

The Rutter Group California Practice Guide: Alternative Dispute Resolution

What's New or Updated 2025

For the 2025 Edition of **Alternative Dispute Resolution**, the authors have added new material and/or updated existing material based on new case law and statutory developments, including, but not limited to, the following subjects:

- Recent CA State Bar ADR certification efforts
- New Supreme Court case on whether a court may reopen a case after arbitration pursuant to FRCP 60(b) based on whether a voluntary dismissal without prejudice under FRCP 41(a) is a “final proceeding” for purposes of FRCP 60(b)
- Ninth Circuit cases on arbitration provisions in internet agreements, consolidation of class action cases under arbitration provider’s rules, and validity of employer’s unilateral amendment of contract to add arbitration provision
- New statutory limitations on dispute resolution provisions in consumer contracts
- Continued litigation of nonindividual PAGA claims after individual claims are ordered to arbitration
- Application of the “look through” approach to establish federal jurisdiction for petitions for confirm arbitration awards
- Arbitration bar for certain sexual assault/harassment claims
- Defenses to enforcement of arbitration agreement, including illusory provisions, unconscionability, one-sided provisions, discovery limits, and unfair arbitration rules
- Waiver of the right to arbitrate based on litigation conduct and whether a showing of prejudice is required; waiver by delay in demanding arbitration
- New California Supreme Court case on when the failure to timely pay arbitration fees can be excused
- Arbitrable claims under federal statutes
- Arbitration by and against nonsignatories to arbitration agreement, including new California Supreme Court cases on when claimants are bound by arbitration agreements under MICRA and whether an auto maker can compel arbitration based on the sales agreement between the auto dealer and buyer
- Challenging and enforcing the arbitrator’s award, including grounds for vacatur, sanctions for meritless opposition, collateral estoppel, and finality requirement for appellate review

Please refer to the “Update highlights and filing (PDF)” for a more comprehensive summary of the most significant developments in this edition.