Oath of Arbitrator

The Oath of Arbitrator is executed by every arbitrator and returned to FINRA Office of Dispute Resolution before the arbitrator makes any decision or attends a hearing. As part of the Oath, you are required to review three documents: the Temporary and Permanent Arbitrator Disqualification Criteria; the Arbitrator Disclosure Checklist; and your Arbitrator Disclosure Report.

FINRA Dispute Resolution

In the Matter of the Arbitration Between Case Number:

Claimant(s)

vs.

Respondent(s)

Having been selected as an arbitrator to consider the matter in controversy between the above-captioned parties:

I affirm my duty under the AAA/ABA Code of Ethics for Arbitrators in Commercial Disputes to keep confidential all matters relating to the above-referenced arbitration proceeding and decision, including but not limited to any information, documents, evidence, or testimony presented. My duty is continuous and does not cease at the conclusion of the arbitration or upon my withdrawal as an arbitrator.

I affirm that I am not an employer of, employed by, or related by blood or marriage to any of the parties, counsel, or witnesses whose names have been disclosed to me; that I have no direct or indirect interest in this matter; I know of no existing or past financial, business, professional, family or social relationship which would impair me from performing my duties; and that I will decide the controversy in a fair manner and render a just award.

I have carefully read, reviewed, and considered FINRA Dispute Resolution’s Temporary and Permanent Arbitrator Disqualification Criteria. I affirm that, based on the criteria, I am not temporarily or permanently disqualified from being a FINRA arbitrator.
Please answer questions one and two below:

1. I have reviewed and completed the *Arbitrator Disclosure Checklist* enclosed, and certify that (check one):
   
   _____ I have nothing additional to disclose.
   
   _____ I made disclosures on the *Arbitrator Disclosure Checklist*.

2. I have carefully read, reviewed, and considered my *Arbitrator Disclosure Report* and certify that (check one):
   
   _____ I have nothing additional to disclose. My *Arbitrator Disclosure Report* is accurate and complete.
   
   _____ I have noted changes or corrections on the attached *Arbitrator Disclosure Report*.
   
   _____ I have submitted changes through the DR Portal.

I understand that I am an independent contractor, not an employee of FINRA. I am not eligible to receive any unemployment benefits or any FINRA employee benefits.

_______________________________________________________
Arbitrator’s Signature

Sign by entering "/s/", followed by your first name, middle initial, and last name (e.g., /s/ Jane Q. Public)

_______________________________________________________
Date

July 2018
Case Number:

Arbitrator Name:

ARBITRATOR DISCLOSURE CHECKLIST

The questions on the Checklist are intended to help you comply with the disclosure requirements as stated in FINRA Rule 12405 of the Customer Code and Rule 13408 of the Industry Code (collectively referred to as Codes). These rules require arbitrators to disclose:

1. any direct or indirect financial or personal interest in the outcome of the arbitration;

2. any existing or past financial, business, professional, family, social, or other relationships or circumstances with any party, any party's representative, or anyone who the arbitrator is told may be a witness in the proceeding, that are likely to affect impartiality or might reasonably create an appearance of partiality or bias;

3. any such relationship or circumstances involving members of the arbitrator's family or the arbitrator's current employers, partners, or business associates; and

4. any existing or past service as a mediator for any of the parties in the case for which the arbitrator was selected.

Please answer each question by checking the appropriate box. Please check “yes” or “no” to each question. Provide a full explanation to any question(s) to which you provided a “yes” response. The Oath and the entire Checklist will be sent to the parties.

When completing the Checklist, it is essential to make a reasonable and good faith effort to determine whether you have any relationships with the parties and/or attorneys in the dispute and to make any necessary disclosures. In addition to relationships, it is advisable to disclose any life experience that may raise any doubt about your ability to be impartial. Any doubts should be resolved in favor of making the disclosure.
I. **Personal Disclosures**

In this series of questions, we are seeking information about your personal and/or professional relationships with any of the parties, counsel, or arbitrators in this arbitration, no matter how remote the relationship might seem.

1. Have you had any professional, social, or other relationships or interactions with counsel for any of the parties in this arbitration or their law firms?
   - O Yes
   - O No
   - O Already on Disclosure Report

2. Have you had any professional, social, or other relationships or interactions with any of the parties or their employers in the arbitration?
   - O Yes
   - O No
   - O Already on Disclosure Report

3. Have you had any professional, social, or other relationships or interactions with any relative of any of the parties or counsel in the arbitration?
   - O Yes
   - O No
   - O Already on Disclosure Report

4. Have you had any professional, social, or other relationships or interactions with any of the other arbitrators assigned to the arbitration?
   - O Yes
   - O No
   - O Already on Disclosure Report

5. Are you presently serving as an arbitrator in another proceeding involving any of the parties or counsel in this arbitration or their employers?
   - O Yes
   - O No
   - O Already on Disclosure Report

II. **Financial Disclosures**

In this series of questions, we are seeking information about any financial relationships you may have/had with any of the parties in this arbitration or their related entities. We are also seeking any facts related to your financial circumstances that may affect a party’s perception of impartiality.

1. Have you, your spouse, or an immediate family member maintained a securities account (including accounts such as a 529 education savings plan), whether individually, jointly or beneficially, with any broker-dealer named in the arbitration? Or with any broker-dealer affiliated with the firm or firms named in the arbitration?
   - O Yes
   - O No
   - O Already on Disclosure Report
2. Do you, your spouse, or an immediate family member currently have a non-securities related account (e.g., checking or savings accounts or loans) with a party to this arbitration or with an entity that is affiliated with that party? For example, in recent years some banks have acquired broker-dealers and may be the parent of the broker-dealer firm that is a party in this case.

   O Yes  O No  O Already on Disclosure Report

3. Have you ever declared personal bankruptcy?

   O Yes  O No  O Already on Disclosure Report

4. Have you ever been a principal of a company that has declared bankruptcy?

   O Yes  O No  O Already on Disclosure Report

5. Have you ever had any judgments or liens against you? If Yes, please provide the current status.

   O Yes  O No  O Already on Disclosure Report

6. Has any lender ever instituted foreclosure proceedings involving you or a property owned in whole or in part by you directly or indirectly? If Yes, please provide the current status.

   O Yes  O No  O Already on Disclosure Report

III. Disclosures About the Subject of This Case

In this series of questions, we are seeking information about any experience (specific or general) you may have/had with the subject matter of the arbitration.

1. Have you formed an opinion, positive or negative, about any of the parties, their counsel or the subject matter of the arbitration?

   O Yes  O No

2. Have you, your spouse, or an immediate family member invested in or held any of the securities that are the subject of the arbitration?

   O Yes  O No  O Already on Disclosure Report

3. To the extent you have knowledge, has a close social acquaintance or business associate invested in or held any of the securities that are the subject of the arbitration?

   O Yes  O No  O Already on Disclosure Report
4. A. Have you, your spouse, or an immediate family member been involved in a dispute involving the same or similar subject matter as the arbitration?
   - O Yes
   - O No
   - O Already on Disclosure Report

   B. Did the dispute assert any of the same allegations or causes of action as the assigned arbitration, even if the dispute was not securities-related?
   - O Yes
   - O No
   - O Already on Disclosure Report
   - O N/A

5. A. To the extent you have knowledge, has a close social acquaintance or business associate been involved in a dispute involving the same or similar subject matter as the arbitration?
   - O Yes
   - O No
   - O Already on Disclosure Report

   B. Did the dispute assert any of the same allegations or causes of action as the assigned arbitration, even if the dispute was not securities-related?
   - O Yes
   - O No
   - O Already on Disclosure Report
   - O N/A

6. Are you presently serving as an arbitrator in another proceeding involving any of the same or related products at issue in this arbitration?
   - O Yes
   - O No

IV. Disclosures About the Parties in This Case

In this series of questions, we are seeking information about any legal involvement you may have/had with any of the parties or counsel in this arbitration.

1. Do you presently represent any person or entity in a matter involving any of the parties or counsel to the arbitration?
   - O Yes
   - O No
   - O Already on Disclosure Report

2. Have you represented any person or entity in a matter involving any of the parties or counsel to the arbitration?
   - O Yes
   - O No
   - O Already on Disclosure Report

3. Have you ever been retained, as an expert or otherwise, to assist any party or counsel in another proceeding involving any of the parties or counsel to the arbitration?
   - O Yes
   - O No
   - O Already on Disclosure Report
4. Have you been involved in a proceeding in which any of the named parties gave testimony?
   O Yes   O No   O Already on Disclosure Report

V. Disclosure About Legal Proceedings

In this series of questions, you must disclose all relevant complaints, lawsuits, or arbitration claims, even if they were later expunged from the Central Registration Depository (CRD) system.

1. Do you, your spouse, or an immediate family member presently represent a broker-dealer or a registered representative?
   O Yes   O No   O Already on Disclosure Report

2. Do you, your spouse, or an immediate family member presently represent an investor in any securities-related dispute?
   O Yes   O No   O Already on Disclosure Report

3. Have you, your spouse, or an immediate family member ever represented a broker-dealer or registered representative?
   O Yes   O No   O Already on Disclosure Report

4. Have you, your spouse, or an immediate family member ever represented an investor in a securities-related dispute?
   O Yes   O No   O Already on Disclosure Report

5. Have you, your spouse, or an immediate family member ever named a broker-dealer or registered representative, or been named by a broker-dealer or registered representative in any securities-related dispute?
   O Yes   O No   O Already on Disclosure Report

6. To the extent you have knowledge, have any of your relatives, other than your spouse or an immediate family member, named a broker-dealer or registered representative, or been named by a broker-dealer or registered representative, in any securities-related dispute?
   O Yes   O No   O Already on Disclosure Report

7. Have you ever been named as a party by an investor in any securities-related dispute?
   O Yes   O No   O Already on Disclosure Report
8. Has your alleged misconduct been an issue in any litigation, arbitration, criminal action, administrative proceedings, etc. (other than a proceeding in which you served as an arbitrator), even if you were not a named party to the proceeding? For example, if your conduct as a registered representative or manager was an issue in a case, but only the broker-dealer was named as a party, your response should be “yes.”

O Yes  O No  O Already on Disclosure Report

9. Do you have any disclosures on your record with the CRD system that are not reflected on your Disclosure Report?

O Yes  O No  O Already on Disclosure Report

10. If you answered “yes” to questions 5, 6, 7, or 8, was the information expunged from the CRD system pursuant to FINRA Rule 2080?

O Yes  O No  O Already on Disclosure Report  O N/A

VI. Criminal Disclosures

This question is seeking information about any criminal disclosures. This question is not limited to securities-related events.

1. Have you ever been charged, convicted of, pled guilty to or no contest to a misdemeanor or felony?

O Yes  O No  O Already on Disclosure Report

VII. Professional Organizations and License Disclosures

In this series of questions, we are seeking information about any professional memberships and/or licenses you may have/had, whether or not they are securities-related.

1. Are you a member of any securities-related organization (e.g., Securities Industry and Financial Markets Association) or organization of attorneys who represent investors against broker-dealers (e.g., Public Investors Arbitration Bar Association)?

O Yes  O No  O Already on Disclosure Report

2. Are you a member of any professional organization that is not listed on your Disclosure Report?

O Yes  O No  O Already on Disclosure Report

3. Do you hold any professional licenses (e.g., in law, accounting, securities, etc.) that are not disclosed on your Disclosure Report?

O Yes  O No  O Already on Disclosure Report
4. Have any of your professional licenses lapsed (i.e., are not current)?

O Yes  O No  O Already on Disclosure Report

5. Has any professional entity or body with licensing authority cited you for malpractice; denied, suspended, barred, or revoked your registration or license (e.g., insurance, real estate, securities, legal, medical, etc.); or otherwise disciplined you; or restricted your activities in any way?

O Yes  O No  O Already on Disclosure Report

VIII. Arbitrator Classification Disclosures

FINRA classifies arbitrators as “Public” or “Non-Public” under Code of Arbitration Procedure Rule 12100 based on their professional experience, the nature of their employer’s work, and their immediate family members’ professional experience. The following questions allow FINRA to correctly classify you based on these factors.

Your Professional Experience

1. Are you, or were you ever, associated with, including employed by, or registered through, under, or with (as applicable):

   a. a broker or a dealer (including a government securities broker or dealer or a municipal securities dealer or dealer)?
      
      O Yes  O No

   b. the Commodity Exchange Act or the Commodities Future Trading Commission, or a member of the National Futures Association or the Municipal Securities Rulemaking Board?
      
      O Yes  O No

   c. an entity that is organized under or registered pursuant to the Securities Exchange Act of 1934, Investment Company Act of 1940, or the Investment Advisers Act of 1940?
      
      O Yes  O No

   d. a mutual fund or a hedge fund?
      O Yes  O No

   e. an investment adviser?
      O Yes  O No

2. Professional Time Devoted to Entities/Persons Engaged in the Securities Industry

   a. Are you an attorney, accountant, or other professional who has, within the past five years, devoted 20 percent or more of your professional time, in any single
calendar year, to any entities listed in question (1) above and/or any persons or entities associated with any of the entities listed in question (1) above?

O Yes  
O No

b. As an attorney, accountant, or other professional, did you, for a total of 15 years or more devote 20 percent or more of your professional time annually to any entities listed in question (1) above and/or any persons or entities associated with any of the entities listed in question (1) above?

O Yes  
O No

3. Professional Time Devoted to Parties in Disputes

a. Are you an attorney, accountant, expert witness or other professional who has, within the past five years, devoted 20 percent or more of your professional time, in any single calendar year, to representing or providing services to parties in disputes concerning investment accounts or transactions, or employment relationships within the financial industry?

O Yes  
O No

b. As an attorney, accountant, or other professional, did you, for a total of 15 years or more, devote 20 percent or more of your professional time annually to representing or providing services to parties in disputes concerning investment accounts or transactions, or employment relationships within the financial industry?

O Yes  
O No

4. Professional Time in Banks and Financial Institutions

a. Are you, or were you within the past five years, an employee of a bank or other financial institution who effects transactions in securities, including government or municipal securities, commodities, futures or options or supervises or monitors the compliance with the securities and commodities laws of employees who engage in such activities? ("Who" refers to you, not the institution.)

O Yes  
O No

b. Were you, for a total of 15 years or more, an employee of a bank or other financial institution who effects transactions in securities, including government or municipal securities, commodities, futures or options or supervises or monitors the compliance with the securities and commodities laws of employees who engage in such activities?

O Yes  
O No
5. Are you, or were you within the last five years, employed by, or a director or officer of, an entity that directly or indirectly controls, is controlled by, or is under common control with, any partnership, corporation, or other organization that is engaged in the financial industry?

O Yes  O No

Your Employer’s Work

6. Are you, or were you within the last two years, an attorney, accountant, or other professional whose firm derived $50,000 or more, or at least 10 percent of its annual revenue, in any single calendar year during the course of the past two calendar years, from any entities listed in question (1) above and/or any persons or entities associated with any of the entities listed in question (1) above, or from a bank or other financial institution where persons effect transactions in securities, including government and municipal securities, commodities, futures or options?

O Yes  O No

7. Are you, or were you within the last two years, an attorney, accountant, or other professional whose firm derived $50,000 or more, or at least 10 percent of its annual revenue, in any single calendar year during the course of the past two calendar years, from individual and/or institutional investors relating to securities matters?

O Yes  O No

Your Immediate Family Members’ Professional Experience

8. FINRA will not allow you to serve as a public arbitrator if your immediate family member would not be permitted to serve as a public arbitrator. Please go back and look at questions 1-7 and answer them from the point of view of your immediate family members. If you answer “yes” to any of the questions, then you may not serve as a public arbitrator unless you ended the relationship with the family member at least two years ago or the family member ended the affiliation that caused the “yes” response to any question. If you believe the answer for your immediate family member might be “yes,” please describe the relationship with the immediate family member and the family member’s affiliation in the space provided at the end of this form. For the purposes of your response, an immediate family member is:

- Your spouse, partner in a civil union, domestic partner, parent, stepparent, child, or stepchild;
- a member of your household;
- an individual to whom you provide financial support of more than 50 percent of his or her annual income; or
- a person you claim as a dependent for federal income tax purposes.

O Yes  O No
IX. Other Disclosures

1. Have you ever been a party to a non-investment related lawsuit?
   O Yes  O No  O Already on Disclosure Report

2. Have you been published in any medium (e.g., magazine articles, journals, blogs, Twitter feeds, etc.)?
   O Yes  O No  O Already on Disclosure Report

3. Do you have any other disclosures that are not specifically covered in the above questions?
   O Yes  O No

You must provide an explanation for any "yes" answers to the above questions. If needed, please use the attached pages.

Please contact your assigned staff member if you have any questions about the above Oath or Checklist. Remember that your duty to disclose is continuous and imperative, and when in doubt, you should always err on the side of disclosure.

You may submit your completed Oath and Checklist through the DR Portal. After completing the Oath and Checklist, please save the document as a PDF on your computer. In the portal, select the case and click on the “Submit Documents” button. Select the “Add Document” button and attach your Oath and Checklist to submit to FINRA through the portal. You may confirm your submission under the “Drafts and Submissions” tab.

Case Number: ____________________________________________________________

Arbitrator’s Signature
Sign by entering “/s/”, followed by your first name, middle initial, and last name (e.g., /s/ Jane Q. Public)

Date:
Endnotes

1. For purposes of this rule, the term immediate family member means:

   (A) a person's spouse, partner in a civil union, domestic partner, parent, stepparent, child, or stepchild;
   (B) a member of a person's household;
   (C) an individual to whom a person provides financial support of more than 50 percent of his or her annual income; or
   (D) a person who is claimed as a dependent for federal income tax purposes.

2. A broker-dealer is a person or company that is in the business of buying and selling securities—stocks, bonds, mutual funds, and certain other investment products—on behalf of its customers (as broker), for its own account (as dealer), or both. Individuals who work for broker-dealers—the sales personnel whom most people call brokers—are technically known as registered representatives.

3. CRD is an automated, electronic web-based system, which FINRA uses to maintain the qualification, employment and disclosure histories of member firms' registered securities employees.
Additional Pages to Provide Explanations
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