

## **Rule 70-I. Confirming, Vacating, or Modifying Arbitration Awards Under the Arbitration Amendments Act of 2007 (Revised Uniform Arbitration Act)**

(a) Form and Service of Applications.

(1) *Form.* Applications to the court under D.C. Code 16-4405 (2010 Supp.) must be in the form of a motion and be accompanied by a proposed order. The motion must set forth that:

(A) there was a written agreement or order to arbitrate;

(B) there was an award rendered pursuant to the arbitration; and

(C) there are annexed to the pleading copies of the following:

(i) the agreement or order to arbitrate;

(ii) the selection or appointment, if any, of any arbitrator or umpire other than that designated in the agreement or order;

(iii) the award; and

(iv) each motion, notice, affidavit or other paper used in conjunction with any motion filed with the arbitrator to correct or modify the award (D.C. Code § 16-4420 (2010 Supp.)) and a copy of any order issued by the arbitrator in conjunction with such motion.

(2) *Service.* The motion and a summons must be served in accordance with Rule 4, except that service of the motion may be made in accordance with Rule 5 on any party over whom the court has already acquired jurisdiction. Proof of service must be in accordance with Rule 4 or 5, whichever applies.

(b) Summary Proceedings. Proceedings under this rule are summary in nature with discovery permitted only upon a showing of good cause.

(c) Opposition. All objections to the motion at law or in equity must be in the form of an opposition to the motion and stated with particularity. The opposition must be served within 21 days (60 days if opponent is the District of Columbia, the United States or an officer or agency of either) after service of the motion.

(d) Rehearing. Where the court vacates an award, it may in its discretion and upon a finding that such rehearing is not contrary to law or equity, direct an arbitration rehearing.

### COMMENT

As of July 1, 2009, the Arbitration Amendments Act of 2007 (Revised Uniform Arbitration Act) controls all arbitration agreements whether made before or after that date.

For the relevant statutory provisions concerning applications to confirm, vacate or modify arbitration awards, see D. C. Code § 16-4405, -4422 to -4425 (2010 Supp.).

The rule does not cover arbitration awards under court-sponsored civil arbitration programs. For these awards, see Rules of the Civil Arbitration Program of the Superior Court.

“[F]ederal court decisions construing and applying the federal arbitration act may be regarded as persuasive authority in construing and applying the corresponding provisions of the District of Columbia arbitration act, so long as there is no material difference in the statutory language between the two acts.” *Hercules & Co. v. Beltway*

*Carpet Serv., Inc.*, 592 A.2d 1069, 1073 (D.C. 1991) and *Wash. Auto. Co. v. 1828 L St. Assocs.*, 906 A.2d 869, 875 (D.C. 2006).

See Civil Action Form 107 for a form of a motion to confirm an arbitration award.

Finally, the language of this rule has been amended to conform with the 2007 restyling of the *Federal Rules of Civil Procedure*.