

# Basics on the Revised Uniform Arbitration Act

## January 2015

*This outline was prepared by the Chair of the ABA Section of Dispute Resolution's Arbitration Committee, Carroll Neesemann of Morrison and Foerster LLP. Hypertext links added by webmaster. Permission to post on this site has been given by the author.*

### **Background**

- Original [Uniform Arbitration Act](#) ("UAA") enacted in 1955.
- Adopted by 35 jurisdictions and in substantially similar form in 14 more.
- Like 1925 [United States Federal Arbitration Act](#) ("FAA"), UAA enacted to ensure enforceability of pre-dispute arbitration agreements in face of long-standing judicial hostility.
- Like FAA, UAA bare-bones; deals only with basic matters (e.g., enforcement of arbitration agreements appointment of arbitrators, compelling attendance of witnesses, review of awards).
- UAA left much to: courts, rules of arbitration-sponsoring organizations and agreement of parties.

### **RUAA**

#### Summary

- [Revised Uniform Arbitration Act](#) ("RUAA") created to:
  - Codify 45 years of case law since the UAA;
  - Resolve ambiguities and splits in authority and fill gaps; and
  - Modernize old statute.
- RUAA more detailed and comprehensive; deals with:
  - Whether court or arbitrators determine arbitrarily;
  - Provisional remedies;
  - Consolidation of proceedings;
  - Arbitrator disclosure of interests and relationships;
  - Arbitrator and arbitration-organization immunity;
  - Discovery and subpoenaed testimony;
  - Arbitrator authority to hold pre-hearing conferences and decide dispositive motions; and
  - Punitive damages, with safeguards, and attorney's fees.
- Strikes balance on trend of arbitration toward litigation in court by providing expressly for but limiting discovery.
- Pains taken to avoid preemption by supporting broad party autonomy and not imposing special limitations on arbitration agreements (e.g., to protect consumers).

## Creation

- Result of much study and hard work.
- Began with the appointment of a Study Commission; issued report in 1995.
- Drafting Committee appointed in 1997.
- 8 three-day drafting meetings over three years.
- First reading by the full Commission July 1999.
- Adopted at second reading in July 2000, with 50 votes in favor (of 53 eligible votes of the states, Puerto Rico, the Virgin Islands and the District of Columbia), one abstention, two not present and no negative votes.

## Conclusion

- RUAA has received unqualified endorsement of [American Arbitration Association](#), [JAMS](#), [National Academy of Arbitrators](#), [American Bar Association](#)'s House of Delegates, its Sections on Litigation, Business Law, Torts and Insurance Practice, Real Property, Trusts and Probate, Labor and Employment Law, and its Senior Lawyers, as well as American College of Real Estate Lawyers.
- [Section on Dispute Resolution](#) also wholeheartedly supports adoption of RUAA by states.