International Arbitration Laws in Connecticut, USA

CHAPTER 560*

BOARD OF MEDIATION AND ARBITRATION

*Cited. 136 C. 206. Not set up to handle disputes between teachers and a city board of education. 138 C. 270. Designed to deal exclusively with employer-employee grievances and disputes. 145 C. 53. Cited. 157 C. 362; 200 C. 91; 209 C. 280.

Cited. 3 CA 590; 43 CA 133.

Chapter makes any agreement to arbitrate valid, irrevocable and enforceable. 5 CS 174.

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Sec. 31-91. Membership of board; appointment; officers. There shall be, in the Labor Department, a Board of Mediation and Arbitration, consisting of two panels of three members each. One member of each panel of said board shall represent employers of labor, one shall represent employees and one shall represent the public in general. No such public member shall have been the representative of any employer or employee in a labor dispute during the five years immediately preceding the year of his appointment. One of the public members of said board shall be the chairman. Each member representing employees shall be a member of a bona fide labor organization, which may be either a national or an independent organization, but said two board members shall not be members of the same labor organization. On or before July fifteenth in the odd-numbered years, the Governor shall appoint two members of said board to succeed the members whose terms expire. The term of office for the members of said board shall be six years. The members so appointed shall have power to complete any matter pending at the expiration of the terms for which they were appointed. The board shall choose a public member as deputy chairman to serve in case of the death, removal, incapacity or absence of the chairman. Any vacancy in the membership of said board shall be filled by the Governor for the unexpired portion of the term. Any member of the board may be removed by the Governor for cause or for the good of the service, but only after notice and public hearing upon charges preferred and subject to the right of appeal to the Superior Court. A vacancy in the membership for any cause shall be filled by the Governor within thirty days of the date of its occurrence.

(1949 Rev., S. 7379; 1949, S. 3022d; 1957, P.A. 427, S. 1; P.A. 75-230; P.A. 85-62, S. 2.)

History: P.A. 75-230 prohibited public members from serving on board if they have represented employers or employees in a labor dispute within five years preceding their appointment; P.A. 85-62 provided that any member shall have the authority to continue any matter pending at the time his term expires.

See Sec. 4-9a for definition of "public member".

Cited. 163 C. 327; 171 C. 613.

Cited. 9 CA 260.

Cited. 40 CS 365.

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Sec. 31-92. Alternate members. Whenever conditions warrant, the Labor Commissioner or the chairman of the board shall request the Governor to appoint, and the governor shall have authority to appoint, one or more alternate members to the Board of Mediation and Arbitration in such numbers as may be necessary, in order that said board may render efficient service to employers and their employees whenever grievances or disputes arise. An alternate member may be so appointed for a period of up to one year or until a replacement is appointed. Alternate members so appointed shall have power to complete any matter pending at the expiration of the terms for which they were appointed. Alternate labor members shall be members of a bona fide national or independent labor organization. Alternate members of the Board of Mediation and Arbitration shall serve at any time when so delegated by the board and while so serving shall have all the powers of members of the board. Whenever an alternate member serves in place of a member of the board, he shall represent the same interest as the member in whose place he serves. Said board may, at its option, require alternate members to sit with it in the fulfillment of any function of the board.

(1949, 1951, S. 3023d; 1957, P.A. 427, S. 2; P.A. 77-91, S. 1; P.A. 88-3.)

History: P.A. 77-91 changed period of service of appointed alternates from maximum of six months to maximum of one year; P.A. 88-3 authorized an appointed alternate to serve for up to one year or until a replacement is appointed, where previously one year was the maximum time allowed.

Cited. 163 C. 327; 171 C. 613.

Cited. 9 CA 260.

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Sec. 31-92a. Oaths for members. (a) Each public member of the Board of Mediation and Arbitration, including alternates, shall be sworn once at the beginning of such member's term of office (1) to support the Constitution of the United States, and the Constitution of the state of Connecticut, as long as such member continues to be a citizen thereof, (2) to faithfully discharge, according to law, the duties of the office of member of the Board of Mediation and Arbitration for the state of Connecticut to the best of such member's abilities, (3) to hear and examine all matters in controversy which come before such member during such member's term faithfully and fairly, and (4) to make a just award according to the best of such member's understanding. Notwithstanding the provisions of subsection (d) of section 52-414, the taking of this oath shall cover all matters heard during the term and the completion of any matter pending at the expiration of such term.

(b) Each member of the Board of Mediation and Arbitration representing the interests of employees or employers, including alternate members, shall be sworn once at the beginning of such member's term of office (1) to support the Constitution of the United States, and the Constitution of the state of Connecticut, as long as such member continues to be a citizen thereof, (2) to faithfully discharge, according to law, the duties of the office of member of the Board of Mediation and Arbitration for the state of Connecticut to the best of

such member's abilities, (3) to represent the interests of employees or employers respectively in hearing and examining all matters in controversy, and (4) to make a just award according to the best of such member's understanding. Notwithstanding the provisions of subsection (d) of section 52-414, the taking of this oath shall cover all matters heard during the term and the completion of any matter pending at the expiration of such term.

(P.A. 85-62, S. 1; P.A. 06-196, S. 263.)

History: P.A. 06-196 made technical changes, effective June 7, 2006.

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Sec. 31-93. Panel or single member to arbitrate. Membership of panel. In the performance of the duties of conciliation, mediation or arbitration, the board shall be represented by a panel of three of its members, except that, in arbitration, a single public member of the board may arbitrate instead of a panel by joint agreement of the parties involved, and in such event such member shall have all the powers of a panel. In each case, the employee or his representative appearing before said board shall be permitted to designate the labor member of the Board of Mediation and Arbitration who shall serve and the employer or his representative appearing before said board may designate the employer member of the Board of Mediation and Arbitration who shall serve. The chairman of the Board of Mediation and Arbitration shall serve as the member representing the public; if he is unable to serve, the deputy chairman shall serve in his stead. Whenever members are unable to serve, alternate members may be delegated to serve in accordance with the provisions of this chapter.

(1949, S. 3024d; 1961, P.A. 141.)

History: 1961 act added exception re arbitration by single board member rather than by panel.

See Sec. 4-9a for definition of “public member”.

Cited. 163 C. 327; 171 C. 613.

Cited. 9 CA 260.

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Sec. 31-94. Compensation of members and alternates. Section 31-94 is repealed.

(1949 Rev., S. 7382; 1949, S. 3027d; 1957, P.A. 426, S. 1; 1967, P.A. 870, S. 1; P.A. 79-610, S. 36; P.A. 82-91, S. 37, 38.)

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Sec. 31-95. Powers of board. Subpoena. Said board, or any member thereof, may enter any establishment in which a strike or lockout exists in order to examine payrolls and other records and to inspect conditions affecting the relations between employees and employers. Said board, or any member thereof, may summon, by subpoena, employers, employees or any other persons whose testimony may be pertinent to the matters before said board, together with any records or other documents relating to such strike or lockout. In case of contumacy or refusal to obey a subpoena issued to any person, the Superior Court, upon application by the board, shall have jurisdiction to order such person to appear before the board to produce evidence or to give testimony touching the matter under investigation or in question, and any failure to obey such order may be punished by said court as a contempt thereof. No person shall be excused from attending and testifying or from producing books, records, correspondence, documents or other evidence in obedience to the subpoena of the board, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or

forfeiture for or on account of any transaction, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. In case of a dispute which has not reached the stage of a strike or lockout, said board, upon the request of either party to the dispute, is authorized to exercise the same powers and perform the same duties as in case of a strike or lockout. Said board, or any member thereof, shall have the power to take testimony under oath and to administer oaths.

(1949 Rev., S. 7381; 1949, S. 3026d.)

Cited. 163 C. 327; 171 C. 613; 200 C. 91.

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Sec. 31-96. Appointment and testimonial privilege of mediators. Duties of Labor Commissioner. The Labor Commissioner, with the advice and approval of said board, shall appoint at least five mediators to act for it in making investigations and adjusting labor disputes. Each such mediator shall, with the approval of said board, expressly granted in each case in which he is required to function, have all the powers of a member of said board to enter establishments, to examine payrolls or other records, to issue subpoenas and to administer oaths. In any civil or criminal case, any preliminary proceeding to such case, or any legislative or administrative proceeding, any person acting as a mediator under this chapter shall not disclose any confidential communication made to him in the course of his mediation duties unless the party making such communication waives such privilege. Said commissioner shall assign such stenographic and other clerical assistants to said board as may be necessary in the performance of its duties. All records of hearings and other proceedings of said board shall be kept on file in the Labor Department.

(1949 Rev., S. 7383; 1959, P.A. 149; 1969, P.A. 610; P.A. 81-15.)

History: 1959 act substituted “mediator” for “investigator”; 1969 act substituted “labor” disputes for “industrial” disputes and required appointment of at least five mediators rather than one as previously; P.A. 81-15 afforded mediators a testimonial privilege in order to prevent disclosure of confidential communications made by parties to the mediator, unless the right is waived by the affected party.

Cited. 163 C. 327; 171 C. 613.

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Sec. 31-97. Submission of grievance or dispute; procedure. Claim of nonarbitrability of issue. (a) Whenever a grievance or dispute arises between an employer and his employees, the parties may submit the grievance or dispute directly to said board and notify said board or its clerk in writing and upon payment by each party of a filing fee of two hundred dollars. Whenever a single public member of the board is chosen to arbitrate a grievance or dispute, as provided in section 31-93, the parties shall each be refunded the filing fee. Whenever such notification is given, a panel of said board, as directed by its chairman, shall proceed with as little delay as possible to the locality of such grievance or dispute and inquire into the causes thereof. The parties shall thereupon submit to said panel in writing, succinctly, clearly and in detail, their grievances and complaints and the causes thereof, and severally promise and agree to continue in business or at work without a strike or lockout until the decision of the panel is rendered; but such agreement shall not be binding unless such decision is rendered within ten days after the completion of the investigation. The panel shall fully investigate and inquire into the matters in controversy, take testimony under oath in relation thereto and may administer oaths and issue subpoenas for the attendance of witnesses and for the production of books and papers.

(b) No panel of said board may consider any claim that one or more of the issues before the panel are improper subjects for arbitration unless the party making such claim has notified the opposing party and the chairman of the panel of such claim, in writing, at least ten days prior to the date of hearing, except that the

panel may consider such claim if it determines there was reasonable cause for the failure of such party to comply with said notice requirement.

(1949 Rev., S. 7384; 1949, S. 3028d; P.A. 79-610, S. 37; P.A. 80-447; P.A. 82-91, S. 32, 38; May Sp. Sess. P.A. 16-3, S. 179.)

History: P.A. 79-610 imposed $25 filing fee payable by each party; P.A. 80-447 added Subsec. (b) re claims that issues are improper subjects for arbitration; P.A. 82-91 required that whenever a single public member is chosen to arbitrate, the parties will be refunded the filing fee; May Sp. Sess. P.A. 16-3 amended Subsec. (a) to increase filing fee from $25 to $200 and make a technical change, effective July 1, 2016.

Applies as against general provision of Sec. 52-416. 136 C. 205. Cited. 145 C. 53; 163 C. 327; 171 C. 613; 200 C. 91; 206 C. 465.

Cited. 9 CA 260.

Cited. 31 CS 88.

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Sec. 31-97a. Failure to prosecute grievances or disputes. Section 31-97a is repealed, effective October 1, 2002.

(P.A. 94-226, S. 1, 2; S.A. 02-12, S. 1.)

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Sec. 31-98. Oral or written decision. Reduction of oral decision to writing. Compensation of members. (a) The panel, or its single member if sitting in accordance with section 31-93, may, in its discretion and with the consent of the parties, issue an oral decision immediately upon conclusion of the proceedings. If the decision is to be in writing, it shall be signed, within fifteen days, by a majority of the members of the panel or by the single member so sitting, and the decision shall state such details as will clearly show the nature of the decision and the points disposed of by the panel. Where the decision is in writing, one copy thereof shall be filed by the panel in the office of the town clerk in the town where the controversy arose and one copy shall be given to each of the parties to the controversy. The panel or single member which has rendered an oral decision immediately upon conclusion of the proceedings shall submit a written copy of the decision to each party within fifteen days from the issuance of such oral decision. In all cases where a decision is rendered orally from the bench, the secretary shall cause such oral decision to be transcribed, approved by the panel or single member as applicable and filed with the records of the board proceedings.

(b) Upon the conclusion of the proceedings, each member of the panel shall receive three hundred twenty-five dollars and a panel member who prepares a written decision shall receive an additional five hundred dollars, or the single member, if sitting in accordance with section 31-93, shall receive three hundred twenty-five dollars, provided if the proceedings extend beyond one day, each member shall receive three hundred twenty-five dollars for each additional day beyond the first day, and provided further no proceeding may be extended beyond two days without the prior approval of the Labor Commissioner for each such additional day.

(c) Upon the conclusion of an executive panel session, each member of such panel shall receive two hundred dollars.

(1949 Rev., S. 7385; 1949, S. 3029d; P.A. 73-176; P.A. 82-91, S. 33, 38; June Sp. Sess. P.A. 83-16, S. 1; P.A. 87-349, S. 1, 2; P.A. 88-275, S. 2, 3; P.A. 99-270, S. 2; June Sp. Sess. P.A. 05-3, S. 20; May Sp. Sess. P.A. 16-3, S. 41; June Sp. Sess. P.A. 17-2, S. 209; P.A. 21-98, S. 2.)

History: P.A. 73-176 amended provisions to allow issuance of oral decisions; P.A. 82-91 added provision that, upon conclusion of proceedings, each panel member receives $100 and a member who prepares a

written decision receives an additional $50, or the single member, if sitting in accordance with Sec. 31-83, receives $150; June Sp. Sess. P.A. 83-16 provided that, for proceedings which extend beyond two days, the members shall be paid $50 per day, and the labor commissioner must give prior approval to any such extension; P.A. 87-349 increased compensation for panel members to $150 per member, an extra $100 for the member who prepares the written decision, and $200 for a single member sitting in accordance with Sec. 31-93; P.A. 88-275 increased compensation for single member sitting in accordance with Sec. 31-93 from $200 to $250; P.A. 99-270 divided section into Subsecs., amended Subsec. (b) to increase arbitrator fee from $50 for each day after the second day of proceedings to $75 for each day after the first day of proceedings and amended Subsec. (c) to establish a $75 arbitrator fee upon the conclusion of an executive panel session; June Sp. Sess. P.A. 05-3 amended Subsec. (b) to increase compensation to panel members from $150 to $175 and, on and after July 1, 2006, to $225, to increase compensation to member who writes decision from $100 to $125 and, on and after July 1, 2006, to $175, to increase compensation to single panel member from $250 to $275 and, on and after July 1, 2006 to $325, and to increase compensation to all panel members for each additional day from $75 to $100 and, on and after July 1, 2006, to $150 per day and amended Subsec. (c) to increase compensation to panel members upon conclusion of executive panel from $75 to $100 and, on and after July 1, 2006, to $250, effective January 1, 2006; May Sp. Sess. P.A. 16-3 amended Subsec. (b) by increasing amount to be received by panel members from $225 to $325 and making technical changes, and amended Subsec. (c) by making a technical change, effective July 1, 2016; June Sp. Sess. P.A. 17-2 amended Subsec. (b) to increase compensation to panel member who writes decision from $175 to $500, effective October 31, 2017; P.A. 21-98 amended Subsec. (b) by increasing amount received by panel member for each additional day from $150 to $325 and amended Subsec. (c) by increasing amount received by executive panel session member from $150 to $200, effective July 1, 2021.

Time limitation is directory and not mandatory. 138 C. 57. Governs conduct of Board of Mediation and Arbitration; distinguished from Sec. 52-416; time limit is directory not mandatory. 145 C. 53. Cited. 157 C. 368; 163 C. 327; 171 C. 613; 206 C. 465; 211 C. 541.

Cited. 23 CA 727; 41 CA 649; 43 CA 800. Section applies to labor dispute heard by Board of Mediation and Arbitration; time for rehearing following vacated award. 49 CA 33.

This section rather than Sec. 52-416 is applicable to an arbitration before the Board of Mediation and Arbitration; requirement that written decision be filed within 15 days after matter has been fully heard is directory rather than mandatory; question of reasonable time for filing discussed. 20 CS 303. Cited. 31 CS 88. Appeal period under section runs from the receipt of the written copy of the decision and not from the oral rendition of the decision. 32 CS 85. Cited. 44 CS 312.

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Sec. 31-99. Duty of board in case of a strike or lockout. Whenever a strike or lockout occurs or is seriously threatened and it comes to the knowledge of the board, a panel of said board, as directed by its chairman, shall proceed as soon as practicable to the locality of such strike or lockout, put itself in communication with the parties of the controversy and endeavor by mediation to effect a settlement of such strike or lockout; and may inquire into the causes of the controversy and may subpoena witnesses and send for persons and papers.

(1949 Rev., S. 7386; 1949, S. 3030d.)

Cited. 163 C. 327; 171 C. 613; 200 C. 91.

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Sec. 31-100. Annual report. Confidential information. Said board shall, as provided in section 4-60, make a report to the Governor and shall include therein statements of such facts and explanations as will disclose the actual doings of the board and such suggestions as to legislation as seem to it conducive to harmony in the relations between employers and employees. The board shall hold confidential all information submitted to it by any party to a labor dispute and shall not reveal such information unless specifically authorized to do so by such party.

(1949 Rev., S. 7387; September, 1957, P.A. 11, S. 13; P.A. 75-32.)

History: P.A. 75-32 substituted “labor dispute” for “industrial dispute”.

Cited. 163 C. 327; 171 C. 613. Section exempts grievance arbitration proceedings from open meetings requirements of Freedom of Information Act. 244 C. 487.

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CHAPTER 909*

ARBITRATION PROCEEDINGS

*Prior to 1929 statute, award could be set aside only for partiality and corruption of arbitrators, mistakes in their own principles, or fraud or misbehavior of the parties; arbitrators not bound to follow strict rules of law unless it be made a condition of the submission; have right and duty to take notice of trade customs of which they have knowledge, even if direct evidence was not offered on the subject. 114 C. 425. Cited. 136 C. 206. Deals with arbitration generally as distinguished from chapter 560. 145 C. 53; 147 C. 139; Id., 608. Cited. 200 C. 91; Id., 376; 205 C. 424; 206 C. 113; 208 C. 352; 215 C. 14; 217 C. 182; 218 C. 646; Id., 681; 222 C. 480; 237 C. 175; 238 C. 183.

The following decisions were rendered prior to 1929 act: Parties to a suit pending may refer it to arbitrators, of their own selection, under section; 14 C. 30; and such arbitrators are not officers of the court. Id.; 64 C. 510. Such a submission is irrevocable. 1 C. 501. The statutory disqualifications of judges do not affect such arbitrators. 14 C. 31. They can appoint a time and place for the hearing, and, if either party fails to attend, may proceed ex parte. 1 C. 498. The award bars a suit for any claim which, through mistake, was not presented. 2 R. 101. If ordered to report at a particular term, a subsequent report would be unavailing. 1 R. 222. The power to accept an award implies the power to reject. 64 C. 510. Arbitration proceedings constitute an "action" as regards appeals. 73 C. 715. Powers of arbitrators. 91 C. 684. Defense of bad faith or failure to act must be specially pleaded. 98 C. 626. Misconduct is a defense to action on an award both at law and in equity; but suit to set award aside for misconduct is a purely equitable proceeding. 100 C. 250.

Cited. 3 CA 590; 4 CA 339; 25 CA 126; 27 CA 386; 34 CA 27; 38 CA 555; 44 CA 415. Legislature has taken steps to ensure arbitration decisions are not without the possibility of judicial review but statutes are silent on whether parties have agreed to arbitrate in the first place. 51 CA 222.

Nature of arbitration discussed. 15 CS 118.

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PART I

REVISED UNIFORM ARBITRATION ACT

Sec. 52-407aa. Definitions. As used in sections 52-407aa to 52-407eee, inclusive:

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

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

(3) "Court" means the Superior Court.

(4) "Knowledge" means actual knowledge.

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

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

(P.A. 18-94, S. 1.)

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Sec. 52-407bb. Notice. (a) Except as otherwise provided in sections 52-407ii, 52-407oo, 52-407ss, 52-407tt and 52-407vv to 52-407xx, inclusive, a person gives notice to another person by taking action that is reasonably necessary to inform the other person in ordinary course, whether or not the other person acquires knowledge of the notice.

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

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

(P.A. 18-94, S. 2.)

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Sec. 52-407cc. Applicability of chapter. Sections 52-407aa to 52-407eee, inclusive, govern an agreement to arbitrate made on or after October 1, 2018, except that any proceeding that is governed by chapter 48, 68,

113, 166 or 743b, or any other provision of the general statutes, related to an agreement to arbitrate that was made prior to, on or after October 1, 2018, shall be subject to part II of this chapter, unless:

(1) (A) All the parties to the proceeding agree in a record to be governed by sections 52-407aa to 52-407eee, inclusive, and (B) the agreement under subparagraph (A) of this subdivision is permitted by a law of this state other than sections 52-407aa to 52-407eee, inclusive; or

(2) The proceeding is governed by sections 52-407aa to 52-407eee, inclusive, pursuant to a law of this state other than sections 52-407aa to 52-407eee, inclusive.

(P.A. 18-94, S. 3.)

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Sec. 52-407dd. Effect of agreement to arbitrate; nonwaivable provisions. (a) Except as otherwise provided in subsections (b) and (c) of this section, a party to an agreement to arbitrate or to an arbitration proceeding may waive, or the parties may vary the effect of, the requirements of sections 52-407aa to 52-407eee, inclusive, to the extent permitted by law.

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

(1) Waive or agree to vary the effect of the requirements of subsection (a) of section 52-407ee, subsection (a) of section 52-407ff, section 52-407hh, subsection (a) or (b) of section 52-407qq and section 52-407zz or 52-407bbb;

(2) Agree to unreasonably restrict the right under section 52-407ii to notice of the initiation of an arbitration proceeding;

(3) Agree to unreasonably restrict the right under section 52-407*ll* to disclosure of any facts by a neutral arbitrator; or

(4) Waive the right under section 52-407pp of a party to an agreement to arbitrate to be represented by a lawyer at any proceeding or hearing under sections 52-407aa to 52-407eee, inclusive, provided an employer and a labor organization may waive the right to representation by a lawyer in a labor arbitration.

(c) A party to an agreement to arbitrate or arbitration proceeding may not waive, or the parties may not vary the effect of, the requirements of this section or section 52-407cc, 52-407gg, 52-407nn or 52-407rr, subsection (d) or (e) of section 52-407tt, or sections 52-407vv to 52-407yy, inclusive, and sections 52-407ccc to 52-407eee, inclusive, or section 37-3a.

(P.A. 18-94, S. 4.)

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Sec. 52-407ee. Application for judicial relief. (a) Except as otherwise provided in section 52-407bbb, an application for judicial relief under sections 52-407aa to 52-407eee, inclusive, shall be made by motion to the court and heard in the manner provided by law or rule of court for making and hearing motions.

(b) Unless a civil action involving the agreement to arbitrate is pending, notice of an initial motion to the court under sections 52-407aa to 52-407eee, inclusive, must be served in the manner provided by law for the service of a summons in a civil action. Otherwise, notice of the motion must be given in the manner provided by law or rule of court for serving motions in pending cases.

(P.A. 18-94, S. 5.)

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Sec. 52-407ff. Validity of agreement to arbitrate. (a) An agreement contained in a record to submit to arbitration any existing or subsequent controversy arising between the parties to the agreement is valid, enforceable and irrevocable, except upon a ground that exists at law or in equity for the revocation of a contract.

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

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

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

(P.A. 18-94, S. 6.)

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Sec. 52-407gg. Motion to compel or stay arbitration. (a) On motion of a person showing an agreement to arbitrate and alleging another person's refusal to arbitrate pursuant to the agreement:

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

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

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

(c) If the court finds that there is no enforceable agreement, it may not order the parties to arbitrate under this section.

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

(e) If a proceeding involving a claim referable to arbitration under an alleged agreement to arbitrate is pending in court, a motion under this section must be made in that court. Otherwise, a motion under this section may be made in any court specified in section 52-407aaa.

(f) If a party makes a motion to the court to order arbitration, the court on just terms shall stay any judicial proceeding that involves a claim alleged to be subject to the arbitration until the court renders a final decision under this section.

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

(P.A. 18-94, S. 7.)

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Sec. 52-407hh. Provisional remedies. (a) Before an arbitrator is appointed and is authorized and able to act, the court, upon motion of a party to an arbitration proceeding and for good cause shown, may enter an order

for provisional remedies to protect the effectiveness of the arbitration proceeding to the same extent and under the same conditions as if the controversy were the subject of a civil action.

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

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

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

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

(P.A. 18-94, S. 8.)

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Sec. 52-407ii. Initiation of arbitration proceeding. Notice. (a) A person initiates an arbitration proceeding by giving notice in a record to the other parties to the agreement to arbitrate in the agreed manner between the parties, or in the absence of agreement, by certified or registered mail, return receipt requested and obtained, or by service as authorized for the commencement of a civil action. The notice must describe the nature of the controversy and the remedy sought.

(b) Unless a person objects for lack or insufficiency of notice under subsection (c) of section 52-407oo not later than the beginning of the arbitration hearing, the person by appearing at the hearing waives any objection to lack or insufficiency of notice.

(P.A. 18-94, S. 9.)

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Sec. 52-407jj. Consolidation of separate arbitration proceedings. (a) Except as otherwise provided in subsection (c) of this section, upon motion of a party to an agreement to arbitrate or to an arbitration proceeding, the court may order consolidation of separate arbitration proceedings as to all or some of the claims if:

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

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

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

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

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

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

(P.A. 18-94, S. 10.)

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Sec. 52-407kk. Appointment of arbitrator; service as neutral arbitrator. (a) If the parties to an agreement to arbitrate agree on a method for appointing an arbitrator, that method must be followed, unless the method fails. If the parties have not agreed on a method, the agreed method fails or an appointed arbitrator fails or is unable to act and a successor has not been appointed, the court, on motion of a party to the arbitration proceeding, shall appoint the arbitrator. An arbitrator so appointed has all the powers of an arbitrator designated in the agreement to arbitrate or appointed pursuant to the agreed method.

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

(P.A. 18-94, S. 11.)

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Sec. 52-407*ll*. Disclosure by arbitrator. (a) Before accepting appointment, an individual who is requested to serve as an arbitrator, after making a reasonable inquiry, shall disclose to all parties to the agreement to arbitrate and arbitration proceeding and to any other arbitrators any known facts that a reasonable person would consider likely to affect the impartiality of the arbitrator in the arbitration proceeding, including:

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

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

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

(c) If an arbitrator discloses a fact required by subsection (a) or (b) of this section to be disclosed and a party timely objects to the appointment or continued service of the arbitrator based upon the fact disclosed, the objection may be a ground under subdivision (2) of subsection (a) of section 52-407ww for vacating an award made by the arbitrator.

(d) If the arbitrator did not disclose a fact as required by subsection (a) or (b) of this section, upon timely objection by a party, the court, under subdivision (2) of subsection (a) of section 52-407ww, may vacate an award.

(e) An arbitrator appointed as a neutral arbitrator who does not disclose a known, direct and material interest in the outcome of the arbitration proceeding or a known, existing and substantial relationship with a party is presumed to act with evident partiality under subdivision (2) of subsection (a) of section 52-407ww.

(f) If the parties to an arbitration proceeding agree to the procedures of an arbitration organization or any other procedures for challenges to arbitrators before an award is made, substantial compliance with those procedures is a condition precedent to a motion to vacate an award on that ground under subdivision (2) of subsection (a) of section 52-407ww.

(P.A. 18-94, S. 12.)

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Sec. 52-407mm. Action by majority. If there is more than one arbitrator, the powers of an arbitrator must be exercised by a majority of the arbitrators, but all of them shall conduct the hearing under subsection (c) of section 52-407oo.

(P.A. 18-94, S. 13.)

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Sec. 52-407nn. Immunity of arbitrator; competency to testify; attorney's fees and costs. (a) An arbitrator or an arbitration organization acting in that capacity is immune from civil liability to the same extent as a judge of a court of this state acting in a judicial capacity.

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

(c) The failure of an arbitrator to make a disclosure required by section 52-407*ll* does not cause any loss of immunity under this section.

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

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

(2) To a hearing on a motion to vacate an award under subdivision (1) or (2) of subsection (a) of section 52-407ww if the movant establishes prima facie that a ground for vacating the award exists.

(e) If a person commences a civil action against an arbitrator, arbitration organization or representative of an arbitration organization arising from the services of the arbitrator, organization or representative or if a person seeks to compel an arbitrator or a representative of an arbitration organization to testify or produce records in violation of subsection (d) of this section, and the court decides that the arbitrator, arbitration organization or representative of an arbitration organization is immune from civil liability or that the arbitrator or representative of the organization is not competent to testify, the court shall award to the arbitrator, organization or representative reasonable attorney's fees and other reasonable expenses of litigation.

(P.A. 18-94, S. 14.)

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Sec. 52-407oo. Arbitration process. Replacement arbitrator. (a) An arbitrator may conduct an arbitration in such manner as the arbitrator considers appropriate for a fair and expeditious disposition of the proceeding. The authority conferred upon the arbitrator includes the power to hold conferences with the parties to the arbitration proceeding before the hearing and, among other matters, determine the admissibility, relevance, materiality and weight of any evidence.

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

(1) If all interested parties agree; or

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

(c) If an arbitrator orders a hearing, the arbitrator shall set a time and place and give notice of the hearing not less than five days before the hearing begins. Unless a party to the arbitration proceeding makes an objection to lack or insufficiency of notice not later than the beginning of the hearing, the party's appearance at the

hearing waives the objection. Upon request of a party to the arbitration proceeding and for good cause shown, or upon the arbitrator's own initiative, the arbitrator may adjourn the hearing from time to time as necessary but may not postpone the hearing to a time later than that fixed by the agreement to arbitrate for making the award unless the parties to the arbitration proceeding consent to a later date. The arbitrator may hear and decide the controversy upon the evidence produced although a party who was duly notified of the arbitration proceeding did not appear. The court, on request, may direct the arbitrator to conduct the hearing promptly and render a timely decision.

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

(e) If an arbitrator ceases or is unable to act during the arbitration proceeding, a replacement arbitrator must be appointed in accordance with section 52-407kk to continue the proceeding and to resolve the controversy.

(P.A. 18-94, S. 15.)

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Sec. 52-407pp. Representation by lawyer. A party to an arbitration proceeding may be represented by a lawyer.

(P.A. 18-94, S. 16.)

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Sec. 52-407qq. Witnesses; subpoenas; depositions; discovery. (a) An arbitrator may issue a subpoena for the attendance of a witness and for the production of records and other evidence at any hearing and may administer oaths. A subpoena must be served in the manner for service of subpoenas in a civil action and, upon motion to the court by a party to the arbitration proceeding or the arbitrator, enforced in the manner for enforcement of subpoenas in a civil action.

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

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

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

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

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

(g) The court may enforce a subpoena or discovery-related order for the attendance of a witness within this state and for the production of records and other evidence issued by an arbitrator in connection with an

arbitration proceeding in another state upon conditions determined by the court so as to make the arbitration proceeding fair, expeditious and cost effective. A subpoena or discovery-related order issued by an arbitrator in another state must be served in the manner provided by law for service of subpoenas in a civil action in this state and, upon motion to the court by a party to the arbitration proceeding or the arbitrator, enforced in the manner provided by law for enforcement of subpoenas in a civil action in this state.

(P.A. 18-94, S. 17.)

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Sec. 52-407rr. Judicial enforcement of preaward ruling by arbitrator. If an arbitrator makes a preaward ruling in favor of a party to the arbitration proceeding, the party may request the arbitrator to incorporate the ruling into an award under section 52-407ss. A prevailing party may make a motion to the court for an expedited order to confirm the award under section 52-407vv, in which case the court shall summarily decide the motion. The court shall issue an order to confirm the award unless the court vacates, modifies or corrects the award under section 52-407ww or 52-407xx.

(P.A. 18-94, S. 18.)

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Sec. 52-407ss. Record and notice of award. (a) An arbitrator shall make a record of an award. The record must be signed or otherwise authenticated by any arbitrator who concurs with the award. The arbitrator or the arbitration organization shall give notice of the award, including a copy of the award, to each party to the arbitration proceeding.

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

(P.A. 18-94, S. 19.)

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Sec. 52-407tt. Modification or correction of award by arbitrator. (a) On motion to an arbitrator by a party to an arbitration proceeding, the arbitrator may modify or correct an award:

(1) Upon a ground stated in subdivision (1) or (3) of subsection (a) of section 52-407xx;

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

(3) To clarify the award.

(b) A motion under subsection (a) of this section shall be made and notice given to all parties within twenty days after the movant receives notice of the award.

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

(d) If a motion to the court is pending under section 52-407vv, 52-407ww or 52-407xx, the court may submit the claim to the arbitrator to consider whether to modify or correct the award:

(1) Upon a ground stated in subdivision (1) or (3) of subsection (a) of section 52-407xx;

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

(3) To clarify the award.

(e) An award modified or corrected pursuant to this section is subject to subsection (a) of section 52-407ss and sections 52-407vv to 52-407xx, inclusive.

(P.A. 18-94, S. 20.)

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Sec. 52-407uu. Remedies, fees and expenses of arbitration proceeding. (a) An arbitrator may award punitive damages or other exemplary relief if such an award is authorized by law in a civil action involving the same claim and the evidence produced at the hearing justifies the award under the legal standards otherwise applicable to the claim.

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

(c) As to all remedies other than those authorized by subsections (a) and (b) of this section, an arbitrator may order such remedies as the arbitrator considers just and appropriate under the circumstances of the arbitration proceeding.

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

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

(P.A. 18-94, S. 21.)

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Sec. 52-407vv. Court order confirming award. After a party to an arbitration proceeding receives notice of an award, the party may make a motion to the court for an order confirming the award at which time the court shall issue a confirming order unless the award is modified or corrected pursuant to section 52-407tt or 52-407xx or is vacated pursuant to section 52-407ww.

(P.A. 18-94, S. 22.)

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Sec. 52-407ww. Vacating of award by court. (a) Upon motion to the court by a party to an arbitration proceeding, the court shall vacate an award made in the arbitration proceeding if:

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

(2) There was: (A) Evident partiality by an arbitrator appointed as a neutral arbitrator; (B) corruption by an arbitrator; or (C) misconduct by an arbitrator prejudicing the rights of a party to the arbitration proceeding;

(3) An arbitrator refused to postpone the hearing upon showing of sufficient cause for postponement, refused to consider evidence material to the controversy or otherwise conducted the hearing contrary to section 52-407oo so as to prejudice substantially the rights of a party to the arbitration proceeding;

(4) An arbitrator exceeded the arbitrator's powers;

(5) There was no agreement to arbitrate, unless the person participated in the arbitration proceeding without raising the objection under subsection (c) of section 52-407oo not later than the beginning of the arbitration hearing; or

(6) The arbitration was conducted without proper notice of the initiation of an arbitration as required in section 52-407ii so as to prejudice substantially the rights of a party to the arbitration proceeding.

(b) A motion under this section must be filed within thirty days after the movant receives notice of the award pursuant to section 52-407ss or within thirty days after the movant receives notice of a modified or corrected award pursuant to section 52-407tt, unless the movant alleges that the award was procured by corruption, fraud or other undue means, in which case the motion must be made within thirty days after the ground is known or by the exercise of reasonable care would have been known by the movant.

(c) If the court vacates an award on a ground other than that set forth in subdivision (5) of subsection (a) of this section, it may order a rehearing. If the award is vacated on a ground stated in subdivision (1) or (2) of subsection (a) of this section, the rehearing must be before a new arbitrator. If the award is vacated on a ground stated in subdivision (3), (4) or (6) of subsection (a) of this section, the rehearing may be before the arbitrator who made the award or the arbitrator's successor. The arbitrator must render the decision in the rehearing within the same time as that provided in subsection (b) of section 52-407ss for an award.

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

(P.A. 18-94, S. 23.)

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Sec. 52-407xx. Grounds for modifying or correcting an award. (a) Upon motion made within ninety days after the movant receives notice of the award pursuant to section 52-407ss or within ninety days after the movant receives notice of a modified or corrected award pursuant to section 52-407tt, the court shall modify or correct the award if:

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

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

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

(b) If a motion made under subsection (a) of this section is granted, the court shall modify or correct and confirm the award as modified or corrected. Otherwise, unless a motion to vacate is pending, the court shall confirm the award.

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

(P.A. 18-94, S. 24.)

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Sec. 52-407yy. Judgment on award. Litigation expenses. (a) Upon granting an order confirming an award, vacating an award without directing a rehearing, modifying an award or correcting an award, the court shall

enter a judgment in conformity therewith. The judgment may be recorded, docketed and enforced as any other judgment in a civil action.

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

(P.A. 18-94, S. 25.)

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Sec. 52-407zz. Jurisdiction. (a) A court of this state having jurisdiction over the controversy and the parties may enforce an agreement to arbitrate.

(b) An agreement to arbitrate providing for arbitration in this state confers exclusive jurisdiction on the court to enter judgment on an award under sections 52-407aa to 52-407eee, inclusive.

(P.A. 18-94, S. 26.)

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Sec. 52-407aaa. Venue. A motion pursuant to section 52-407ee shall be made in the court for the judicial district in which the agreement to arbitrate specifies the arbitration hearing is to be held or, if the hearing has been held, in the court for the judicial district in which it was held. Otherwise, the motion may be made in the court for any judicial district in which an adverse party resides or has a place of business or, if no adverse party has a residence or place of business in this state, in the court for any judicial district in this state. All subsequent motions shall be made in the court hearing the initial motion unless the court otherwise directs.

(P.A. 18-94, S. 27.)

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Sec. 52-407bbb. Permissable appeals. (a) An appeal may be taken from: (1) An order denying a motion to compel arbitration; (2) an order granting a motion to stay arbitration; (3) an order confirming or denying confirmation of an award; (4) an order modifying or correcting an award; (5) an order vacating an award without directing a rehearing; or (6) a final judgment entered pursuant to sections 52-407aa to 52-407eee, inclusive.

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

(P.A. 18-94, S. 28.)

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Sec. 52-407ccc. Uniformity and construction of part I. In applying and construing the uniform provisions of sections 52-407aa to 52-407eee, inclusive, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact such uniform provisions.

(P.A. 18-94, S. 29.)

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Sec. 52-407ddd. Relationship to Electronic Signatures in Global and National Commerce Act. The provisions of sections 52-407aa to 52-407eee, inclusive, governing the legal effect, validity or enforceability of electronic records or signatures and of contracts formed or performed with the use of such records or

signatures conform to the requirements of Section 102 of the Electronic Signatures in Global and National Commerce Act.

(P.A. 18-94, S. 30.)

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Sec. 52-407eee. Applicability of part I to action or proceeding commenced or right accrued before October 1, 2018. Applicability of part II to arbitration agreement made before October 1, 2018. The provisions of sections 52-407aa to 52-407ddd, inclusive, do not affect an action or proceeding commenced or right accrued before October 1, 2018. Subject to section 52-407cc, an arbitration agreement made before October 1, 2018, is governed by sections 52-408 to 52-424, inclusive.

(P.A. 18-94, S. 31.)

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PART II

OTHER ARBITRATION PROVISIONS

Sec. 52-408. Agreements to arbitrate. An agreement in any written contract, or in a separate writing executed by the parties to any written contract, to settle by arbitration any controversy thereafter arising out of such contract, or out of the failure or refusal to perform the whole or any part thereof, or a written provision in the articles of association or bylaws of an association or corporation of which both parties are members to arbitrate any controversy which may arise between them in the future, or an agreement in writing between two or more persons to submit to arbitration any controversy existing between them at the time of the agreement to submit, or an agreement in writing between the parties to a marriage to submit to arbitration any controversy between them with respect to the dissolution of their marriage, except issues related to child support, visitation and custody, shall be valid, irrevocable and enforceable, except when there exists sufficient cause at law or in equity for the avoidance of written contracts generally.

(1949 Rev., S. 8151; P.A. 05-258, S. 2.)

History: P.A. 05-258 added provisions re agreement to arbitrate in dissolution of marriage.

Cited. 138 C. 63. Agreement can be declared void for fraud, misrepresentation, duress or undue influence. 140 C. 446. Cited. 142 C. 4. If arbitrators are enjoined from acting, the resulting inability to serve would warrant the appointment of new arbitrators. 144 C. 303. Cited. 147 C. 139. Legislative history reveals nothing which would indicate an intent to give the word “controversy” a narrower meaning than its normal connotation; dispute over value of stock, where arbitrators would have to determine not only the value of each share, but also the method to be used in determining that value, is a bona fide dispute and well within the meaning of section. 152 C. 595, 596. Where insurance policy provided for arbitration only of claims arising from accidents with uninsured motorists, question as to whether motorist was uninsured was not a matter for arbitration. 155 C. 270. Cited. 163 C. 327; 171 C. 493. In absence of fraud or partiality, court would not intervene in arbitration proceedings. 175 C. 475. Appraisal clause in fire insurance policy constitutes agreement to arbitrate. 177 C. 273. Cited. 191 C. 316; 206 C. 113; 208 C. 352; 223 C. 761; 229 C. 465. Section expresses clear public policy in favor of arbitrating disputes. 271 C. 65. Public policy does not require arbitrator to give collateral estoppel effect to prior arbitration awards. 278 C. 578. If a contract is challenged as illegal, but its arbitration provisions are not specifically challenged, the challenge should be considered by an arbitrator, not a court. 282 C. 54. No valid and enforceable agreement to arbitrate existed because the cumulative effect of the correspondence between the parties reflects that the parties failed to reach a written agreement on a single parameter or condition of arbitration that either counsel had identified as necessary to the agreement, and the issue of whether the parties intended to submit to arbitration is not material to the question of whether the parties validly agreed in writing to arbitrate. 301 C. 657. Section

covers an agreement to arbitrate between parties to a marriage, subject to the court finding the agreement is fair and equitable. 322 C. 828.

Cited. 28 CA 270; 30 CA 580; 38 CA 555; 39 CA 122; Id., 444; 45 CA 466. Agreement to arbitrate must be expressed in a writing. 62 CA 83. Section evinces a public policy favoring arbitration as a vehicle for dispute resolution; it is well established that for an agreement to arbitrate to be enforceable, it must be in writing. 81 CA 755. Documentary parol evidence may be relevant to establishing existence of written agreement to arbitrate, but oral parol evidence is irrelevant absent a written agreement required by section; arbitration agreements are strictly construed, and must be clear and direct and not depend on implication; writing requirement of section is strictly enforced. 118 CA 757. Arbitration award could not be confirmed because oral agreement of the parties to arbitrate the matter, which was recorded in court transcript, did not fulfill requirement under section that an arbitration agreement be in writing. 119 CA 368. Although trial court incorporated arbitration award by reference into dissolution judgment, the court was not legally bound by arbitrator's factual findings regarding gross income and defendant's child support obligation; section's use of term “issues related to child support” is both broad and unqualified and conveys legislature's intent to render inarbitrable not only a final determination of a party's child support obligations but any and all related issues that pertain to such a determination. 185 CA 713.

Provision in contract which provides for settlement of questions by mutual agreement, or by arbitration to be conclusive on parties, is valid and enforceable unless it can be avoided by equity. 8 CS 321. Cited. 15 CS 120. Does not involve the conduct of arbitration, as such. 20 CS 95. Cited. Id., 188; 21 CS 134; Id., 488. An agreement for an appraisal, the decision of which is not conclusive as to the ultimate rights of the parties, is not a submission to arbitration. 22 CS 449. Cited. 29 CS 26.

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Sec. 52-409. Stay of proceedings in court. If any action for legal or equitable relief or other proceeding is brought by any party to a written agreement to arbitrate, the court in which the action or proceeding is pending, upon being satisfied that any issue involved in the action or proceeding is referable to arbitration under the agreement, shall, on motion of any party to the arbitration agreement, stay the action or proceeding until an arbitration has been had in compliance with the agreement, provided the person making application for the stay shall be ready and willing to proceed with the arbitration.

(1949 Rev., S. 8152; P.A. 82-160, S. 149.)

History: P.A. 82-160 substituted “the” for “such” where appearing.

Cited. 142 C. 5. An order staying proceedings held not a final order and therefore not appealable. 148 C. 218. Cited. 156 C. 224; 163 C. 327. Any right to arbitration had been waived by plaintiff's proceeding nearly to completion in a court trial on the precise issues previously claimed for arbitration. 164 C. 426. Cited. 181 C. 445; 191 C. 316; 208 C. 352; 223 C. 761; 230 C. 106. Party opposing arbitration on the ground of waiver must demonstrate that it will be prejudiced by enforcement of the arbitration clause. 313 C. 54.

Cited. 2 CA 230; 3 CA 511; 4 CA 339; 5 CA 333; 20 CA 23; 34 CA 11; 38 CA 555. Application to claim that court lacks jurisdiction to hear plaintiff's appeal to compel arbitration where plaintiff has filed complaint in Superior Court raising identical claim that it seeks to arbitrate. 49 CA 78. The power to order a stay implies the court has jurisdiction over a matter; trial court improperly concluded it lacked subject matter jurisdiction over an action brought where contract included arbitration clause to resolve disputes. 113 CA 195. Party waived arbitration clause in its contract by its conduct of unjustifiable delay in seeking arbitration when such party participated in 2 years of pretrial activities, including requesting a 2-month continuance, and failed to file a proper motion for stay until the fact-finding hearing was half completed. 128 CA 537.

Cited. 8 CS 2; 10 CS 396. If requirements of statute are met, action by a party to a written arbitration agreement will be stayed until arbitration has been had. 20 CS 44. Policy of the state is to encourage arbitration as a speedy, informal procedure for the adjustment of disputes; hence court refused to enjoin arbitration proceedings pending determination of issues raised by an action for a declaratory judgment. 21 CS 134. Arbitration clause may be waived by the parties or by the one entitled to its benefit; unjustifiable delay

in seeking arbitration may warrant a finding of waiver. 23 CS 71. Where, in an action for the balance due under a contract, defendant filed plea in abatement specifying that under provisions of the contract, a condition precedent to any right of legal action was a decision by arbitrators, the plea was proper and it was not mandatory for him to ask for a stay of the proceedings until arbitration had been had. 26 CS 44. Agreement by state university trustees to submit disputes arising from contract with architect to arbitration is binding on the state. 28 CS 173. Cited. 36 CS 266.

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Sec. 52-410. Application for court order to proceed with arbitration. (a) A party to a written agreement for arbitration claiming the neglect or refusal of another to proceed with an arbitration thereunder may make application to the superior court for the judicial district in which one of the parties resides or, in a controversy concerning land, for the judicial district in which the land is situated or, when the court is not in session, to any judge thereof, for an order directing the parties to proceed with the arbitration in compliance with their agreement. The application shall be by writ of summons and complaint, served in the manner provided by law.

(b) The complaint may be in the following form: "1. On ...., 20.., the plaintiff and the defendant entered into a written agreement for arbitration, of which exhibit A, hereto attached, is a copy. 2. The defendant has neglected and refused to perform the agreement for arbitration, although the plaintiff is ready and willing to perform the agreement. The plaintiff claims an order directing the defendant to proceed with an arbitration in compliance therewith."

(c) The parties shall be considered as at issue on the allegations of the complaint unless the defendant files answer thereto within five days from the return day, and the court or judge shall hear the matter either at a short calendar session, or as a privileged case, or otherwise, in order to dispose of the case with the least possible delay, and shall either grant the order or deny the application, according to the rights of the parties.

(1949 Rev., S. 8153; P.A. 78-280, S. 2, 127; P.A. 82-160, S. 150.)

History: P.A. 78-280 substituted "judicial district" for "county"; P.A. 82-160 rephrased the section and inserted Subsec. indicators; (Revisor's note: In 2001 the reference in Subsec. (b) of this section to the date "19.." was changed editorially by the Revisors to "20.." to reflect the new millennium).

Where parties to arbitration agreement confide to arbitrators the decision of legal and factual disputes, arbitrators have authority to interpret the agreement. 137 C. 305. Not mandatory; may still present case to arbitrators. 138 C. 57. Order directing defendant to proceed with arbitration pursuant to written agreement is a final judgment. 139 C. 512. Cited. 140 C. 446; 144 C. 303; 147 C. 139. Whether a dispute is an arbitrable one is a legal question for the court rather than for arbitrators, in the absence of a provision in the agreement giving arbitrators such jurisdiction. 148 C. 192. Cited. Id., 696. Under law as laid down by U.S. Supreme Court, dispute is arbitrable unless it may be said with positive assurance that arbitration clause is not susceptible of interpretation covering dispute; doubts should be resolved in favor of coverage. Id., 708. Cited. 149 C. 154; 155 C. 271. To obtain order to compel arbitration under insurance policy provisions, plaintiffs must first establish policy coverage; questions relating to coverage and arbitrability can be adjudicated at same time. Id., 622. Where defendant failed to proceed under section, equitable doctrine of laches was not available to it to defeat plaintiff's cause of action. 158 C. 467. Cited. 163 C. 327. Order directing arbitration pursuant to insurance contract provision reversed as lower court's finding that plaintiff was a resident of the same household as the insured was not supported by the evidence. 167 C. 450. Statute provides a remedy for an insured aggrieved by the unreasonable refusal of an insurer to proceed with an appraisal procedure. 177 C. 273. Cited. 181 C. 37; Id., 47; Id., 445; 183 C. 481; 191 C. 316. Individual employees may be "parties" to a collective bargaining agreement for purposes of statute if the collective bargaining agreement so provides. 200 C. 51. Cited. Id., 91; Id., 376; 208 C. 352; 215 C. 604; 219 C. 391; 223 C. 761; 226 C. 704; Id., 907; 228 C. 436. Although party seeking to compel arbitration has filed motion to stay legal proceedings in court in which such proceedings are pending, party must still institute an entirely distinct legal action, by separate writ of summons and complaint, in order to obtain order directing opposing party to proceed with arbitration. 244 C. 732. When sole proprietorship becomes a limited liability company, all interests and liabilities of the sole proprietorship are transferred to such company. 249 C. 415.

Cited. 1 CA 253. Truncated pleading procedures and time tables of statute do not violate constitutional principle of separation of powers. 4 CA 339. Cited. 5 CA 333; Id., 517; 16 CA 209; 19 CA 235; 28 CA 139; 30 CA 803; 32 CA 190; 33 CA 152; 34 CA 11; 36 CA 839; 38 CA 555; 39 CA 429; 40 CA 294. Selection of Connecticut as arbitral forum is sufficient to confer on a Connecticut court personal jurisdiction over a party to the arbitration agreement. 72 CA 310. When confronted with an application under Subsec. (a), court's task is to determine whether the parties did, in fact, enter into an agreement and whether the agreement provides for arbitration. 81 CA 755. Application to compel arbitration under section is a civil action for purposes of dismissal under Practice Book Sec. 14-3. 153 CA 716.

Motion to confirm or vacate is not a new action but a stage in one already pending. 15 CS 118. Cited. Id., 480. Difference may be arbitrated only if subject matter is covered by the agreement. 16 CS 360. Mere assertion of invalidity of contract not sufficient to oust board of arbitration. 17 CS 14. Application for a court order to compel other party to an arbitration agreement to proceed must be by summons and complaint. 20 CS 46. Cited. Id., 95. Demurrer is a sufficient "answer" to application, as required by section; held that each employee is an unnamed principal under a labor contract but if, by virtue of a particular contract, only the company or union can apply to the court for an order to proceed with arbitration, then an individual employee is precluded from doing so. Id., 413. Demurrer to complaint sustained on the grounds that plaintiffs, ex-employees, had no right to arbitration as the collective bargaining agreement reserved this right to the company or the union and neither had conferred it on plaintiffs. 21 CS 98. Method used by court to determine whether a dispute falls within the terms of an arbitration agreement. Id., 175. Cited. 41 CS 302.

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Sec. 52-411. Appointment of arbitrator or umpire. (a) If, in a written agreement to arbitrate, a method of appointing an arbitrator or arbitrators or an umpire has been provided, the method shall be followed.

(b) If no method is provided therein, or if a method is provided and any party thereto fails to use the method, or if for any other reason there is a failure in the naming of an arbitrator or arbitrators or an umpire, or if any arbitrator or umpire dies or is unable or refuses to serve, upon application by a party to the arbitration agreement, the superior court for the judicial district in which one of the parties resides or, in a controversy concerning land, for the judicial district in which the land is situated or, when the court is not in session, any judge thereof, shall appoint an arbitrator or arbitrators or an umpire, as the case may require. A person so appointed an arbitrator or umpire shall act under any arbitration agreement with the same force and effect as if he had been specifically named or referred to therein. Unless otherwise provided in the agreement, the arbitration shall be by a single arbitrator.

(c) An application under this section and the proceedings thereon shall conform to the application and proceedings provided for in section 52-410, except that such changes shall be made in the complaint as may be necessary to correctly and concisely state the plaintiff's claim.

(1949 Rev., S. 8154; P.A. 78-280, S. 2, 127; P.A. 82-160, S. 151.)

History: P.A. 78-280 substituted "judicial district" for "county"; P.A. 82-160 rephrased the section and inserted Subsec. indicators.

Cited. 140 C. 446. If arbitrators are enjoined from acting, the resulting inability to serve would warrant the appointment of new arbitrators. 144 C. 303. Cited. 163 C. 327. Statute provides a remedy for an insured aggrieved by the unreasonable refusal of an insurer to proceed with an appraisal procedure. 177 C. 273. Cited. 191 C. 316; 205 C. 424; 208 C. 352.

Cited. 3 CA 590; 28 CA 270; 33 CA 152; 38 CA 555.

Cited. 15 CS 118; 22 CS 453.

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Sec. 52-412. Subpoenas and depositions. (a) Any arbitrator or umpire and any other persons qualified by law to issue subpoenas in civil actions shall have power to issue subpoenas for the attendance of witnesses and for the production of books, papers and other evidence at arbitration hearings. The subpoenas shall be served in the manner provided by law for the service of subpoenas in a civil action and shall be returnable to the arbitrator or arbitrators or umpire.

(b) On application of an arbitrator, umpire or other person, the superior court for the judicial district in which one of the parties resides or, in the case of land, for the judicial district in which the land is situated or, when the court is not in session, any judge thereof, shall order necessary process to issue to compel compliance with subpoenas in an arbitration matter in the manner provided by law concerning subpoenas in a civil action.

(c) Any party to a written agreement for arbitration may make application to the Superior Court, or, when the court is not in session, to a judge thereof, having jurisdiction as provided in subsection (b) of this section, for an order directing the taking of depositions, in the manner and for the reasons prescribed by law for taking depositions to be used in a civil action, for use as evidence in an arbitration.

(1949 Rev., S. 8155; P.A. 78-280, S. 2, 127; P.A. 82-160, S. 152; P.A. 05-288, S. 179.)

History: P.A. 78-280 substituted “judicial district” for “county”; P.A. 82-160 rephrased the section and inserted Subsec. indicators; P.A. 05-288 made a technical change in Subsec. (c), effective July 13, 2005.

Cited. 157 C. 364; 163 C. 327; 208 C. 352; 218 C. 646.

Cited. 25 CA 126; 28 CA 270; 34 CA 772; 41 CA 625.

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Sec. 52-413. Hearing; time and place; adjournment. The arbitrators to an arbitration matter shall appoint a time and place for the hearing and notify the parties thereof. Upon application of either party and for good cause shown, the arbitrators shall postpone the time of the hearing. The arbitrators may adjourn any hearing, from time to time, as may be necessary. Any postponement or adjournment shall not extend the time, if any, fixed in the arbitration agreement, for rendering the award.

(1949 Rev., S. 8156; 1969, P.A. 474, S. 1; P.A. 82-160, S. 153.)

History: 1969 act deleted reference to extension of time “as prescribed in section 52-416”; P.A. 82-160 rephrased the section.

Cited. 138 C. 63. Fact that some of the parties, after due notice, ignore hearing does not affect validity of hearing or right of arbitrators to decide the dispute upon the evidence submitted. 146 C. 17. Taken with Sec. 52-416, this section permits parties to extend by writing time in which arbitrators must make their awards. 157 C. 362. Cited. 163 C. 327; 171 C. 493; 211 C. 541; 218 C. 646.

Cited. 27 CA 386; 28 CA 270.

Cited. 17 CS 14. Statutory requirements must be followed when parties to an arbitration agreement seek to extend the period. 20 CS 183.

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Sec. 52-414. Additional arbitrator. Rehearing. Oath. (a) All the arbitrators to an arbitration matter shall meet and act together during the hearing. A majority may determine any question.

(b) If any party fails to appear before the arbitrators or an umpire after reasonable notice, the arbitrators or umpire may nevertheless proceed to hear and determine the controversy upon the evidence which is produced before them.

(c) If a written agreement to arbitrate provides that two or more arbitrators therein designated or referred to may select or appoint a person or persons as an additional arbitrator or arbitrators or as an umpire, or if a person or persons are selected or appointed as a substitute arbitrator or arbitrators or umpire and any such selection or appointment is made after evidence has been taken in the arbitration, the matters shall be reheard, unless a rehearing is waived in the written agreement to arbitrate or by subsequent written consent of the parties.

(d) Before hearing any testimony or examining other evidence in the matter, the arbitrators and umpire shall be sworn to hear and examine the matter in controversy faithfully and fairly and to make a just award according to the best of their understanding, unless the oath is waived in writing by the parties to the arbitration agreement.

(e) Any arbitrator or an umpire may administer oaths to witnesses.

(1949 Rev., S. 8157; P.A. 82-160, S. 154.)

History: P.A. 82-160 rephrased the section and inserted Subsec. indicators.

See Sec. 1-24 re officers who are authorized to administer oaths.

After reasonable notice, arbitrators may proceed to hear and determine controversy ex parte. 138 C. 57. Cited. 142 C. 193. Decision rendered after ex parte hearing held valid. 152 C. 276. Cited. 157 C. 363; 163 C. 327; 171 C. 493. Waiver and estoppel discussed. 175 C. 24. Cited. 187 C. 228. Does not impose additional oath-taking requirements. 200 C. 91. Cited. 208 C. 352; 218 C. 646.

Oath provision of statute does not apply to members of State Board of Mediation and Arbitration. 3 CA 590. Cited. 16 CA 486; 26 CA 418; 28 CA 270; 32 CA 250.

Cited. 17 CS 15; 20 CS 47. Arbitrator can hear no testimony until he has been sworn. 19 CS 387.

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Sec. 52-415. Arbitrators may ask advice of courts. At any time during an arbitration, upon request of all the parties to the arbitration, the arbitrators or an umpire shall make application to any designated court, or to any designated judge, for a decision on any question arising in the course of the hearing, provided such parties shall agree in writing that the decision of such court or judge shall be final as to the question determined and that it shall bind the arbitrators in rendering their award. An application under this section may be heard in the manner provided by law for the hearing of written motions at a short calendar session, or otherwise as the court or judge may direct.

(1949 Rev., S. 8158.)

Cited. 163 C. 327; 189 C. 16. Language of statute militates against availability of any appellate review. 197 C. 26. Cited. 199 C. 618; 208 C. 411; 218 C. 646; 223 C. 761.

Cited. 1 CA 207; 5 CA 61; 16 CA 711; 28 CA 270; Id., 337.

Cited. 17 CS 427. Court dismissed application where advice on issue of insurance coverage was tantamount to using a declaratory form of action. 25 CS 504.

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Sec. 52-416. Time within which award shall be rendered. Notice. (a) If the time within which an award is rendered has not been fixed in the arbitration agreement, the arbitrator or arbitrators or umpire shall render the award within thirty days from the date the hearing or hearings are completed, or, if the parties are to submit additional material after the hearing or hearings, thirty days from the date fixed by the arbitrator or arbitrators or umpire for the receipt of the material. An award made after that time shall have no legal effect

unless the parties expressly extend the time in which the award may be made by an extension or ratification in writing.

(b) The award shall be in writing and signed by the arbitrator or arbitrators, or a majority of them, or by the umpire. Written notice of the award shall be given to each party.

(1949 Rev., S. 8159; 1969, P.A. 474, S. 2; P.A. 82-160, S. 155.)

History: 1969 act required rendering of award within 30 days from date hearing or hearings completed or within 30 days after date fixed for receipt of additional material, if applicable, where previously award was to be rendered within 60 days "from the date on which such arbitrator or arbitrators were empowered to act"; P.A. 82-160 rephrased the section and inserted Subsec. indicators.

Is a general provision and does not apply as against Sec. 31-97 governing proceedings before the board. 136 C. 205. Cited. 138 C. 68. Concerns arbitration awards generally; distinguished from Sec. 31-98. 145 C. 53. Award made after period limited must be vacated where there was no extension in writing of time for making same. 157 C. 362. Cited. 163 C. 327; 177 C. 484; 200 C. 345; 203 C. 133; 211 C. 541; 218 C. 646.

Cited. 7 CA 272; 10 CA 292; 23 CA 727; 26 CA 418; 28 CA 270; 29 CA 484; 30 CA 580; 32 CA 250; 41 CA 649. Applies only when agreement does not specify time within which award must be rendered. 80 CA 1. Because arbitrator held the hearing open in order to receive additional information, the award was rendered within 30 days from the date the hearings were closed. 151 CA 307.

Statute is directory rather than mandatory. 18 CS 239. Where there was nothing in the application to indicate when the arbitrator was empowered to act, a finding that the award was not made within the time limit was overruled. 19 CS 385. Where award is not rendered within the 60-day period, motion to vacate must be made within 30 days thereafter under Sec. 52-420; motion to strike answer in lieu of demurrer permissible procedure. 20 CS 94. Only the parties to an arbitration agreement may extend the 60-day period. Id., 185. Not applicable to an arbitration before State Board of Mediation and Arbitration. Id., 303. Statute is not applicable to arbitration of a grievance between an employer and a union arising under a collective bargaining contract. 36 CS 223. Cited. 41 CS 302.

Subsec. (a):

If there is no evidence of an express extension of the 30-day requirement, there is nothing to support a finding of waiver; failure to object to an untimely arbitration award is insufficient to indicate waiver. 100 CA 373.

Subsec. (b):

Defendant's motion to vacate arbitration award for lack of notice was properly denied because defendant's husband received written notice and had apparent authority to accept written notice on behalf of defendant. 120 CA 117.

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Sec. 52-417. Application for order confirming award. At any time within one year after an award has been rendered and the parties to the arbitration notified thereof, any party to the arbitration may make application to the superior court for the judicial district in which one of the parties resides or, in a controversy concerning land, for the judicial district in which the land is situated or, when the court is not in session, to any judge thereof, for an order confirming the award. The court or judge shall grant such an order confirming the award unless the award is vacated, modified or corrected as prescribed in sections 52-418 and 52-419.

(1949 Rev., S. 8160; P.A. 78-280, S. 2, 127; P.A. 82-160, S. 156.)

History: P.A. 78-280 substituted "judicial district" for "county"; P.A. 82-160 made minor changes in wording.

Failure of plaintiff to apply for court order compelling defendants to proceed with arbitration did not preclude the latter from the right to judicial determination of their claim. 138 C. 57. Cited. 139 C. 514; 147 C. 524. If award is not vulnerable under Sec. 52-418, 52-419 or 52-420, plaintiff entitled to confirmation. 146 C. 17. Cited. 155 C. 278; 163 C. 327. Under section, only party to arbitration can seek confirmation of award. 171 C. 420. Cited. 174 C. 583; 176 C. 401; 179 C. 184; Id., 678; 181 C. 211. Upon confirmation of award, order of specific performance will have to be entered on land records to affect legal title; the arbitrated award itself does not resolve dispute about title to real estate. Id., 449. Cited. 183 C. 579; 189 C. 16; 190 C. 707; 191 C. 336; 201 C. 577; 203 C. 133; 205 C. 178; 206 C. 113; Id., 465; 208 C. 352; 209 C. 280; 211 C. 640; 212 C. 83; Id., 652; 216 C. 612; 218 C. 646; Id., 681; 221 C. 206; 223 C. 1; 224 C. 758; Id., 766; 225 C. 223; 229 C. 465; 234 C. 123; 237 C. 114. Assignee of arbitration award can intervene in confirmation action on arbitration agreement since assignee could have been directed to be made a party under Sec. 52-107. 271 C. 263. Dismissal of request for arbitration on grounds that request was untimely under association's arbitration manual did not constitute an arbitration award because timeliness was not an issue raised by the parties for arbitration. 293 C. 582.

Cited. 1 CA 154; 4 CA 577; 6 CA 438; 7 CA 175; Id., 272; 10 CA 292; Id., 611; 14 CA 257; 17 CA 280; 28 CA 270; 30 CA 157; 33 CA 1; Id., 737; 34 CA 27; 35 CA 638; 37 CA 708; 39 CA 122; 45 CA 432. Law firm was not party to arbitration and did not have standing to seek to have arbitration award confirmed. 74 CA 617. If a motion to vacate, modify or correct an arbitration award is not made within the 30-day limit in Sec. 52-420, the award may not thereafter be attacked on any of the grounds specified in Secs. 52-418 and 52-419 and the court lacks any discretion and is required to approve the award pursuant to this section. 134 CA 415.

Cited. 15 CS 120; 16 CS 137. Where an arbitrator's award is within the scope of the submission and answers the specific question presented, there is no valid ground for considering the arbitrator's reasons of decision or for vacating the award. 19 CS 344. Cited. 20 CS 94. A valuation given under former Sec. 33-19 is not an award within the meaning of this section. 21 CS 488. Even though award was outside submission, court cannot base denial of motion to confirm on that ground since defendant did not move to vacate, modify or correct award, and 30-day time limit for such motion has expired. 29 CS 22. Cited. 42 CS 336.

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Sec. 52-418. Vacating award. (a) Upon the application of any party to an arbitration, the superior court for the judicial district in which one of the parties resides or, in a controversy concerning land, for the judicial district in which the land is situated or, when the court is not in session, any judge thereof, shall make an order vacating the award if it finds any of the following defects: (1) If the award has been procured by corruption, fraud or undue means; (2) if there has been evident partiality or corruption on the part of any arbitrator; (3) if the arbitrators have been guilty of misconduct in refusing to postpone the hearing upon sufficient cause shown or in refusing to hear evidence pertinent and material to the controversy or of any other action by which the rights of any party have been prejudiced; or (4) if the arbitrators have exceeded their powers or so imperfectly executed them that a mutual, final and definite award upon the subject matter submitted was not made.

(b) If an award is vacated and the time within which the award is required to be rendered has not expired, the court or judge may direct a rehearing by the arbitrators. Notwithstanding the time within which the award is required to be rendered, if an award issued pursuant to a grievance taken under a collective bargaining agreement is vacated the court or judge shall direct a rehearing unless either party affirmatively pleads and the court or judge determines that there is no issue in dispute.

(c) Any party filing an application pursuant to subsection (a) of this section concerning an arbitration award issued by the State Board of Mediation and Arbitration shall notify said board and the Attorney General, in writing, of such filing within five days of the date of filing.

(1949 Rev., S. 8161; P.A. 78-280, S. 2, 127; P.A. 82-160, S. 157; P.A. 87-19; P.A. 97-134.)

History: P.A. 78-280 substituted “judicial district” for “county”; P.A. 82-160 rephrased the section, inserted Subsec. indicators and replaced alphabetic Subdiv. indicators with numeric indicators; P.A. 87-19 added Subsec. (c) to provide that the state board of mediation and arbitration and the attorney general must be

notified by any party filing to vacate an award issued by the board; P.A. 97-134 amended Subsec. (b) to permit a rehearing of an award unless a party affirmatively pleads and judge determines no issue is disputed.

Plaintiffs were not in fact parties to the arbitration, nor were they parties through representation by the union and they had no standing to apply to have award vacated. 135 C. 10. Cited. 138 C. 65; 139 C. 514. Application to vacate award should be granted where arbitrator exceeded his powers. Id., 591. Powers of an arbitrator are limited by the agreement of submission. 140 C. 32. Cited. Id., 446. "Undue means" discussed. 142 C. 190. An award may be vacated if the arbitrators exceeded their powers. 143 C. 399. When there is no adequate remedy at law, the party claiming injury through partiality and fraud can invoke the equitable powers of a court for an appropriate remedy. 144 C. 303. Applicable to awards of Board of Mediation and Arbitration, as well as to arbitration awards generally. 145 C. 53. Power of arbitrators outlined by terms of submission. Id., 285. If dispute arose while agreement was operative, arbitrators had jurisdiction. 146 C. 17. Member of union not a party to the arbitration and therefore not entitled to apply to have the award vacated. 147 C. 139. Burden rests on party attacking the award to produce evidence sufficient to invalidate or avoid it. Id., 524. Cited. 150 C. 547. Award properly vacated where it was made more than 60 days from date arbitrators were empowered to act. 157 C. 362. Cited. 160 C. 411; 162 C. 422; 163 C. 309; Id., 327. In deciding whether arbitrators have exceeded their powers under Subsec. (d), the court need only examine the submission and the award to determine whether the award conforms to the submission. 164 C. 472. The court is bound by the arbitrator's determination unless that determination falls within the proscriptions of section or procedurally violates the parties' agreement. 167 C. 315. Board of education's agreement to submit a question to arbitrator waived any objection to the question as not being arbitrable or within matters enumerated for arbitration; arbitration is a creature of contract between the parties and its autonomy requires a minimum of judicial intrusion. 168 C. 54. Cited. 171 C. 420; Id., 493. In deciding whether to vacate arbitration award on ground that arbitrators "exceeded their powers" under section, court should examine submission and award to determine if latter conforms to former. 173 C. 287. Cited. 174 C. 583; 175 C. 24; 176 C. 401; 178 C. 557; 179 C. 184; Id., 678; 183 C. 102; 184 C. 578, 580. Where trial court vacates an arbitration award before the time "within which the award is required to be rendered" has expired, it is, under statute, empowered to order a rehearing of the matter by the arbitrators. 187 C. 228. Cited. 189 C. 16; Id., 560. A finding of arbitrability is not an award until it becomes part of an award on the merits. 190 C. 323. Cited. Id., 707; 191 C. 316; Id., 336; 195 C. 266; 196 C. 623; 197 C. 26; 199 C. 618; 200 C. 345; Id., 376; 201 C. 50; Id., 577; 203 C. 133. De novo judicial review of compulsory arbitration proceedings discussed. 205 C. 178. Cited. 206 C. 113; Id., 465; Id., 643; 208 C. 187; Id., 352; Id., 411; 209 C. 280; 210 C. 333; 211 C. 7; Id., 541; Id., 640; 212 C. 83; 213 C. 525; Id., 532; 214 C. 209; 215 C. 157; Id., 399; 216 C. 612; 217 C. 110; 218 C. 646; Id., 681; 221 C. 206; 222 C. 480; 223 C. 1; Id., 761; 224 C. 766; 225 C. 223; 226 C. 475; 229 C. 359. Judgment of Appellate Court in 31 CA 75 reversed. Id., 465. Cited. 234 C. 123; Id., 217; Id., 817; 237 C. 114; 238 C. 293; 239 C. 32; Id., 537; 272 C. 617.

Unless collective bargaining agreement provides for personal right to seek arbitration, an employee subject to the agreement is not a "party to the arbitration"; standing is a matter of subject matter jurisdiction which cannot be conferred by the parties. 1 CA 154. Cited. Id., 207; Id., 219; 3 CA 250; Id., 697; 4 CA 21; Id., 577; 5 CA 61; Id., 636; 6 CA 11; Id., 438; 7 CA 286; 9 CA 396; 10 CA 292; Id., 611; 12 CA 642; 13 CA 461; 14 CA 153; Id., 257; 16 CA 486; 17 CA 280; 20 CA 67; 23 CA 24; Id., 727; 26 CA 351; 27 CA 386; Id., 635; 28 CA 337; 29 CA 484; 30 CA 157; 31 CA 73; judgment reversed; see 229 C. 465; 32 CA 289; 33 CA 1; Id., 626; Id., 737; 34 CA 27; 35 CA 338; Id., 775; Id., 804; 36 CA 29; 37 CA 1; Id., 708; 39 CA 122; 43 CA 800; 44 CA 415; Id., 506; 45 CA 237; 46 CA 520. Broad and unrestricted arbitration clauses in purchase and sale agreements that provided for arbitration "concerning any matter provided for herein or arising hereunder" gave trial court authority to determine amounts owed on each note and to direct that they be paid by defendants. 62 CA 83. Trial court's determination was proper and consistent with applicable collective bargaining agreement. 75 CA 198. Enforcement of arbitration award reducing grievant's dismissal to a 1-year suspension would violate a clearly established public policy against workplace sexual harassment. 125 CA 408.

When applications are commenced. 15 CS 118. Proceedings of agreement to arbitrate not affected by limitations between union and employer. Id., 391. Cited. Id., 397; 16 CS 137. Meaning of "an application to the court". Id., 505. Cited. 17 CS 14; 18 CS 231. To vacate an award, court must find arbitrator's interpretation clearly untenable. 19 CS 71; Id., 347. Cited. 20 CS 91. The charter of an arbitrator is the submission but the provisions of the contract in question must be read as a whole. Id., 451. A labor arbitration award which contravenes public policy by its construction of a labor agreement is void. 22 CS 475. Cited. 29

CS 25; 32 CS 85. Since the parties by the agreement of submission define the scope of the arbitration, an award will not be vacated if it conforms to the submission. 36 CS 223. Cited. 38 CS 80; 40 CS 145; Id., 365; 42 CS 336; 43 CS 470; 44 CS 312; Id., 482; 45 CS 130. Absent violation of statute, courts should not interfere in arbitral decision. Id., 144.

Former Subdiv. (d):

Cited. 141 C. 514; Id., 606. The question submitted to arbitration was whether the collective bargaining agreement was violated by the company's "present operating practice"; the award, by defining a course of conduct which could be followed in the future, went beyond the submission and could not be upheld. 149 C. 687. In deciding whether arbitrators have "exceeded their powers", as that phrase is used in Subsec., courts need only examine the submission and award to determine whether award conforms to submission. 171 C. 420. Cited. 176 C. 401; 181 C. 211; Id., 449; 183 C. 579.

Inherently inconsistent award was vacated as arbitrator acted in violation, of Subsec., imperfectly executing his powers. 27 CS 278. Since the law of the forum determines the remedy, an Iowa law prohibiting the stacking of uninsured motorist coverage was inapplicable and the arbitrator's award was confirmed. 36 CS 232. Cited. 38 CS 80.

Subsec. (a):

Cited. 190 C. 14; 209 C. 579; 212 C. 368; Id., 652; 214 C. 734; 218 C. 51; 231 C. 563; 234 C. 408. Subdiv. (3): Misconduct under section may be waived; judgment of Appellate Court in 38 CA 709 reversed. 237 C. 378. Subdiv. (4): Arbitrators did not exceed their powers when they failed to give collateral estoppel effect to a prior arbitration award. 248 C. 108. Challenge to voluntary arbitration award rendered pursuant to an unrestricted submission which raises a legitimate and colorable claim of violation of public policy requires de novo judicial review. 257 C. 80. Trial court did not err in confirming arbitration award; in matters where an arbitration submission is unrestricted, arbitrator's award shall not be vacated unless award rules on constitutionality of a statute, violates clear public policy or contravenes one or more statutory prescriptions of section. 273 C. 86. Trial court correctly determined that plaintiff had not adduced sufficient evidence of partiality or bias by the arbitrator to justify vacatur of award under Subdiv. (2). 276 C. 599. Arbitrator's failure to consider trial testimony of defendant's employee concerning employee's bribes to plaintiff's former mayor in exchange for awards of construction contracts constituted misconduct, because evidence was not cumulative and provided additional information. 278 C. 466. Subdiv. (4): On application to vacate award on the ground that it violates public policy, applicant did not meet significant burden to demonstrate that arbitrator exercised power in manifest disregard of the law where applicant asserted that public policy of preventing sexual harassment and workplace violence overrode employee's contractual right to transfer. 287 C. 258. Subdiv. (4): Arbitrator did not exceed his authority by declining to award attorney's fees under the arbitration agreement since question is whether arbitrator had authority to reach the issue, not whether the issue was correctly decided. 293 C. 748. Subdiv. (4): Arbitrator improperly relied on employee's admission into accelerated rehabilitation program as evidence of cause for employee's discharge from employment despite clear and significant public policy that acceptance of accelerated rehabilitation is not evidence of guilt, that it cannot be used as evidence of guilt, and that it has no probative value on the issues of guilt or innocence of the charged offenses. 298 C. 824. Subdiv. (4): Arbitrator's interpretation of just cause provision of a collective bargaining agreement as barring the grievant's termination of employment for sexual harassment of a coworker violated the clear, well-defined and dominant public policy against sexual harassment in this state and the award was correctly vacated. 309 C. 519. Subdiv. (4): Arbitrators did not exceed their powers as arbitration award did not violate public policy against intentional police officer dishonesty because officer's dishonesty was not egregious enough to warrant termination of employment. 315 C. 49. Subdiv. (3): Trial court improperly vacated arbitration award of appraisal panel because the court's conclusion that the appraisal panel's decision had prejudiced the substantial monetary rights of the plaintiff was the basis for the court's disagreement with appraisal panel's ultimate conclusions on the issue of valuation, and not a determination that the appraisal panel had engaged in misconduct impacting the fairness of the arbitration procedures. 326 C. 638.

Cited. 3 CA 286; 9 CA 260; 16 CA 711; 23 CA 107; Id., 107; 24 CA 254; 33 CA 669; 35 CA 638. Subdiv. (3): Once a finding of misconduct made, court required to vacate award. 38 CA 709. Cited. 44 CA 764; 45 CA 432. Subdiv. (4) is not sole source of court's power of review of arbitration. 48 CA 849. Award not

definite under Subdiv. (4) where remedy remained open to negotiation and award left a specific remedy to the predilection of a party. 49 CA 33. Plaintiff has burden of establishing the award is invalid because it falls within the proscriptions of section. Id., 443. Review of unrestricted submissions discussed; arbitrators' decision conforms to submission. 53 CA 702. In the event part of arbitration award is within the scope of the submission and part of award is not, court may vacate any portion of the award that does not disturb the merits of the arbitration. 56 CA 786. When agreement is silent, arbitration board may establish standard of proof without violating requirements of notice and full and fair hearing. 57 CA 490. Subdiv. (4): Where submission was voluntary and unrestricted, court did not err in failing to vacate entire award since award conformed to submission, but court did err in failing to confirm entire award when it improperly substituted its findings of fact and conclusions of law for that of the arbitrator. 59 CA 224. Arbitration award vacated where award was open to negotiation; the fact that a failed negotiation might return to a different arbitrator did mitigate the indefiniteness, or lack of finality, of the award. 72 CA 274. It is axiomatic that any challenge to an award under Subdiv. (4), on ground that arbitrator exceeded his powers, is limited to comparison of award with submission. 80 CA 1. Party challenging arbitration award on the ground that arbitrator refused to receive material evidence must prove that, by virtue of an evidentiary ruling, he was in fact deprived of full and fair hearing before the arbitration panel. 81 CA 532. Subdiv. (4): With unrestricted submission, court's review of the award is limited to determination of whether it conforms to the submission. Id., 726. Award that is legally incorrect does not fall within exception provided in Subdiv. (4) and should not be set aside. 84 CA 826. Subdiv. (4): Court did not abuse its discretion in finding that arbitration award conformed to the submission and declining to examine arbitrator's reasoning in arriving at the award because, when submission is unrestricted, court is confined to examination of the submission and award to determine whether the award conformed to the submission. 86 CA 686. Subdiv. (4): Trial court properly denied plaintiff union's application to vacate arbitration award, plaintiff having failed to establish its claim that arbitrator manifestly disregarded the law in concluding that article two of collective bargaining agreement pertaining to management rights, rather than article nine pertaining to layoffs, applied to facts of case; given arbitrator's finding that grievant was unable to perform duties of a security guard, it was not unreasonable for arbitrator to conclude that article nine did not address layoffs of individuals for being unable to perform duties of their position. 99 CA 54. Arbitration panel did not exceed and imperfectly execute its powers because its award did not conform to the parties' submission; trial court did not improperly refuse to vacate award. 102 CA 61. An arbitrator, in rendering arbitration award, may take into account grievant's acceptance of accelerated rehabilitation; there is no clear legal principle preventing arbitrator from drawing adverse inferences from fact that grievant has utilized accelerated rehabilitation and drawing of such inferences is not violation of public policy. 107 CA 321; judgment reversed, see 298 C. 824. Plaintiff did not meet burden of demonstrating arbitration award failed to conform to submission; ex parte communication between one of the arbitrators and one of the parties did not result in any harm and did not mandate vacatur of the arbitration award. 121 CA 31. Arbitrator did not exceed his authority under Subdiv. (4) because the submission asked arbitrator to determine whether employee had been terminated for just cause in accordance with the collective bargaining agreement and, if not, what the remedy should be, the plaintiff conceded that the award conformed to the submission and the record demonstrated that the arbitrator applied and interpreted the agreement. 122 CA 617. Subdiv. (4): Submission to arbitration panel was unrestricted, and panel was not limited in the remedy it could fashion once it determined that employee was terminated from employment without just cause, and panel's failure to reinstate employee cannot be construed as a failure to conform with the submission. 125 CA 225. Subdiv. (4): At most, the panel misapplied or misconstrued statutory requirements, neither of which is sufficient to support a manifest disregard of the law claim. 130 CA 556. Subdiv. (4): Under Subdiv., a court will compare the award to the submission to determine whether the arbitrators have exceeded their powers. 132 CA 326. Subdiv. (4): Arbitrator's decision to base an award on certain legal theories amounts to only an “arguable difference” regarding the meaning or applicability of the law, not the “manifest disregard” of the law necessary for the court to overturn the arbitrator's decision. 146 CA 60. Subdiv. (1): Opposing counsel's failure to disclose certain facts during an ex parte hearing in violation of the Rules of Professional Conduct does not amount to “corruption, fraud or undue means” as contemplated by Subdiv. Id., 768. Burden of proving evident partiality rests with party making claim and requires more than a showing of an appearance of bias, and will be found where a reasonable person would have to conclude that an arbitrator was partial to one party to the arbitration; failure of panel to consider evidence of past disciplinary actions against defendant does not provide adequate basis to vacate decision where plaintiff did not demonstrate that the panel engaged in misconduct. 155 CA 246. Subdiv. (4): Arbitrator did not run afoul of Subdiv. as defendant failed to prove that Garrity test, 223 C. 1, was satisfied because there was no obvious error and record did not show that the arbitrator deliberately ignored the law. Id., 264. Subdiv. (4): Arbitration agreement did not reference the construction industry rules of the American Arbitration Association or any other set of rules,

thus arbitrator did not exceed her authority when she did not apply those rules when arbitrating the dispute. 194 CA 519.

Subdiv. (4): Arbitration award that upheld the disciplining of a police officer for his insistence on being truthful contravenes public policy and therefore exceeds the powers of the arbitrator and is vacated as void and unenforceable. 40 CS 145. Cited. 41 CS 17; 43 CS 32; 45 CS 130. Labor union that sought to challenge an arbitration award failed to meet burden of demonstrating that the arbitration panel's award violated section. 47 CS 559. On application to vacate an award on the ground that it violates public policy, court first addresses whether an explicit public policy has been identified in the application and then whether arbitrators' award violated this clear public policy. 48 CS 38. Subdiv. (3): Application to vacate award denied where defendant failed to demonstrate that arbitrators denied request for a postponement, arbitrators misled defendant into believing its request for a postponement had been denied, or arbitrators were presented with sufficient cause for defendant to obtain a postponement. 52 CS 295.

Subsec. (b):

Cited. 218 C. 51. Although it is within discretion of trial court to decide whether to submit the issues to the initial arbitrator, the court may also refer the matter to a new arbitrator. 249 C. 474. Trial court had authority to remand case to arbitration panel to clarify its decision and complete its task without vacating award. 271 C. 474.

In 1997 amendment, legislature chose to make rehearing mandatory for arbitral awards pursuant to a collective bargaining agreement, irrespective of time within which award was required to have been rendered; legislature did not manifest intent to require court to remand award for new hearing by new arbitrator; text of statute does not require de novo hearing on remand. 66 CA 202.

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Sec. 52-419. Modification or correction of award. (a) Upon the application of any party to an arbitration, the superior court for the judicial district in which one of the parties resides or, in a controversy concerning land, for the judicial district in which the land is situated, or, when the court is not in session, any judge thereof, shall make an order modifying or correcting the award if it finds any of the following defects: (1) If there has been an evident material miscalculation of figures or an evident material mistake in the description of any person, thing or property referred to in the award; (2) if the arbitrators have awarded upon a matter not submitted to them unless it is a matter not affecting the merits of the decision upon the matters submitted; or (3) if the award is imperfect in matter of form not affecting the merits of the controversy.

(b) The order shall modify and correct the award, so as to effect the intent thereof and promote justice between the parties.

(1949 Rev., S. 8162; P.A. 78-280, S. 2, 127; P.A. 82-160, S. 158.)

History: P.A. 78-280 substituted “judicial district” for “county”; P.A. 82-160 rephrased the section, inserted Subsec. indicators and replaced alphabetic Subdiv. indicators with numeric indicators.

Does not empower court to make a correction which affects the merits of the controversy. 136 C. 205. Cited. 141 C. 606; 146 C. 17. Addition by court of “no” as answer to submitted question, where award was denied, was allowed. 151 C. 650. Cited. 160 C. 411; 163 C. 327; 167 C. 315; 176 C. 401; 178 C. 557; 179 C. 678; 183 C. 579; 189 C. 560; 190 C. 14; Id., 707; 196 C. 623; 197 C. 26; 200 C. 376; 206 C. 113; 208 C. 352; 209 C. 280; 212 C. 83; 216 C. 612; 217 C. 110; 218 C. 646; 224 C. 758; 234 C. 123; 239 C. 32.

Cited. 2 CA 346; 4 CA 577; 16 CA 711; 17 CA 280; 29 CA 484; 30 CA 157; 33 CA 1; 34 CA 27; 35 CA 338; Id., 638; 39 CA 122; 44 CA 415; 45 CA 769.

Cited. 15 CS 120; 16 CS 137; 18 CS 237; 20 CS 97; 29 CS 25; 42 CS 336; 45 CS 130.

Subsec. (a):

Does not apply to voluntary arbitration where there has been no evident material miscalculation of figures or evident material mistake in description of any thing or property referred to in the award. 93 CA 704.

Subdiv. (1): No modification of award is warranted where claimed miscalculation, due to failure of arbitrators to make award payable over a period of time, is not evident from the face of the award. 52 CS 295.

Subsec. (c):

Although it is true that statute authorizes correction of an award by Superior Court, correction is made only on the timely application of a party to the arbitration. 149 C. 687.

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Sec. 52-420. Motion to confirm, vacate or modify award. (a) Any application under section 52-417, 52-418 or 52-419 shall be heard in the manner provided by law for hearing written motions at a short calendar session, or otherwise as the court or judge may direct, in order to dispose of the case with the least possible delay.

(b) No motion to vacate, modify or correct an award may be made after thirty days from the notice of the award to the party to the arbitration who makes the motion.

(c) For the purpose of a motion to vacate, modify or correct an award, such an order staying any proceedings of the adverse party to enforce the award shall be made as may be deemed necessary. Upon the granting of an order confirming, modifying or correcting an award, a judgment or decree shall be entered in conformity therewith by the court or judge granting the order.

(1949 Rev., S. 8163; P.A. 82-160, S. 159.)

History: P.A. 82-160 rephrased the section and inserted Subsec. indicators.

Cited. 136 C. 206. Filing motion with clerk of Superior Court within time limited is sufficient though notice not given defendants until after that time. 137 C. 298. Cited. 146 C. 17. Procedure re modification of award discussed. 147 C. 139. Cited. 149 C. 691; 155 C. 278; 163 C. 327; 176 C. 401; 179 C. 678; 181 C. 449; 190 C. 323; 197 C. 26; 200 C. 376; 201 C. 50; 206 C. 113; 208 C. 352; 212 C. 83; 217 C. 110; 225 C. 339; 226 C. 475; 229 C. 359.

Cited. 4 CA 339; 7 CA 272; 20 CA 1, 5; 29 CA 736; 32 CA 250; 33 CA 1; 36 CA 29; 39 CA 122; Id., 444. In matter where trial court had confirmed arbitration award, and thereafter no motion to modify the judgment was filed within requisite 30-day period, trial court committed reversible error when it added requirement that plaintiff's assignment of interest in certain property to defendant was a prerequisite to granting of a bank execution in plaintiff's favor; trial court's action amounted to improper modification of arbitration award rather than effectuation of the award. 88 CA 74.

Fact that notice of the application was given defendants by a summons rather than by a rule to show cause is not important. 16 CS 505. Contemplates and permits procedure involving use of motions in substitution for conventional forms of pleading. 20 CS 91. Taxation of costs for such proceedings are in the discretion of the court as there is no provision otherwise in the statutes. 21 CS 331. Cited. 29 CS 25; Id., 289; 45 CS 130.

Failure to move under statute will preclude aggrieved party from seeking correction of award in circuit court. 2 Conn. Cir. Ct. 66.

Subsec. (a):

When the parties' dispute concerns one arbitration award, reviewing an application to vacate and an application to confirm simultaneously, in furtherance of judicial economy, is a reasonable way to “dispose of the case with the least possible delay”; language of Subsec. plain and unambiguous. 161 CA 348.

Subsec. (b):

Claim of fraud does not toll the 30-day period within which a motion to vacate arbitration award must be filed pursuant to Subsec. 264 C. 307. The 30-day filing period applies to an application to vacate an arbitration award on the ground that it violates public policy. 285 C. 278.

Trial court's action in setting appropriate amount of compensation essentially operated as a modification of the judgment confirming arbitration award and was improper since it came after expiration of the 30-day period. 72 CA 334. It is not necessary to file motion to vacate an award within the time frame set forth in statute in cases where the arbitration award has no legal effect due to the arbitrator's untimely award, and the parties' lack of waiver of 30-day requirement. 100 CA 373. The 30-day filing period in Subsec. applies to a motion to vacate an arbitration award on the ground that it violates public policy. 108 CA 360. Compliance with section requires timely filing of an application to vacate an arbitration award, not timely service. 165 CA 467. Parties cannot contract around, by way of choice of law provision, the subject matter jurisdictional nature of Subsec., applicable to any application to vacate arbitration award brought in Connecticut state court. 192 CA 245.

Request to the arbiter for modification of an award to correct a typographical error does not toll the period within which to file an application to vacate the award. 52 CS 592; judgment affirmed, see 144 CA 77.

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Sec. 52-421. Record to be filed with clerk of court. Effect and enforcement of judgment or decree. (a) Any party applying for an order confirming, modifying or correcting an award shall, at the time the order is filed with the clerk for the entry of judgment thereon, file the following papers with the clerk: (1) The agreement to arbitrate, (2) the selection or appointment, if any, of an additional or substitute arbitrator or an umpire, (3) any written agreement requiring the reference of any question as provided in section 52-415, (4) each written extension of the time, if any, within which to make the award, (5) the award, (6) each notice and other paper used upon an application to confirm, modify or correct the award, and (7) a copy of each order of the court upon such an application.

(b) The judgment or decree confirming, modifying or correcting an award shall be docketed as if it were rendered in a civil action. The judgment or decree so entered shall have the same force and effect in all respects as, and be subject to all the provisions of law relating to, a judgment or decree in a civil action; and it may be enforced as if it had been rendered in a civil action in the court in which it is entered. When the award requires the performance of any other act than the payment of money, the court or judge entering the judgment or decree may direct the enforcement thereof in the manner provided by law for the enforcement of equitable decrees.

(1949 Rev., S. 8164; P.A. 82-160, S. 160.)

History: P.A. 82-160 rephrased the section, inserted Subsec. indicators and replaced alphabetic Subdiv. indicators with numeric indicators.

Cited. 155 C. 278. Final judgment by arbitrators as to employment discrimination bars action under Sec. 31-126 (52-421). 163 C. 309. Cited. Id., 316; 176 C. 401; 206 C. 113; 208 C. 352; 222 C. 480.

Cited. 4 CA 577; 33 CA 1. There is no requirement in Subsec. (b) that the court, in confirming an award, specify manner of payment. 120 CA 117. A judgment confirming an arbitration award has same force and effect as a judgment in a civil action, and an award of postjudgment interest under Sec. 37-3a is proper, provided it is calculated as of the date the judgment was confirmed by the trial court and payable and not the date of the arbitrator's award. 154 CA 196.

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Sec. 52-422. Order pendente lite. At any time before an award is rendered pursuant to an arbitration under this chapter, the superior court for the judicial district in which one of the parties resides or, in a controversy concerning land, for the judicial district in which the land is situated or, when said court is not in session, any

judge thereof, upon application of any party to the arbitration, may make forthwith such order or decree, issue such process and direct such proceedings as may be necessary to protect the rights of the parties pending the rendering of the award and to secure the satisfaction thereof when rendered and confirmed.

(1949 Rev., S. 8165; P.A. 78-280, S. 2, 127.)

History: P.A. 78-280 substituted “judicial district” for “county”.

Cited. 140 C. 446. Order entered pursuant to section temporarily reinstating plaintiff was immediately appealable as a final judgment. 228 C. 106. Cited. 232 C. 175; 233 C. 370. Although court had subject matter jurisdiction over an arbitration dispute because an award had not yet been rendered and the allegation was that injunctive relief was necessary to protect rights pending the rendering of the award, in this case concerning matters reserved to arbitration, there was no basis on which to conclude that injunctive relief sought by plaintiff was essential or indispensable to safeguard rights. 271 C. 329.

A motion to dismiss predicated upon the absence of standing is not a proceeding that must comply with section because a motion to dismiss is not a pendente lite proceeding. 162 CA 430.

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Sec. 52-423. Appeal. An appeal may be taken from an order confirming, vacating, modifying or correcting an award, or from a judgment or decree upon an award, as in ordinary civil actions.

(1949 Rev., S. 8166.)

Cited. 197 C. 26; 200 C. 91; Id., 376; 201 C. 50; 206 C. 113; 208 C. 352; 223 C. 761. Defendant may not appeal trial court's order to remand case to arbitration panel because court did not vacate award and hence order does not constitute appealable final judgment under section, nor does order meet Curcio test for appeal of an interlocutory order. 271 C. 474.

Section has been recognized as authoritative source of law concerning appellate jurisdiction to consider the merits of arbitration appeals. 66 CA 202.

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Sec. 52-424. Reference of pending actions to arbitration. When the parties to any action pending in court desire to refer it to arbitration, each may choose one arbitrator and the court may appoint a third; and the award of such arbitrators, returned to and accepted by the court, shall be final, and judgment shall be rendered pursuant thereto and execution granted thereon with costs.

(1949 Rev., S. 8167.)

It is a waiver of objections going to the personal disability of plaintiff to sue. 2 R. 429. Whether the disqualifications of judges apply to such arbitrators, quaere. 14 C. 29. Such submission does not put an end to the action. 21 C. 537.

Cited. 38 CA 555.

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