

AMENDED IN SENATE APRIL 8, 2014  
AMENDED IN SENATE MARCH 24, 2014  
AMENDED IN SENATE MARCH 6, 2014

**SENATE BILL**

**No. 907**

---

---

**Introduced by Senator Monning**

January 22, 2014

---

---

An act to add ~~Sections~~ *Section* 1297.18 and 1297.19 to, and to repeal Article 2 (commencing with Section 1297.351) of Chapter 7 of Title 9.3 of Part 3 of, the Code of Civil Procedure, relating to international commercial disputes.

LEGISLATIVE COUNSEL'S DIGEST

SB 907, as amended, Monning. International commercial disputes: representation and assistance.

Existing law includes provisions that govern arbitration and conciliation proceedings for international commercial disputes. Existing law authorizes the parties in a conciliation proceeding to appear in person or be represented or assisted by any person of their choice, and provides that a person representing or assisting a party is not required to be a member of the legal profession or licensed to practice law in California.

This bill would recast the provision regarding representation and assistance of parties, thus making the provision applicable to any arbitration or conciliation proceeding conducted pursuant to the statutory provisions that govern arbitration and conciliation of international commercial disputes. The bill would *also* express the intent of the Legislature *that those statutory provisions be broadly construed so as to promote California's interest in becoming a major center for*

international commercial arbitration, and would require the act to be construed liberally in order to effectuate that intent.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) The Legislature finds and declares all of the  
2 following:

3 (1) The statutes governing the arbitration and conciliation of  
4 international commercial disputes were enacted in 1988 to  
5 recognize, support, and promote the benefits of international  
6 commercial arbitration and conciliation in California.

7 (2) California’s robust, internationally oriented economy and  
8 concentration of large companies occupying positions of global  
9 leadership make California an ideal venue for international  
10 commercial arbitration.

11 (3) The economic benefits of being a center for international  
12 commercial arbitration are substantial, broadly based, and  
13 distributed across both state and municipal levels.

14 (b) Therefore, it is the intent of the Legislature that the statutes  
15 governing the arbitration and conciliation of international  
16 commercial disputes be broadly construed so as to promote  
17 California’s interest in becoming a major center for international  
18 commercial arbitration.

19 SEC. 2. Section 1297.18 is added to the Code of Civil  
20 Procedure, to read:

21 1297.18. In any proceeding or procedure conducted pursuant  
22 to this title, the parties may appear in person or be represented or  
23 assisted by any person of their choice. A person representing or  
24 assisting a party need not be a member of the legal profession or  
25 licensed to practice law in California.

26 ~~SEC. 3. Section 1297.19 is added to the Code of Civil  
27 Procedure, to read:~~

28 ~~1297.19. This title shall be construed liberally in order to  
29 effectuate its legislative intent. The purposes of this title and all  
30 of its provisions with respect to powers granted shall be broadly  
31 interpreted to effectuate that intent and purposes and not as to any  
32 limitation of powers.~~

1     ~~SEC. 4.~~  
2     *SEC. 3.* Article 2 (commencing with Section 1297.351) of  
3 Chapter 7 of Title 9.3 of Part 3 of the Code of Civil Procedure is  
4 repealed.

O