

MCLE Test No. 152

The Los Angeles County Bar Association certifies that this activity has been approved for Minimum Continuing Legal Education credit by the State Bar of California in the amount of 1 hour.

1. If an agreement containing an arbitration clause is illegal as a whole and therefore void ab initio, the arbitration clause is severable.
True. False.
2. All arbitration agreements affecting interstate commerce are subject to the Federal Arbitration Act.
True. False.
3. If a contract affects intrastate commerce in California, the California Arbitration Act will apply.
True. False.
4. Once the court determines that the formation of an arbitration agreement is not at issue, the court will direct the parties to proceed to arbitration in accordance with the terms of their agreement.
True. False.
5. Courts, not arbitrators, decide the issue of whether one party to an agreement has neglected or refused to arbitrate.
True. False.
6. In construing an arbitration agreement, as with any other contract, the parties' intentions control—but those intentions are "generously construed as to issues of arbitrability."
True. False.
7. A valid arbitration agreement creates a presumption of arbitrability.
True. False.
8. A party cannot be required to submit to arbitration any dispute for which he or she has not agreed to do so.
True. False.
9. "Arbitrability" is a term that refers to whether a particular claim is arbitrable and is also known as a gateway issue.
True. False.
10. Unless the parties clearly and unmistakably provide otherwise, the question of whether the parties agreed to arbitrate is to be decided by the arbitrator.
True. False.
11. Agreeing to arbitrate "any controversy or claim arising out of or relating to" the subject contract is the paradigm of a broad clause.
True. False.
12. A broad arbitration clause, by itself, cannot demonstrate a clear and unambiguous intention to arbitrate arbitrability.
True. False.
13. If the agreement merely selects an arbitration provider but does not expressly state that arbitrability is to be decided by the arbitrator, arbitrability will be decided by the court.
True. False.
14. Under Delaware law, incorporation of the MA arbitration rules into the arbitration clause constitutes a clear and unmistakable intent to submit the issue of arbitrability to the arbitrator.
True. False.
15. Like the FAA, state law permits the incorporation by reference of an arbitration provider's rules into an arbitration agreement.
True. False.
16. Parties to an arbitration agreement are free to select only portions of a particular arbitration provider's rules.
True. False.
17. Under the FAA, arbitration clauses can only properly bind clients to rules that existed at the time the agreement was made.
True. False.
18. The California Court of Appeal has held that parties can agree to arbitration rules that do not yet exist.
True. False.
19. An arbitration award can only be reviewed for a manifest disregard of the law.
True. False.
20. The cost of arbitration is:
 - A. Always less than a court proceeding.
 - B. Always more than a court proceeding.
 - C. Extremely difficult to compare to the cost of a court proceeding.

MCLE Answer Sheet #152
CLAUSE AND EFFECT

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INSTRUCTIONS FOR OBTAINING MCLE CREDITS

1. Study the MCLE article in this issue.
2. Answer the test questions opposite by marking the appropriate boxes below. Each question has only one answer. Photocopies of this answer sheet may be submitted; however, this form should not be enlarged or reduced.
3. Mail the answer sheet and the \$15 testing fee (\$so for nonLACBA members) to:

Los Angeles Lawyer MCLE Test
P.O. Box 55020
Los Angeles, CA 90055

Make checks payable to Los Angeles Lawyer.

4. Within six weeks, Los Angeles Lawyer will return your test with the correct answers, a rationale for the correct answers, and a certificate verifying the MCLE credit you earned through this self-assessment activity.
5. For future reference, please retain the MCLE test materials returned to you.

ANSWERS

Mark your answers to the test by checking the appropriate boxes below. Each question has only one answer.

1. True False
2. True False
3. True False
4. True False
5. True False
6. True False
7. True False
8. True False
9. True False
10. True False
11. True False
12. True False
13. True False
14. True False
15. True False
16. True False
17. True False
18. True False
19. True False
20. A B C