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6 “§ 16-4401. Definitions.

7 “In this chapter:

8 “(1) “Arbitration organization” means an association, agency, board, commission, or
9 other entity that is neutral and initiates, sponsors, or administers an arbitration proceeding or is
10 involved in the appointment of an arbitrator.

11 “(2) “Arbitrator” means an individual appointed to render an award, alone or with others,
12 in a controversy that is subject to an agreement to arbitrate.

13 “(3) “Court” means the Superior Court of the District of Columbia.

14 “(4) “Knowledge” means actual knowledge.

15 “(5) “Person” means an individual, corporation, business trust, estate, trust, partnership,
16 limited liability company, association, joint venture, government; governmental subdivision,
17 agency, or instrumentality; public corporation; or any other legal or commercial entity.

18 “(6) “Record” means information that is inscribed on a tangible medium or that is stored
19 in an electronic or other medium and is retrievable in perceivable form.

20 “§ 16-4402. Notice.

21 “(a) Except as otherwise provided in this chapter, a person gives notice to another person
22 by taking action that is reasonably necessary to inform the other person in ordinary course,

1 whether or not the other person acquires knowledge of the notice.

2 “(b) A person has notice if the person has knowledge of the notice or has received notice.

3 “(c) A person receives notice when it comes to the person’s attention or the notice is
4 delivered at the person’s place of residence or place of business, or at another location held out by
5 the person as a place of delivery of such communications.

6 “§ 16-4403. When chapter applies.

7 “(a) This chapter governs an agreement to arbitrate made on or after January 1, 2006.

8 “(b) This chapter governs an agreement to arbitrate made before January 1, 2006 if all the
9 parties to the agreement or to the arbitration proceeding so agree in a record.

10 “(c) On or after January 1, 2006, this chapter governs an agreement to arbitrate whenever
11 made.

12 “§ 16-4404. Effect of agreement to arbitrate; nonwaivable provisions.

13 “(a) Except as otherwise provided in subsections (b) and (c), a party to an agreement to
14 arbitrate or to an arbitration proceeding may waive or, the parties may vary the effect of, the
15 requirements of this chapter to the extent permitted by law.

16 “(b) Before a controversy arises that is subject to an agreement to arbitrate, a party to the
17 agreement may not:

18 “(1) Waive or agree to vary the effect of the requirements of § 16-4405(a), 16-
19 4406(a), 16-4408, 16-4417(a), 16-4417(b), 16-4426, or 16-4427;

20 “(2) Agree to unreasonably restrict the right under § 16-4409 to notice of the
21 initiation of an arbitration proceeding;

22 “(3) Agree to unreasonably restrict the right under § 16-4412 to disclosure of any

1 facts by a neutral arbitrator; or

2 “(4) Waive the right under § 16-4416 of a party to an agreement to arbitrate to be
3 represented by a lawyer at any proceeding or hearing under this chapter, but an employer and a
4 labor organization may waive the right to representation by a lawyer in a labor arbitration.

5 “(c) A party to an agreement to arbitrate or arbitration proceeding may not waive, or the
6 parties may not vary the effect of, the requirements of this section or § 16-4403(a) or (c), 16-
7 4407, 16-4414, 16-4418, 16-4420(d) or (e), 16-4422, 16-4423, 16-4424, 16-4425(a) or (b), 16-
8 4428, and 16-4429.

9 “§ 16-4405. Application for judicial relief.

10 “(a) Except as otherwise provided in § 16-4427, an application for judicial relief under
11 this chapter must be made by motion to the court and heard in the manner provided by law or
12 rule of court for making and hearing motions.

13 “(b) Unless a civil action involving the agreement to arbitrate is pending, notice of an
14 initial motion to the court under this chapter must be served in the manner provided by law for
15 the service of a summons in a civil action. Otherwise, notice of the motion must be given in the
16 manner provided by law or rule of court for serving motions in pending cases.

17 “§ 16-4406. Validity of agreement to arbitrate.

18 “(a) An agreement contained in a record to submit to arbitration any existing or
19 subsequent controversy arising between the parties to the agreement is valid, enforceable, and
20 irrevocable except upon a ground that exists at law or in equity for the revocation of a contract.

21 “(b) The court shall decide whether an agreement to arbitrate exists or a controversy is
22 subject to an agreement to arbitrate.

1 “(c) An arbitrator shall decide whether a condition precedent to arbitrability has been
2 fulfilled and whether a contract containing a valid agreement to arbitrate is enforceable.

3 “(d) If a party to a judicial proceeding challenges the existence of, or claims that a
4 controversy is not subject to, an agreement to arbitrate, the arbitration proceeding may continue
5 pending final resolution of the issue by the court, unless the court otherwise orders.

6 “§ 16-4407. Motion to compel or stay arbitration.

7 “(a) On motion of a person showing an agreement to arbitrate and alleging another
8 person’s refusal to arbitrate pursuant to the agreement:

9 “(1) If the refusing party does not appear or does not oppose the motion, the court
10 shall order the parties to arbitrate; and

11 “(2) If the refusing party opposes the motion, the court shall proceed summarily to
12 decide the issue and order the parties to arbitrate unless it finds that there is no enforceable
13 agreement to arbitrate.

14 “(b) On motion of a person alleging that an arbitration proceeding has been initiated or
15 threatened but that there is no agreement to arbitrate, the court shall proceed summarily to decide
16 the issue. If the court finds that there is an enforceable agreement to arbitrate, it shall order the
17 parties to arbitrate.

18 “(c) If the court finds that there is no enforceable agreement, it may not pursuant to
19 subsection (a) or (b) order the parties to arbitrate.

20 “(d) The court may not refuse to order arbitration because the claim subject to arbitration
21 lacks merit or grounds for the claim have not been established.

22 “(e) If a party makes a motion to the court to order arbitration, the court on just terms

1 shall stay any judicial proceeding that involves a claim alleged to be subject to the arbitration
2 until the court renders a final decision under this section.

3 “(f) If the court orders arbitration, the court on just terms shall stay any judicial
4 proceeding that involves a claim subject to the arbitration. If a claim subject to the arbitration is
5 severable, the court may limit the stay to that claim.

6 “§ 16-4408. Provisional remedies.

7 “(a) Before an arbitrator is appointed and is authorized and able to act, the court, upon
8 motion of a party to an arbitration proceeding and for good cause shown, may enter an order for
9 provisional remedies to protect the effectiveness of the arbitration proceeding to the same extent
10 and under the same conditions as if the controversy were the subject of a civil action.

11 “(b) After an arbitrator is appointed and is authorized and able to act:

12 “(1) The arbitrator may issue such orders for provisional remedies, including
13 interim awards, as the arbitrator finds necessary to protect the effectiveness of the arbitration
14 proceeding and to promote the fair and expeditious resolution of the controversy, to the same
15 extent and under the same conditions as if the controversy were the subject of a civil action and

16 “(2) A party to an arbitration proceeding may move the court for a provisional
17 remedy only if the matter is urgent and the arbitrator is not able to act timely or the arbitrator
18 cannot provide an adequate remedy.

19 “(c) A party does not waive a right of arbitration by making a motion under subsection
20 (a) or (b).

21 “§ 16-4409. Initiation of arbitration.

22 “(a) A person initiates an arbitration proceeding by giving notice in a record to the other

1 parties to the agreement to arbitrate in the agreed manner between the parties or, in the absence
2 of agreement, by certified or registered mail, return receipt requested and obtained, or by service
3 as authorized for the commencement of a civil action. The notice must describe the nature of the
4 controversy and the remedy sought.

5 “(b) Unless a person objects for lack or insufficiency of notice under § 16-4415(c) not
6 later than the beginning of the arbitration hearing, the person by appearing at the hearing waives
7 any objection to lack of or insufficiency of notice.

8 “§ 16-4410. Consolidation of separate arbitration proceedings.

9 “(a) Except as otherwise provided in subsection (c), upon motion of a party to an
10 agreement to arbitrate or to an arbitration proceeding, the court may order consolidation of
11 separate arbitration proceedings as to all or some of the claims if:

12 “(1) There are separate agreements to arbitrate or separate arbitration proceedings
13 between the same persons or one of them is a party to a separate agreement to arbitrate or a
14 separate arbitration proceeding with a third person;

15 “(2) The claims subject to the agreements to arbitrate arise in substantial part from
16 the same transaction or series of related transactions;

17 “(3) The existence of a common issue of law or fact creates the possibility of
18 conflicting decisions in the separate arbitration proceedings; and

19 “(4) Prejudice resulting from a failure to consolidate is not outweighed by the risk
20 of undue delay or prejudice to the rights of or hardship to parties opposing consolidation.

21 “(b) The court may order consolidation of separate arbitration proceedings as to some
22 claims and allow other claims to be resolved in separate arbitration proceedings.

1 “(c) The court may not order consolidation of the claims of a party to an agreement to
2 arbitrate if the agreement prohibits consolidation.

3 “§ 16-4411. Appointment of arbitrator; service as a neutral arbitrator.

4 “(a) If the parties to an agreement to arbitrate agree on a method for appointing an
5 arbitrator, that method must be followed, unless the method fails. If the parties have not agreed
6 on a method, the agreed method fails, or an arbitrator appointed fails or is unable to act and a
7 successor has not been appointed, the court, on motion of a party to the arbitration proceeding,
8 shall appoint the arbitrator. An arbitrator so appointed has all the powers of an arbitrator
9 designated in the agreement to arbitrate or appointed pursuant to the agreed method.

10 “(b) An individual who has a known, direct, and material interest in the outcome of the
11 arbitration proceeding or a known, existing, and substantial relationship with a party may not
12 serve as an arbitrator required by an agreement to be neutral.

13 “§ 16-4412. Disclosure by arbitrator.

14 “(a) Before accepting appointment, an individual who is requested to serve as an
15 arbitrator, after making a reasonable inquiry, shall disclose to all parties to the agreement to
16 arbitrate and arbitration proceeding and to any other arbitrators any known facts that a reasonable
17 person would consider likely to affect the impartiality of the arbitrator in the arbitration
18 proceeding, including:

19 “(1) A financial or personal interest in the outcome of the arbitration proceeding;

20 and

21 “(2) An existing or past relationship with any of the parties to the agreement to
22 arbitrate or the arbitration proceeding, their counsel or representatives, a witness, or another

1 arbitrators.

2 “(b) An arbitrator has a continuing obligation to disclose to all parties to the agreement to
3 arbitrate and arbitration proceeding and to any other arbitrators any facts that the arbitrator learns
4 after accepting appointment which a reasonable person would consider likely to affect the
5 impartiality of the arbitrator.

6 “(c) If an arbitrator discloses a fact required by subsection (a) or (b) to be disclosed and a
7 party timely objects to the appointment or continued service of the arbitrator based upon the fact
8 disclosed, the objection may be a ground under § 16-4423(a)(2) for vacating an award made by
9 the arbitrator.

10 “(d) If the arbitrator did not disclose a fact as required by subsection (a) or (b), upon
11 timely objection by a party, the court under § 16-4423(a)(2) may vacate an award.

12 “(e) An arbitrator appointed as a neutral arbitrator who does not disclose a known, direct,
13 and material interest in the outcome of the arbitration proceeding or a known, existing, and
14 substantial relationship with a party is presumed to act with evident partiality under § 16-
15 4423(a)(2).

16 “(f) If the parties to an arbitration proceeding agree to the procedures of an arbitration
17 organization or any other procedures for challenges to arbitrators before an award is made,
18 substantial compliance with those procedures is a condition precedent to a motion to vacate an
19 award on that ground under § 16-4423(a)(2).

20 “§ 16-4413. Action by majority.

21 “If there is more than one arbitrator, the powers of an arbitrator must be exercised by a
22 majority of the arbitrators, but all of them shall conduct the hearing under § 16-4415(c).

1 “§ 16-4414. Immunity of arbitrator; competency to testify; attorney’s fees and costs.

2 “(a) An arbitrator or an arbitration organization acting in that capacity is immune from
3 civil liability to the same extent as a judge of a court of the District of Columbia acting in a
4 judicial capacity.

5 “(b) The immunity afforded by this section supplements any immunity under other law.

6 “(c) The failure of an arbitrator to make a disclosure required by § 16-4412 does not
7 cause any loss of immunity under this section.

8 “(d) In a judicial, administrative, or similar proceeding, an arbitrator or representative of
9 an arbitration organization is not competent to testify, and may not be required to produce
10 records as to any statement, conduct, decision, or ruling occurring during the arbitration
11 proceeding, to the same extent as a judge of a court of the District of Columbia acting in a
12 judicial capacity. This subsection does not apply:

13 “(1) To the extent necessary to determine the claim of an arbitrator, arbitration
14 organization, or representative of the arbitration organization against a party to the arbitration
15 proceeding; or

16 “(2) To a hearing on a motion to vacate an award under § 16-4423(a)(1) or (2) if
17 the movant establishes prima facie that a ground for vacating the award exists.

18 “(e) If a person commences a civil action against an arbitrator, arbitration organization,
19 or representative of an arbitration organization arising from the services of the arbitrator,
20 organization, or representative or if a person seeks to compel an arbitrator or a representative of
21 an arbitration organization to testify or produce records in violation of subsection (d), and the
22 court decides that the arbitrator, arbitration organization, or representative of an arbitration

1 organization is immune from civil liability or that the arbitrator or representative of the
2 organization is not competent to testify, the court shall award to the arbitrator, organization, or
3 representative reasonable attorney's fees and other reasonable expenses of litigation.

4 "§ 16-4415. Arbitration process.

5 "(a) An arbitrator may conduct an arbitration in such manner as the arbitrator considers
6 appropriate for a fair and expeditious disposition of the proceeding. The authority conferred
7 upon the arbitrator includes the power to hold conferences with the parties to the arbitration
8 proceeding before the hearing and, among other matters, determine the admissibility, relevance,
9 materiality and weight of any evidence.

10 "(b) An arbitrator may decide a request for summary disposition of a claim or particular
11 issue:

12 "(1) If all interested parties agree; or

13 "(2) Upon request of one party to the arbitration proceeding if that party gives
14 notice to all other parties to the proceeding, and the other parties have a reasonable opportunity to
15 respond.

16 "(c) If an arbitrator orders a hearing, the arbitrator shall set a time and place and give
17 notice of the hearing not less than 5 days before the hearing begins. Unless a party to the
18 arbitration proceeding makes an objection to lack or insufficiency of notice not later than the
19 beginning of the hearing, the party's appearance at the hearing waives the objection. Upon
20 request of a party to the arbitration proceeding and for good cause shown, or upon the arbitrator's
21 own initiative, the arbitrator may adjourn the hearing from time to time as necessary but may not
22 postpone the hearing to a time later than that fixed by the agreement to arbitrate for making the

1 award unless the parties to the arbitration proceeding consent to a later date. The arbitrator may
2 hear and decide the controversy upon the evidence produced although a party who was duly
3 notified of the arbitration proceeding did not appear. The court, on request, may direct the
4 arbitrator to conduct the hearing promptly and render a timely decision.

5 “(d) At a hearing under subsection (c), a party to the arbitration proceeding has a right to
6 be heard, to present evidence material to the controversy, and to cross-examine witnesses
7 appearing at the hearing.

8 “(e) If an arbitrator ceases or is unable to act during the arbitration proceeding, a
9 replacement arbitrator must be appointed in accordance with § 16-44011 to continue the
10 proceeding and to resolve the controversy.

11 “§ 16-4416. Representation by lawyer.

12 “A party to an arbitration proceeding may be represented by a lawyer.

13 “§ 16-4417. Witnesses; subpoenas; depositions; discovery.

14 “(a) An arbitrator may issue a subpoena for the attendance of a witness and for the
15 production of records and other evidence at any hearing and may administer oaths. A subpoena
16 must be served in the manner for service of subpoenas in a civil action and, upon motion to the
17 court by a party to the arbitration proceeding or the arbitrator, enforced in the manner for
18 enforcement of subpoenas in a civil action.

19 “(b) In order to make the proceedings fair, expeditious, and cost effective, upon request
20 of a party to or a witness in an arbitration proceeding, an arbitrator may permit a deposition of
21 any witness to be taken for use as evidence at the hearing, including a witness who cannot be
22 subpoenaed for or is unable to attend a hearing. The arbitrator shall determine the conditions

1 under which the deposition is taken.

2 “(c) An arbitrator may permit such discovery as the arbitrator decides is appropriate in
3 the circumstances, taking into account the needs of the parties to the arbitration proceeding and
4 other affected persons and the desirability of making the proceeding fair, expeditious, and cost
5 effective.

6 “(d) If an arbitrator permits discovery under subsection (c), the arbitrator may order a
7 party to the arbitration proceeding to comply with the arbitrator’s discovery-related orders, issue
8 subpoenas for the attendance of a witness and for the production of records and other evidence at
9 a discovery proceeding, and take action against a noncomplying party to the extent a court could
10 if the controversy were the subject of a civil action in the District of Columbia.

11 “(e) An arbitrator may issue a protective order to prevent the disclosure of privileged
12 information, confidential information, trade secrets, and other information protected from
13 disclosure to the extent a court could if the controversy were the subject of a civil action in the
14 District of Columbia.

15 “(f) All laws compelling a person under subpoena to testify and all fees for attending a
16 judicial proceeding, a deposition, or a discovery proceeding as a witness apply to an arbitration
17 proceeding as if the controversy were the subject of a civil action in the District of Columbia.

18 “(g) The court may enforce a subpoena or discovery-related order for the attendance of a
19 witness within the District of Columbia and for the production of records and other evidence
20 issued by an arbitrator in connection with an arbitration proceeding in another State upon
21 conditions determined by the court so as to make the arbitration proceeding fair, expeditious, and
22 cost effective. A subpoena or discovery-related order issued by an arbitrator in another State

1 must be served in the manner provided by law for service of subpoenas in a civil action in the
2 District of Columbia and, upon motion to the court by a party to the arbitration proceeding or the
3 arbitrator, enforced in the manner provided by law for enforcement of subpoenas in a civil action
4 in the District of Columbia.

5 “§ 16-4418. Judicial enforcement of preaward ruling by arbitrator.

6 “If an arbitrator makes a preaward ruling in favor of a party to the arbitration proceeding,
7 the party may request the arbitrator to incorporate the ruling into an award under § 16-4419. A
8 prevailing party may make a motion to the court for an expedited order to confirm the award
9 under § 16-4422, in which case the court shall summarily decide the motion. The court shall
10 issue an order to confirm the award unless the court vacates, modifies, or corrects the award
11 under § 16-4423 or 16-4424.

12 “§ 16-4419. Award.

13 “(a) An arbitrator shall make a record of an award. The record must be signed or
14 otherwise authenticated by any arbitrator who concurs with the award. The arbitrator or the
15 arbitration organization shall give notice of the award, including a copy of the award, to each
16 party to the arbitration proceeding.

17 “(b) An award must be made within the time specified by the agreement to arbitrate or, if
18 not specified therein, within the time ordered by the court. The court may extend or the parties to
19 the arbitration proceeding may agree in a record to extend the time. The court or the parties may
20 do so within or after the time specified or ordered. A party waives any objection that an award
21 was not timely made unless the party gives notice of the objection to the arbitrator before
22 receiving notice of the award.

1 “§ 16-4420. Change of award by arbitrator.

2 “(a) On motion to an arbitrator by a party to an arbitration proceeding, the arbitrator may
3 modify or correct an award:

4 “(1) Upon a ground stated in § 16-4424(a)(1) or (3);

5 “(2) Because the arbitrator has not made a final and definite award upon a claim
6 submitted by the parties to the arbitration proceeding; or

7 “(3) To clarify the award.

8 “(b) A motion under subsection (a) must be made and notice given to all parties within
9 20 days after the movant receives notice of the award.

10 “(c) A party to the arbitration proceeding must give notice of any objection to the motion
11 within 10 days after receipt of the notice.

12 “(d) If a motion to the court is pending under § 16-4422, 16-4423, or 16-4424, the court
13 may submit the claim to the arbitrator to consider whether to modify or correct the award:

14 “(1) Upon a ground stated in § 16-4424(a)(1) or (3);

15 “(2) Because the arbitrator has not made a final and definite award upon a claim
16 submitted by the parties to the arbitration proceeding; or

17 “(3) To clarify the award.

18 “(e) An award modified or corrected pursuant to this section is subject to §§ 16-4419(a),
19 16-4422, 16-4423, and 16-4424.

20 “§ 16-4421. Remedies; fees and expenses of arbitration proceeding.

21 “(a) An arbitrator may award punitive damages or other exemplary relief if such an
22 award is authorized by law in a civil action involving the same claim and the evidence produced

1 at the hearing justifies the award under the legal standards otherwise applicable to the claim.

2 “(b) An arbitrator may award reasonable attorney’s fees and other reasonable expenses of
3 arbitration if such an award is authorized by law in a civil action involving the same claim or by
4 the agreement of the parties to the arbitration proceeding.

5 “(c) As to all remedies other than those authorized by subsections (a) and (b), an
6 arbitrator may order such remedies as the arbitrator considers just and appropriate under the
7 circumstances of the arbitration proceeding. The fact that such a remedy could not or would not
8 be granted by the court is not a ground for refusing to confirm an award under § 16-4422 or for
9 vacating an award under § 16-4423.

10 “(d) An arbitrator’s expenses and fees, together with other expenses, must be paid as
11 provided in the award.

12 “(e) If an arbitrator awards punitive damages or other exemplary relief under subsection
13 (a), the arbitrator shall specify in the award the basis in fact justifying and the basis in law
14 authorizing the award and state separately the amount of the punitive damages or other
15 exemplary relief.

16 “§ 16-4422. Confirmation of award.

17 “After a party to an arbitration proceeding receives notice of an award, the party may
18 make a motion to the court for an order confirming the award at which time the court shall issue
19 a confirming order unless the award is modified or corrected pursuant to § 16-4420 or 16-4424 or
20 is vacated pursuant to § 16-4423.

21 “§ 16-4423. Vacating award.

22 “(a) Upon motion to the court by a party to an arbitration proceeding, the court shall

1 vacate an award made in the arbitration proceeding if:

2 “(1) The award was procured by corruption, fraud, or other undue means;

3 “(2) There was:

4 “(A) Evident partiality by an arbitrator appointed as a neutral arbitrator;

5 “(B) Corruption by an arbitrator; or

6 “(C) Misconduct by an arbitrator prejudicing the rights of a party to the
7 arbitration proceeding;

8 “(3) An arbitrator refused to postpone the hearing upon showing of sufficient
9 cause for postponement, refused to consider evidence material to the controversy, or otherwise
10 conducted the hearing contrary to § 16-4415, so as to prejudice substantially the rights of a party
11 to the arbitration proceeding;

12 “(4) An arbitrator exceeded the arbitrator’s powers;

13 “(5) There was no agreement to arbitrate, unless the person participated in the
14 arbitration proceeding without raising the objection under § 16-4415(c) not later than the
15 beginning of the arbitration hearing; or

16 “(6) The arbitration was conducted without proper notice of the initiation of an
17 arbitration as required in § 16-4409 so as to prejudice substantially the rights of a party to the
18 arbitration proceeding.

19 “(b) A motion under this section must be filed within 90 days after the movant receives
20 notice of the award pursuant to § 16-4419 or within 90 days after the movant receives notice of a
21 modified or corrected award pursuant to § 16-4420, unless the movant alleges that the award was
22 procured by corruption, fraud, or other undue means, in which case the motion must be made

1 within 90 days after the ground is known or by the exercise of reasonable care would have been
2 known by the movant.

3 “(c) If the court vacates an award on a ground other than that set forth in subsection
4 (a)(5), it may order a rehearing. If the award is vacated on a ground stated in subsection (a)(1) or
5 (2), the rehearing must be before a new arbitrator. If the award is vacated on a ground stated in
6 subsection (a)(3), (4), or (6), the rehearing may be before the arbitrator who made the award or
7 the arbitrator’s successor. The arbitrator must render the decision in the rehearing within the
8 same time as that provided in § 16-4419(b) for an award.

9 “(d) If the court denies a motion to vacate an award, it shall confirm the award unless a
10 motion to modify or correct the award is pending.

11 “§ 16-4424. Modification or correction of award.

12 “(a) Upon motion made within 90 days after the movant receives notice of the award
13 pursuant to § 16-4419 or within 90 days after the movant receives notice of a modified or
14 corrected award pursuant to § 16-4420, the court shall modify or correct the award if:

15 “(1) There was an evident mathematical miscalculation or an evident mistake in
16 the description of a person, thing, or property referred to in the award;

17 “(2) The arbitrator has made an award on a claim not submitted to the arbitrator
18 and the award may be corrected without affecting the merits of the decision upon the claims
19 submitted; or

20 “(3) The award is imperfect in a matter of form not affecting the merits of the
21 decision on the claims submitted.

22 “(b) If a motion made under subsection (a) is granted, the court shall modify or correct

1 and confirm the award as modified or corrected. Otherwise, unless a motion to vacate is
2 pending, the court shall confirm the award.

3 “(c) A motion to modify or correct an award pursuant to this section may be joined with a
4 motion to vacate the award.

5 “§ 16-4425. Judgment on award; attorney’s fees and litigation expenses.

6 “(a) Upon granting an order confirming, vacating without directing a rehearing,
7 modifying, or correcting an award, the court shall enter a judgment in conformity therewith. The
8 judgment may be recorded, docketed, and enforced as any other judgment in a civil action.

9 “(b) A court may allow reasonable costs of the motion and subsequent judicial
10 proceedings.

11 “(c) On application of a prevailing party to a contested judicial proceeding under § 16-
12 4422, 16-4423, or 16-4424, the court may add reasonable attorney’s fees and other reasonable
13 expenses of litigation incurred in a judicial proceeding after the award is made to a judgment
14 confirming, vacating without directing a rehearing, modifying, or correcting an award.

15 “§ 16-4426. Jurisdiction.

16 “(a) A court of the District of Columbia having jurisdiction over the controversy and the
17 parties may enforce an agreement to arbitrate.

18 “(b) An agreement to arbitrate providing for arbitration in the District of Columbia
19 confers exclusive jurisdiction on the court to enter judgment on an award under this chapter.

20 “§ 16-4427. Appeals.

21 “(a) An appeal may be taken from:

22 “(1) An order denying a motion to compel arbitration;

- 1 “(2) An order granting a motion to stay arbitration;
- 2 “(3) An order confirming or denying confirmation of an award;
- 3 “(4) An order modifying or correcting an award;
- 4 “(5) An order vacating an award without directing a rehearing; or
- 5 “(6) A final judgment entered pursuant to this chapter.

6 “(b) An appeal under this section must be taken as from an order or a judgment in a civil
7 action.

8 “§ 16-4428. Uniformity of application and construction.

9 “In applying and construing this uniform act, consideration must be given to the need to
10 promote uniformity of the law with respect to its subject matter among States that enact it.

11 “§ 16-4429. Relationship to Electronic Signatures in Global and National Commerce Act.

12 “This chapter modifies, limits, and supersedes the federal Electronic Signatures in Global
13 and National Commerce Act, 15 U.S.C. § 7001 et. seq., but does not modify, limit, or supersede
14 Section 101(c) of that act (15 U.S.C. § 7001(c)) or authorize electronic delivery of any of the
15 notices described in Section 103(b) of that act (15 U.S.C. § 7003(b)).”

16 “§ 16-4430. Savings clause.

17 “This chapter does not affect an action or proceeding commenced or right accrued before
18 the applicability date of this chapter. Subject to § 16-4403, an arbitration agreement made before
19 the applicability date of this chapter is governed by §§ 16-4301 to 16-4319.

20 Sec. 3. Repeal.

21 Effective January 1, 2006, Chapter 43 of title 16 of the District of Columbia Official
22 Code is repealed.

1 Sec. 4. Fiscal impact.

2 The Council adopts the fiscal impact statement in the committee report as the fiscal
3 impact statement required by section 602(c)(3) of the Home Rule Act, approved December 24,
4 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

5 Sec. 5. Effective date.

6 This act shall take effect after approval by the Mayor (or in the event of a veto by the
7 Mayor, override of the veto by the Council, a 30-day period of Congressional review as provided
8 in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973
9 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1), and publication in the District of Columbia
10 Register.