

TO: Judicial Council of California Artificial Intelligence Task Force 455 Golden Gate Avenue San Francisco, California 94102

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SUBJECT: Artificial Intelligence in Adjudication and Recognition of Party Chosen Specialized Forums
Submission for consideration

I. PURPOSE AND INTEREST

The undersigned offers these policy and legislative proposals to the Judicial Council and its Artificial Intelligence Task Force. They address two related questions: how to govern artificial intelligence use by decision makers, and how California might recognize specialized dispute resolution centers and give effect to commercial parties' choice of those forums. The statutory language below is proposed text, not enacted law.

The undersigned works on dispute resolution architecture for artificial intelligence, digital assets, and frontier technologies. These notes draw on draft ideas concerning agent formed arbitration agreements, technical assessors, model evidence, confidentiality, attribution of autonomous agent conduct, and award enforcement. The undersigned seeks no designation, appointment, or preference.

II. CONTEXT AND THE PROPOSED FRAMEWORK

Rule of Court 10.430 and Standard of Judicial Administration 10.80 address judicial branch generative artificial intelligence use. Senate Bill 574, as amended August 21, 2026, addresses attorneys and arbitrators and calls for further review of Standard 10.80. This submission proposes one tiered standard for judicial officers and arbitrators, disclosure and a proportionate remedy for breaches, voluntary recognition of competent centers, and a limited route for recognizing qualifying awards from party chosen centers.

The forum proposal does not require arbitration, restrict a party from selecting an uncertified provider, or make certification a condition of enforcing an ordinary arbitration agreement. It is a proposed additional route for commercial parties that choose a recognized specialized center. Consumer and protected employment disputes and nonwaivable remedies remain outside the proposed route.

III. ONE TIERED STANDARD FOR ADJUDICATIVE USE

Adopt a single classification, and apply it identically to judicial officers and arbitrators.

Tier 1, Ministerial. Transcription, translation, scheduling, redaction, formatting, document organization, search within the record, and summarization of material already in the record and available to all parties. Permitted, no disclosure.

Tier 2, Analytical. Timeline construction, comparison of exhibits, identification of issues in the record. Permitted if the decision maker notes the system and the task in the record and confirms independent verification of any output relied on.

Tier 3, Decisional. Generating, evaluating, weighing, or recommending a finding of fact, a credibility determination, a conclusion of law, an assessment of damages, or the disposition of any claim or defense. Prohibited.

Rule 10.430 should reach adjudicative tasks and make Tier 3 a prohibition rather than guidance. Standard 10.80 should be restructured around the three tiers. Section 1282.1 should adopt the same three tiers, so the arbitration standard is the judicial standard and not a heavier one.

IV. DISCLOSURE AND A PROPORTIONATE REMEDY

Before the first hearing, a neutral arbitrator should disclose the categories of use intended, the systems to be used for analytical tasks, whether party material will enter a system that retains or trains on inputs, and any financial or advisory relationship with the developer of a system used in the proceeding or at issue in it. The relationship disclosure should be a disclosure under Section 1281.9 and carry the consequences that already attach to one.

Section 1286.2 should add a ground for vacatur where an arbitrator made decisional use in violation of Section 1282.1, or failed to disclose such a relationship, and the moving party was substantially prejudiced. The prejudice requirement is essential. Without it every losing party files a speculative petition. With it the ground sits alongside subdivisions (a)(3) and (a)(6) and disturbs nothing.

V. VOLUNTARY CERTIFICATION OF SPECIALIZED CENTERS

Disputes involving model behavior, training data provenance, autonomous agent conduct, and on chain settlement may require technical assessor mechanisms and protocols to protect model weights and training data. Prohibitions alone would not address the need for competence.

California could create a voluntary certification through which the Judicial Council may recognize centers that demonstrate this capacity. The following is offered as drafting text, not enacted law.

Proposed Code of Civil Procedure Section 1282.10

(a) The Judicial Council may certify a dispute resolution center as a Specialized Dispute Resolution Center in one or more designated fields, which shall include artificial intelligence systems and may include digital assets, autonomous agent commerce, and such other fields as the Council designates, on a showing that the center does all of the following:

- (1) Maintains a published roster of neutrals with demonstrated competence in the designated field, identifying the issuer of any credential relied upon.
- (2) Maintains a roster of technical assessors and published rules governing their appointment, qualifications, and the limits of their role.

- (3) Publishes and annually updates a policy describing its use of artificial intelligence systems in intake, conflict screening, neutral selection or ranking, and drafting assistance to neutrals, and its policy on retention and training use of party submissions.
- (4) Has adopted protocols for synthetic evidence and for the production and protection of model evidence, including default assessor mediated or attorneys' eyes only review of model weights, training data, and system prompts.
- (5) Publishes anonymized annual data on case volume, disposition, and time to award in the designated field.
- (6) Maintains a procedure for resolving complaints regarding compliance by its neutrals with applicable ethical standards.
- (b) Certification is voluntary and confers no exclusive jurisdiction. No party may be required to submit any dispute to a certified center. No agreement is invalid, revocable, or unenforceable by reason of designating a provider that is not certified, and no adverse inference arises from that choice.
- (c) Certification does not alter the grounds on which an award may be confirmed, corrected, or vacated, and is not evidence on any issue in such a proceeding.
- (d) Where the parties' agreed method of appointment fails and a court appoints an arbitrator under Section 1281.6, the court may consider whether a proposed appointee is on a certified center's roster in the relevant field.
- (e) The Judicial Council may recognize a dispute resolution center seated outside this state, including outside the United States, as meeting standards equivalent to subdivision (a), and may enter into cooperative arrangements with any certified or recognized center on neutral training, credentialing standards, technical assessor rosters, and publication of decisions.
- (f) The Judicial Council may establish fees sufficient to recover the reasonable administrative cost of certification, and may suspend or withdraw a certification for failure to maintain subdivision (a).

VI. RECOGNITION OF PARTY CHOSEN SPECIALIZED FORUMS

The proposal is limited to centers recognized under the voluntary standards above. It does not automatically cover every foreign court or tribunal. The parties must expressly choose the center in a signed writing, and at least one party must have a genuine business connection to the place where it sits. The resulting award remains subject to safeguards. This narrowing reconciles the broader party choice principle with a defined, reviewable recognition pathway.

Some disputes may turn on model behavior, training data provenance, or an autonomous agent's authority. A forum addressing those questions may need technical assessors, model evidence protocols, and protection of confidential materials. Recognition based on demonstrated competence can supplement, rather than displace, California's courts and existing arbitral forums.

Proposed Code of Civil Procedure Section 1282.11

- (a) Where all parties to a commercial dispute expressly consent in a signed writing to the jurisdiction of a dispute resolution center recognized under subdivision (e) of Section 1282.10, and at least one party is organized under the laws of, or maintains a place of business in, the jurisdiction in which that center is seated, the consent is valid and enforceable in this state notwithstanding that the seat is outside the United States.
- (b) An award rendered in a proceeding described in subdivision (a) shall be recognized and enforced in this state in the same manner as an award rendered in this state, and without regard to whether the jurisdiction in which the seat is located is a party to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, subject to subdivisions (c) and (e).
- (c) Recognition shall be refused where the court determines that a ground stated in paragraph (1), (2), (3), or (6) of subdivision (a) of Section 1286.2 exists, that the party against whom the award is invoked was not given proper notice or a reasonable opportunity to present its case, or that recognition would be contrary to the public policy of this state.
- (d) Parties described in subdivision (a) may, by conspicuous and separately assented to written waiver, relinquish review of the award for errors of law or fact, including review otherwise available by agreement under *Cable Connection, Inc. v. DIRECTV, Inc.*
- (e) A waiver under subdivision (d) does not extend to any ground stated in subdivision (c), and any purported waiver of such a ground is void.
- (f) This section does not apply to a dispute involving a consumer, to a dispute involving an employee or applicant for employment to the extent Section 925 of the Labor Code applies, or to any right or remedy that may not be waived under the law of this state.
- (g) The Judicial Council shall report to the Legislature on the operation of this section not later than January 1, 2031.

Proposed standards and legal basis

The voluntary standards in Section 1282.10 would require published neutral and assessor rosters, protocols for synthetic and model evidence, disclosure of institutional artificial intelligence practices, annual case data, and a complaint process. The requirements aim to test capacity rather than reputation. The related recognition provision would apply only when the parties choose a center that satisfies those standards.

Existing federal, treaty, and California statutes governing arbitration and award recognition must be reconciled before enactment. This proposal suggests a state law route for qualifying awards where treaty recognition is unavailable, but does not assert that a state statute can override federal law or that every award from a non-Convention seat lacks another enforcement route. It preserves notice,

public policy, and specified award integrity grounds, and a human neutral must decide or independently adopt any determination.

Hall Street Associates, L.L.C. v. Mattel, Inc. addresses judicial review under the Federal Arbitration Act; Cable Connection, Inc. v. DIRECTV, Inc. addresses contractually expanded merits review under California law. Whether a separately assented waiver of merits review works in this proposed setting, including any federal law constraints, warrants further analysis. This text does not purport to waive fraud, corruption, lack of notice, public policy, or other nonwaivable protections.

VII. IMPLEMENTATION AND REQUEST

The Judicial Council could consider the tiered judicial standard and related arbitral disclosure policy in the appropriate rulemaking process. Voluntary certification and the proposed recognition route would require legislation and careful review of federal preemption, treaty obligations, existing enforcement routes, and California protections for employees and consumers. The undersigned welcomes public comment and can provide conforming drafting and supporting analysis.

These are policy proposals for consideration. Proposed section numbers are provisional and would be assigned by Legislative Counsel. Nothing here represents an adopted rule, enacted statute, or legal advice to any person.

Respectfully submitted,

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