSECTION (A) OF THIS SECTION IS
18 GRANTED, THE COURT SHALL MODIFY OR CORRECT AND CONFIRM THE AWARD AS
19 MODIFIED OR CORRECTED.

20 (2) SUBJECT TO PARAGRAPH (1) OF THIS SUBSECTION, UNLESS A
21 MOTION TO VACATE IS PENDING, THE COURT SHALL CONFIRM THE AWARD.

22 (C) A MOTION TO MODIFY OR CORRECT AN AWARD IN ACCORDANCE WITH
23 THIS SECTION MAY BE JOINED WITH A MOTION TO VACATE THE AWARD.

24 3-2D-25. JUDGMENT ON AWARD; ATTORNEY'S FEES AND LITIGATION EXPENSES.

25 (A) (1) ON GRANTING AN ORDER CONFIRMING, VACATING WITHOUT
26 DIRECTING A REHEARING, MODIFYING, OR CORRECTING AN AWARD, THE COURT
27 SHALL ENTER A JUDGMENT IN CONFORMITY THEREWITH.

28 (2) THE JUDGMENT MAY BE RECORDED, DOCKETED, AND ENFORCED AS
29 ANY OTHER JUDGMENT IN A CIVIL ACTION.

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

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

1 3-2D-26. JURISDICTION.

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

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

7 3-2D-27. VENUE.

8 (A) A MOTION IN ACCORDANCE WITH § 3-2D-5 OF THIS SUBTITLE SHALL BE
9 MADE IN THE COURT OF THE COUNTY IN WHICH THE AGREEMENT TO ARBITRATE
10 SPECIFIES THE ARBITRATION HEARING IS TO BE HELD OR, IF THE HEARING HAS
11 BEEN HELD, IN THE COURT OF THE COUNTY IN WHICH IT WAS HELD.

12 (B) (1) SUBJECT TO SUBSECTION (A) OF THIS SECTION, THE MOTION MAY BE
13 MADE IN THE COURT OF ANY COUNTY IN WHICH AN ADVERSE PARTY RESIDES OR
14 HAS A PLACE OF BUSINESS OR, IF NO ADVERSE PARTY HAS A RESIDENCE OR PLACE
15 OF BUSINESS IN THIS STATE, IN THE COURT OF ANY COUNTY IN THIS STATE.

16 (2) ALL SUBSEQUENT MOTIONS SHALL BE MADE IN THE COURT
17 HEARING THE INITIAL MOTION UNLESS THE COURT OTHERWISE DIRECTS.

18 3-2D-28. APPEALS.

19 (A) AN APPEAL MAY BE TAKEN FROM:

20 (1) AN ORDER DENYING A MOTION TO COMPEL ARBITRATION;

21 (2) AN ORDER GRANTING A MOTION TO STAY ARBITRATION;

22 (3) AN ORDER CONFIRMING OR DENYING CONFIRMATION OF AN AWARD;

23 (4) AN ORDER MODIFYING OR CORRECTING AN AWARD;

24 (5) AN ORDER VACATING AN AWARD WITHOUT DIRECTING A
25 REHEARING; OR

26 (6) A FINAL JUDGMENT ENTERED IN ACCORDANCE WITH THIS
27 SUBTITLE.

28 (B) AN APPEAL UNDER THIS SECTION SHALL BE TAKEN AS FROM AN ORDER
29 OR A JUDGMENT IN A CIVIL ACTION.

30 3-2D-29. UNIFORMITY OF APPLICATION AND CONSTRUCTION.

31 IN APPLYING AND CONSTRUING THIS SUBTITLE, CONSIDERATION SHALL BE
32 GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT TO ITS
33 SUBJECT MATTER AMONG STATES THAT ENACT IT.

1 3-2D-30. RELATIONSHIP TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL
2 COMMERCE ACT.

3 THE PROVISIONS OF THIS SUBTITLE GOVERNING THE LEGAL EFFECT,
4 VALIDITY, AND ENFORCEABILITY OF ELECTRONIC RECORDS OR ELECTRONIC
5 SIGNATURES, AND OF CONTRACTS PERFORMED WITH THE USE OF SUCH RECORDS
6 OR SIGNATURES CONFORM TO THE REQUIREMENTS OF § 102 OF THE FEDERAL
7 ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.

8 3-2D-31. SHORT TITLE.

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

10 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 3-201 through
11 3-232 and 3-234 and the subtitle "Subtitle 2. Arbitration and Award" of Article -
12 Courts and Judicial Proceedings of the Annotated Code of Maryland be repealed.

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

18 SECTION 4. AND BE IT FURTHER ENACTED, That the catchlines contained
19 in this Act are not law and may not be considered to have been enacted as a part of
20 this Act.

21 SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
22 take effect October 1, 2007.

23 SECTION 6. AND BE IT FURTHER ENACTED, That, except as provided in
24 Section 5 of this Act, this Act shall take effect October 1, 2005.