



SUMMARY OF REVISIONS TO STREAMLINED ARBITRATION RULES

JAMS Streamlined Arbitration Rules, Amended and Effective June 1, 2021.

Rule 1. Scope of Rules

Rule 1(f): The revised rule clarifies the meanings of “electronic filing” and “electronic service.”

Rule 2. Party Self-Determination

Rule 2(b): The revised rule eliminates the word “subsequently” from the phrase “the Parties may subsequently agree.”

Rule 5. Commencing an Arbitration and Service

Rule 5(a)(iv): The revised rule includes the phrase “where the Parties’ Arbitration Agreement does not specify JAMS administration or JAMS Rules.” This revision clarifies JAMS’ administrative authority in certain situations in the convening stages of an arbitration. For example, where a respondent fails to object timely to JAMS’ administration, JAMS may determine that it can proceed with administration even if the parties’ arbitration agreement does not name JAMS or the JAMS Rules (e.g., the parties’ agreement is silent as to arbitration provider and rules). Where a respondent does object timely to JAMS’ administration, JAMS may determine that it can proceed with administration if the parties’ arbitration agreement specifies JAMS or the JAMS Rules.

Rule 5(e): The revised rule adds the following clause to the beginning of the rule: “For documents that are not filed electronically.” The revised rule adds the following sentence to the end of the rule: “If the last day for the performance of any act that is required by these Rules to be performed within a specific time falls on a Saturday, Sunday or other legal holiday, the period is extended to and includes the next day that is not a holiday.”

Rule 5(f): The revised rule aligns electronic filing and service under the rules with the functionality of JAMS’ new electronic case management system, JAMS Access (referred to in the rules as “the JAMS Electronic Filing System”). Additionally, while this rule previously authorized the arbitrator to require electronic filing and service at any time, the revised rule clarifies that JAMS or the arbitrator may require electronic filing and service at any time. Lastly, the revised rule eliminates the requirement for a filing party to maintain in paper format the “original signature” of third parties.

Rule 6. Preliminary and Administrative Matters

Rule 6(e)(i): The revised rule adds the words “two or more of.” This addition clarifies JAMS’ authority in certain instances to consolidate any number of a party’s multiple arbitration filings into a single proceeding.

Rule 7. Notice of Claims

Rule 7(c): The revised rule allows JAMS to grant reasonable extensions of time to file a response or counterclaim prior to the appointment of the arbitrator.

Rule 9. Representation

The revised Rule 9 eliminates all references to fax numbers.

Rule 9(c): This new rule allows an arbitrator to withhold approval of any intended change in party representation where the change could compromise the ability of the arbitrator to continue to serve or the finality of an award.

Rule 12. Arbitrator Selection, Disclosures and Replacement

Rule 12(c): The revised rule includes the words “add names to or” in the following: “JAMS may add names to or replace any or all names on the list of Arbitrator candidates for reasonable cause.” This addition makes explicit JAMS’ authority to supplement a list of arbitrator candidates—in addition to replacing any or all names—for reasonable cause.

Rule 12(g): With the addition of the words “or individuals,” the revised rule makes explicit JAMS’ longstanding practice of treating both entities and individuals whose interests are not adverse as a single party for purposes of the arbitrator selection process.

Rule 13. Exchange of Information

Rule 13(d): This new rule makes explicit that in a consumer or employment arbitration, the parties may take discovery of third parties with the approval of the arbitrator.

Rule 14. Scheduling and Location of Hearing

Rule 14(b): The revised rule adds the clause “and the Arbitrator reasonably believes that the Party will not participate in the Hearing” in the following: “If a Party has failed to participate in the Arbitration process, and the Arbitrator reasonably believes that the Party will not participate in the Hearing, the Arbitrator may set the Hearing without consulting with that Party.”

Rule 17. The Arbitration Hearing

Rule 17(g): The revised rule makes explicit the arbitrator's full authority to conduct the hearing in person, virtually or in a combined form, and with participants in more than one geographic location. It further makes explicit the arbitrator's authority to issue orders and set procedures as needed if hearing participants are located remotely.

Rule 17(k): Previously, this rule allowed a party to arrange for a stenographic "or other" record of the hearing. The revised rule maintains a party's ability to arrange for a stenographic record but eliminates its ability to arrange for "other" types of records of the hearing absent party agreement or the direction of the arbitrator.

Rule 26. Fees

Rule 26(d): With the addition of the words "or individuals" in several places, the revised rule makes explicit JAMS' longstanding practice of treating both entities and individuals whose interests are not adverse as a single party for purposes of JAMS' assessment of fees.