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**Mission Statement**

We publish *The Neutral Corner* to provide arbitrators and mediators with current updates on important rules and procedures within securities dispute resolution. FINRA’s dedicated neutrals better serve parties and other participants in the FINRA forum by taking advantage of this valuable learning tool.

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**Court Upholds Panel’s Authority to Order a Virtual Arbitration Hearing**

*By Brianna Akerley, Case Administrator, FINRA Dispute Resolution Services, Midwest Regional Office*



In *Legaspy v. Financial Industry Regulatory Authority, Inc.*, No. 20-cv-04700 (N.D. Ill. August 11, 2020), the court addressed whether a FINRA arbitration panel has the authority to order an arbitration hearing to proceed via [Zoom](#), despite a party’s objections. The court ultimately found that the Petitioner did not meet the burden required for a temporary restraining order or preliminary injunction halting the Panel’s order to proceed with the arbitration hearing via Zoom because his claims were not likely to succeed on the merits. The court based its finding in part upon the conclusion that court review of arbitration procedures is extremely limited under the Federal Arbitration Act (FAA) and that the panel, not the court, has the authority to interpret and determine the applicability of all provisions under the FINRA Codes of Arbitration Procedure (Codes), including the location of a hearing.

**Background**

The evidentiary hearing in the underlying arbitration was originally scheduled to start on August 17, 2020. Because of the coronavirus disease 2019 (COVID-19) pandemic, however, FINRA notified the parties on June 23, 2020 that the in-person hearing was canceled and would be rescheduled or held telephonically or virtually by joint agreement or by panel order. On June 25, 2020, the panel ordered the hearing to be conducted virtually by Zoom on the originally scheduled date of August 17, 2020.

On August 11, 2020, the respondent in the arbitration case (Petitioner) petitioned the court for a temporary restraining order and a preliminary injunction to enjoin the Zoom hearing that the panel ordered to begin on August 17, 2020. The Petitioner alleged that FINRA: (1) breached the Uniform Submission Agreement (submission agreement) and the Codes; and (2) denied the Petitioner due process. The Petitioner also alleged that the economic consequences of proceeding via Zoom would cause

### Year End Message

What a long, strange year it has been. As we approach the end of this remarkable year, we would like to extend a heartfelt thank you to our arbitrators and mediators who have stayed committed to the dispute resolution process and once again proven that you are the foundation of FINRA's dispute resolution forum. Although we have not been able to move ahead with in-person hearings, your ability to adapt to virtual hearings has made it possible for many parties to find resolution and finality to their disputes. Despite these uncertain times, your expertise, skill and dedication have remained constant and serve as a reminder that the quality of our forum is shaped by the neutrals who serve to resolve the disputes. Thank you.

We wish you a joyous, safe and healthy holiday season and look forward to working together in 2021.



—Rick Berry  
Executive Vice President,  
*FINRA Dispute Resolution Services*

irreparable harm and that a temporary restraining order would minimally burden FINRA. Additionally, the Petitioner argued that starting the hearing later would not be harmful, because the hearing was scheduled to adjourn after the August hearing dates for several months.

### Court's Analysis

In its order, the court found that the panel's order complied with FINRA rules.

### Submission Agreement

The court found that FINRA was not in breach of the submission agreement, because FINRA was not a party to the submission agreement. The court hypothesized that, even if FINRA was a party to the submission agreement, courts do not police arbitration procedures. Once a case has been submitted to arbitration, the courts leave it to the arbitrators to interpret procedures.

### Codes of Arbitration Procedure

The court held that court review of arbitration procedures is limited by the FAA, and it declined to decide the procedural question of whether FINRA can or should conduct a remote hearing. The court explained its holding by stating that court review of arbitration is limited to two main issues: (1) whether the matter is arbitrable at all and (2) whether to confirm or vacate awards issued in arbitrations.

Even if it had the power to review procedures mid-arbitration, the court opined that the Petitioner's argument that FINRA breached the Codes would be unlikely to succeed, and it turned to the Codes to determine whether FINRA's procedures were followed when the panel ordered the remote hearing. FINRA Rule [12213\(a\)/13213\(a\)](#) provides that "the Director will decide which of FINRA's hearing locations will be the hearing location for the arbitration." The court noted that it was the Director's decision to make Zoom and teleconference hearing services available to parties. The court stated that, having the authority to interpret and determine the applicability of all provisions under the Codes, pursuant to FINRA Rule [12409/13413](#), the panel interpreted Rule [12213\(a\)/13213\(a\)](#) and concluded that the "location" for its hearing would be remote. The court noted that parties may still "attend" the hearing remotely and that the parties, witnesses and arbitrators are still "located" somewhere in a remote proceeding, simply not all at the same location. The court stated that the procedure in this case complied with FINRA rules.

### Due Process

The court found no violation of due process rights because FINRA is a private corporation, not a state actor, and thus cannot be held to constitutional standards. Therefore, FINRA would not violate the Petitioner’s due process rights by holding a remote hearing.

### Irreparable Harm

The court found no irreparable harm would be caused by being required to arbitrate remotely, explaining that the Petitioner failed to demonstrate how he would be irreparably harmed by proceeding with the matter remotely as opposed to in-person. The court noted that the Petitioner might not prevail regardless of when the arbitration starts and how it is conducted, but that is no reason to prevent claimants from pursuing their case or from proceeding remotely. It was clear that the Petitioner preferred an in-person hearing, but he presented no evidence that he would be irreparably harmed by the remote proceeding or that his defenses could not be presented effectively. The court noted its own experience with remote hearings, highlighting that such hearings have permitted parties to present their claims and defenses fully in court, and it sees no reason as to why the claimant would fare better than the Petitioner in these circumstances.

### Balance of Equities

The court found that even if the Petitioner could meet the threshold requirements for a temporary restraining order or preliminary injunction, the balance of equities is not in his favor. The court noted that if it held that FINRA could not conduct hearings remotely, FINRA would be forced to choose between either holding in-person hearings that could expose all involved to COVID-19 or indefinitely delaying the hearings. The court also stated that claimants would be substantially burdened as they would have to wait indefinitely to present their case, and that FINRA and the arbitrators would be burdened as they have likely already expended time and resources in preparing for the matter. Further, the court noted that the Petitioner waited until five days before the scheduled hearing to file for a temporary restraining order/injunction when he had months to make the motion. The court ended by noting that there is a high bar for an injunction and that injunctions against pending arbitrations are strongly disfavored.

### Conclusion

The court makes it clear that FINRA arbitrators are authorized to order virtual hearings and that such orders are consistent with the Codes. Since the postponement of in-person hearings, and as of November 30, 2020, 124 arbitration cases have conducted one or more hearings via Zoom (51 customer cases and 73 industry cases). As in the court’s experience, Zoom hearings are proving to be an effective alternative to in-person hearings, as they allow parties to timely proceed with their cases in a safe environment.

## Virtual Arbitration: Best Practices for COVID Times and Beyond

*By Dan Zailskas, Case Administrator, FINRA Dispute Resolution Services, Southeast Regional Office*



Months into the COVID-19 pandemic, virtual meetings have become ubiquitous. In response to the public health crisis, FINRA Dispute Resolution Services (FINRA DRS) has adapted to virtual hearings using Zoom, allowing parties to move forward with their cases.

I spoke with two attorneys who regularly practice in FINRA's dispute resolution forum about their experiences with virtual arbitration hearings: Sam Edwards, outgoing Public Investors Arbitration Bar Association (PIABA) President and partner at Shepherd, Smith, Edwards and Kantas in Houston, TX, and Demian Betz, Vice President & Senior Counsel in the Wells Fargo Legal Department in Charlotte, NC. Here is what they had to say.

### How many days of virtual arbitrations have you had?

**Sam:** I originally had four days scheduled, but we were able to finish in two and a half days. I have also gone through a Zoom arbitration hearing with AAA (American Arbitration Association). Just like the FINRA arbitration, the hearing finished much faster than we anticipated and likely faster than if it had been in person.

**Demian:** I had three days. The Zoom hearing continued an in-person hearing that began in October 2019.

### What worked well during the hearings?

**Sam:** Surprisingly, I thought the presentation of evidence went very well and was actually an advantage over in-person hearings. Instead of flipping through multiple books of exhibits and trying to find the right page and then the right part of that page, you can go directly to the section you want to discuss with the witness. I think that makes things go much, much faster and smoother than in person.

**Demian:** The parties used physical exhibit binders (provided to the panel and exchanged by the parties in advance of the hearing) containing documentary evidence. My clients also elected to use (with the consent of the panel and opposing counsel) sworn testimony with attached exhibits for our fact witnesses to economize time.

Respondents' experts testified live via Zoom and walked the panel through their presentations using the "share screen" function. This allowed us to show the documents to all hearing participants at the same time (alongside physical copies of expert reports provided with exhibit binders). We also used screen sharing during our closing arguments to display our closing PowerPoint presentation. PDF copies of the PowerPoint were provided to the panel by email and via the DR Portal ([portal](#)), too.

### Do you have any tips for other practitioners?

**Sam:** Preparation for the hearing is vital and can be even more important than with a typical in-person hearing. Practitioners need to make sure they have all their documents lined up for each witness and ready to go. Documents should be organized so you can easily find an exhibit should something unexpected come up during testimony.

If you are really prepared for the virtual arbitration going in, it will be faster and possibly better than in person. But, if you are not totally prepared, a Zoom arbitration could be a disaster and result in some embarrassing issues.

**Demian:** Utilize FINRA's preparatory sessions with the FINRA case administrator. FINRA staff are very helpful and tech savvy, so be sure to ask them for guidance and tips to prepare a Zoom hearing. Taking Zoom for a test spin with your witnesses, opposing counsel and the panel is imperative so you can understand the technology well in advance of the actual hearing and adjust your trial plan and strategy based on your practice sessions.

Also, I found it very useful to work with opposing counsel and the panel on a Zoom hearing procedural order (modeled on AAA Zoom hearing procedural orders). The Chair executed the order after the Initial Prehearing Conference. We used the order as our guide during the hearing to govern procedural issues, such as how evidence would be offered and admitted by the panel and how to address technical snafus that may come up during the hearing (*e.g.*, exchange cell phone numbers to call if a witness, attorney or arbitrator loses their internet connection).

### Do you have any tips for arbitrators?

**Sam:** Adjusting view options in Zoom is the key. You can “pin” someone on the screen so theirs will be the primary video you see. Pinning someone will allow arbitrators to focus on the witness speaking rather than seeing everyone in “gallery” view or having the view switch every time someone speaks. FINRA staff are available to help if you have any technical questions.

You can also set your Zoom viewer to “side-by-side” view resulting in a split screen when someone shares their screen. This allows you to have the shared screen (*e.g.*, for documents) and the pinned witness on the screen at the same time. You can move the bar between them to make one bigger and the other smaller, so, you can see both the relevant document and the person testifying at the same time. I found this to be a very effective way to watch a witness and be able to judge their credibility while also being able to see the relevant document.

**Demian:** Require the parties to negotiate and share with the panel draft Zoom procedural orders. Once finalized with the input of all panel members, procedural orders facilitate an efficient hearing and minimize the inevitable procedural issues that might arise in Zoom hearings.

### Additional thoughts on setting up your environment for virtual hearings?

**Sam:** It’s important for everyone to go through a preparatory session with the FINRA case administrator who will be handling the Zoom arbitration hearing. This preliminary session gets everyone comfortable with the technology and the person administering it.

The parties should also lay the ground rules with the panel. This includes making sure that witnesses confirm they are alone when testifying and they are not using anything to communicate with someone while testifying (which is, I believe, practitioners’ biggest concern).

**Demian:** Take the time to practice and to understand the Zoom technology well in advance of the hearing. Make sure your witnesses are comfortable with the technology and understand how to use it. Use a quality videoconferencing camera and microphone. Look into the camera when asking questions and speaking to the panel.

Screen sharing can be a very effective tool to share and reinforce the importance of evidence and other documents. But if you do not use it correctly, it can be equally confusing and disruptive to your audience. So again, preparation is key.

### **Conclusion**

From running preliminary practice sessions to administering the actual hearings, FINRA case administrators can be a valuable resource for all case participants. Case administrators are well-versed in the virtual hearing technology and can assist practitioners with prehearing logistics and other issues that may arise during the videoconference itself.

In this new era of securities arbitration, FINRA DRS will continue to evolve and respond to participants' needs in order to provide a forum for the efficient resolution of securities disputes.

## FINRA Dispute Resolution Services and FINRA News

### COVID-19 Hearing Postponements and Virtual Hearings



In response to COVID-19, FINRA has decided to [administratively postpone](#) all in-person arbitration and mediation proceedings scheduled through **February 28, 2021**, unless the parties stipulate to proceed telephonically or by [Zoom](#) or the panel orders that the hearings will take place telephonically or by Zoom. FINRA has been extending administrative postponements in small increments of time since March 2020, at times on a monthly basis. Though we realize this postponement method can make planning ahead difficult for parties and arbitrators, administratively postponing hearings on a short-term basis will allow us to resume in-person hearings in individual hearing locations quickly if the health data supports it.

If you have an in-person hearing or mediation session scheduled through this date, you will be contacted by FINRA staff to reschedule or discuss remote scheduling options. Please note that postponing a hearing will not affect other case deadlines. All other case deadlines will continue to apply and must be timely met unless the parties jointly agree otherwise. Further, FINRA will waive postponement fees when parties stipulate to adjourn in-person hearing dates scheduled through May 31, 2021. To avoid postponement fees, parties must provide written notice of the stipulation to adjourn more than 20 days prior to the first scheduled hearing date. Parties stipulating to adjourn in-person hearing dates should also consider stipulating to changing other case deadlines.

We will allow in-person hearings to move forward in cases where all parties and arbitrators have agreed to appear in person, provided that in-person hearing participants comply with all applicable state and local orders related to the COVID-19 pandemic. As of December 2020, we have had four such cases. In one of the cases, the participants ultimately decided to postpone the in-person dates and proceed virtually based on health and safety concerns. In the other three cases, in-person hearings are currently scheduled to take place in January and March of 2021.

We have been continuously monitoring health data in each of our 70 hearing locations since administrative postponements began in March 2020. We have a detailed action plan, [which is posted on our website](#), that will allow us to resume in-person hearings in locations where public health

conditions have improved consistent with CDC guidance once specific criteria are met. Unfortunately, public health data has not supported the resumption of in-person hearings in any of our hearing locations to date, but we will continue to monitor conditions in all locations going forward. Information about individual locations where we have considered resuming in-person hearings will be posted on [FINRA.org](https://www.finra.org) regularly.

As noted above, FINRA DRS offers virtual hearing services (via Zoom and teleconference) to parties in all cases by joint agreement or by panel order. These services provide high-quality, secure, user-friendly options for conducting video and telephonic hearings and sharing documents remotely. Staff is available to schedule virtual hearings and provide technical support for virtual hearings. FINRA has also developed the [Arbitrator Resource Guide for Virtual Hearings](#) as well as [training videos](#). Parties that are interested in exploring the virtual hearing option are encouraged to contact their case administrator for details.

### Virtual Arbitration Hearing Statistics

Rather than postponing their hearings, some parties and panels have opted to go forward with virtual hearings by Zoom. Since the postponement of in-person hearings through November 30, 2020, 124 arbitration cases have conducted one or more hearings via Zoom (51 customer cases and 73 industry cases).

Through November 30, 2020, FINRA DRS has received 393 motions for Zoom hearings:

- 257 contested motions
  - 202 customer contested motions
    - 120 granted
    - 51 denied
    - 31 open
  - 55 intra-industry contested motions
    - 33 granted
    - 12 denied
    - 10 open
- 136 joint motions (43 in customer cases and 93 in industry cases)

The virtual arbitration hearing statistics are now available on the [Dispute Resolution Statistics page](#).

## Arbitration Case Filings and Trends

[Arbitration case filings](#) from January through November 2020 reflect a five percent increase compared to cases filed during the same 11-month period in 2019 (from 3,454 cases in 2019 to 3,615 cases in 2020). Customer-initiated claims decreased by 15 percent through November 2020, as compared to the same time period in 2019.

## 2020 Demographic Survey Thank You

Thank you to those who participated in the 2020 demographic survey. As in previous years, the survey was administered by a third-party consulting firm and participation in the survey was voluntary.

FINRA DRS is committed to diversity and has embarked on a campaign to recruit individuals from varied backgrounds to serve as arbitrators. The data received from this annual survey help us track our progress in enhancing the diversity of the roster and to inform future recruitment events. All responses are anonymous and confidential. The results will not affect your chances of being selected to serve on cases.

We look forward to publishing the 2020 results by the end of the year. You may review the results of past demographic surveys on our [website](#).

## FINRA Opens Jersey City Hearing Location and Closes Newark Hearing Location

Early next year, FINRA will open a new conference center at its office location in Harborside Jersey City, NJ. The conference center will serve as the location for arbitration hearings held in New Jersey. The new location will feature state of the art hearing rooms with several large capacity rooms and will be convenient to public transportation, parking, multiple restaurants and hotels.

Given the relatively short distance between Jersey City and Newark, FINRA has closed its Newark hearing location effective December 1, 2020. Newark cases will be reassigned to Jersey City. Arbitrators who serve in Newark will be reassigned to the Jersey City hearing location. Please contact the [Northeast Regional Office](#) with any questions about this change.

## Updated Oath of Arbitrator in the Portal

Periodically, we update the Oath of Arbitrator and Checklist to add new questions. Recently, we updated the Oath and Checklist to include a question about social media activity. We also clarified a classification question. To make sure arbitrators use the most current version, arbitrators should always complete and submit the Oath and Checklist in [the portal](#). Even if you saved an Oath PDF form from a previous case, we strongly urge you to complete any Oaths and Checklists for new cases using the portal. The questions have likely changed from your saved version.

The portal makes it easy to complete the Oath and Checklist online. It also pre-populates party names, case numbers and names of the arbitrators. You can find the Oath and Checklist under the “Drafts & Submissions” tab in the portal by selecting “Oath of Arbitrator” as the submission type.

## Register for the DR Portal Today

If you have not already done so, we strongly encourage arbitrators and mediators to register for the [portal](#). The portal allows you to:

file case documents including the electronic Oath of Arbitrator and Checklist, the Initial Prehearing Conference Scheduling Order, general, dismissal and postponement orders, the Award Information Sheet and the Arbitrator Experience Survey;

- access information about assigned cases, including case documents, upcoming hearings and arbitrator payment information;
- schedule hearings;
- update profile information;
- view and print the disclosure report;
- update the last affirmation date on the disclosure report; and
- review list selection statistics to see how often your name has appeared on arbitrator ranking lists sent to parties and how often you have been ranked or struck on those lists.

Portal registration is reflected on the disclosure reports that parties review when selecting arbitrators and mediators.

## Portal How-to Videos

If you need assistance updating your profile or submitting the Oath of Arbitrator or other forms in [the portal](#), the [portal how-to videos](#) are here to help. These videos are quick tutorials for arbitrators on navigating to the Update Form and Oath of Arbitrator. They also include information on how to disable pop-up blockers in different internet browsers.

## SEC Rule Approvals

### Proposed Amendments to the Codes of Arbitration Procedure to Increase Arbitrator Chairperson Honoraria and Certain Arbitration Fees

On December 17, 2020, the Securities and Exchange Commission (SEC) approved amendments to the Codes to: (1) increase the additional hearing-day honorarium Chairs receive for each hearing on the merits from \$125 to \$250 and (2) create a new \$125 Chair honorarium for each prehearing

conference in which the Chair participates. Under the rule change, these increases will be funded primarily by minimal increases to the member surcharge and process fees for claims of more than \$250,000 or claims for non-monetary or unspecified damages. The rule change will also increase filing fees and hearing session fees for customers, associated persons and members bringing claims of more than \$500,000 or claims for non-monetary or unspecified damage. Please see [SR-FINRA 2020-035](#) for more information. FINRA will announce the effective date in a Regulatory Notice.

### Proposed Rule Change to Amend FINRA Rules to Reflect Name Changes to Two FINRA Departments: The Office of Dispute Resolution and the Department of Registration and Disclosure

On October 29, 2020, FINRA filed with the SEC immediately effective proposed amendments to FINRA rules to reflect the recent name changes of the Office of Dispute Resolution to FINRA Dispute Resolution Services and the Department of Registration and Disclosure to Credentialing, Registration, Education and Disclosure. Please see [SR-FINRA 2020-039](#) for more information.

### SEC Rule Filings

#### Proposed Rule Change to Address Firms with a Significant History of Misconduct

On November 16, 2020, FINRA filed with the SEC a proposed rule change to: (1) adopt FINRA Rule 4111 (Restricted Firm Obligations) to require member firms that are identified as “Restricted Firms” to maintain a deposit in a segregated account from which withdrawals would be restricted, adhere to specified conditions or restrictions, or comply with a combination of such obligations; and (2) adopt a new FINRA Rule 9561 (Procedures for Regulating Activities Under Rule 4111), and amend FINRA Rule 9559 (Hearing Procedures for Expedited Proceedings Under the Rule 9550 Series), to create a new expedited proceeding to implement proposed Rule 4111. The time to file comments will expire December 28, 2020. Please see [SR-FINRA 2020-041](#) for more information.

### Proposed Amendments to the Codes of Arbitration Procedure Relating to Requests to Expunge Customer Dispute Information, Including Creating a Special Arbitrator Roster to Decide Certain Expungement Requests

On September 22, 2020, FINRA filed with the SEC proposed amendments to the Codes to: (1) impose requirements on expungement requests (a) filed during an investment-related, customer initiated arbitration by an associated person, or by a party to the customer arbitration on-behalf-of an associated person, or (b) filed by an associated person separate from a customer arbitration (straight-in request); (2) establish a roster of arbitrators with enhanced training and experience from which a three-person panel would be randomly selected to decide straight-in requests; (3) establish procedural requirements for expungement hearings; and (4) codify and update the best practices of the [Notice to Arbitrators and Parties on Expanded Expungement Guidance](#) that arbitrators and parties must follow. In addition, the proposed rule change would amend the Code of Arbitration Procedure for Customer Disputes to specify procedures for requesting expungement of customer dispute information arising from simplified arbitrations. The proposed rule change would also amend the Codes to establish requirements for notifying state securities regulators and customers of expungement requests. The deadline to file comments expired on October 22, 2020. Please see [SR-FINRA 2020-030](#) for more information.

## Mediation Update

### Expansion of FINRA’s Mediation Program for Small Arbitration Claims



Effective November 1, 2020, FINRA expanded the [Mediation Program for Small Arbitration Claims](#) by increasing the maximum amount in controversy from \$50,000 to \$100,000 and making available all virtual platforms (telephonic and video) for these mediations. With these changes, the program will be able to provide more parties the benefit of an expedient and cost-effective option for resolving small claims while also introducing parties to qualified, but underutilized diverse mediators on our roster.

The program offers virtual mediation at these costs:

- no cost for arbitration claims of \$25,000 or less;
- \$50 per hour for cases with claims between \$25,000 and \$50,000 to cover reduced mediator fees. (FINRA collects this fee and divides it equally between the parties); and
- \$100 per hour for cases with claims between \$50,000 and \$100,000 to cover reduced mediator fees. (FINRA collects this fee and divides it equally between the parties).

Virtual mediation offers parties who do not wish to travel the option to participate in a mediation from their own homes. It also provides mediators with additional opportunities to mediate in hearing locations across the country, regardless of the mediator’s home base.

When parties mediate through this program, FINRA waives all mediation filing fees. Please contact FINRA’s [Mediation Department](#) if you have any questions about this program.

### Mediation Case Filings and Trends

From January through November 2020, parties initiated 376 [mediation cases](#), a decrease of 31 percent from the same period in 2019. FINRA also closed 502 cases during this time. Approximately 84 percent of these cases concluded with successful settlements.

### Keep It Current

Keeping your mediator disclosure report up-to-date—including the number of times you have mediated cases, your success rate and types of cases mediated—matters to parties when selecting a mediator. References who can attest to your skill and mediation style help parties select the right mediator for their case. Please add references to your disclosure report, so parties may consider them during mediator selection. If you have a cancellation policy, please include it in your disclosure report. You can update your mediator profile anytime through the [portal](#).

### Mediator Training Opportunities

Occasionally, FINRA receives information about mediator training that we think would be of interest to our mediators. We will post information and links to these training opportunities on the [Resources for Mediators](#) page on our website.

### Become a FINRA Mediator

Do you have experience working as a mediator? Consider joining the FINRA mediator roster. Please email the [Mediation Department](#) for more information.

## Education and Training

### Arbitrator Training Videos for Virtual Hearings



FINRA DRS is committed to providing [training resources](#) to arbitrators on how to use Zoom effectively when participating in virtual hearings. The first training video, “Zoom Basics for Arbitrators,” provides an overview of the ways in which Zoom is secure, easy to use and helps to replicate the in-person experience.

Beyond the basics for using Zoom, there are training videos that address specific topics in depth, including: “How to Set Up Your Environment for Virtual Hearings,” “Effective Zoom Practices for Arbitrators” and “Zoom Host Responsibilities for Arbitrators.” Although arbitrators can host a Zoom hearing, FINRA staff will generally serve as the host and perform the Zoom tasks, such as starting and pausing the recording, admitting participants into the meeting and managing breakout rooms. All of these training videos are available now on [FINRA.org](#).

### FINRA Virtual Conference Panels: Practical Tips & What’s New in Arbitration Procedures

FINRA’s [Virtual Conference Panels](#) series provides a unique opportunity to hear the most up-to-date information directly from industry and regulatory experts. In a recent video, Director of FINRA DRS, Richard Berry, moderates a discussion on timely arbitration topics with FINRA arbitrator Renee Gerstman and practitioners Beverly Jo Slaughter and Jeff Kaplan. They discuss the impact of COVID-19 on arbitration cases, offer tips and resources for conducting effective Zoom virtual arbitration hearings and share the latest in arbitration procedures. The videos are free and available on [FINRA.org](#).

## Arbitrator Disclosure Reminder



As a reminder, arbitrators should review their disclosure reports regularly to ensure that all information is accurate and current. Even if arbitrators are not currently assigned to cases, their disclosure reports may be sent to parties during the arbitrator selection process. Giving parties the most current and complete information helps them make informed decisions when selecting their panel. Arbitrators should log in to the [portal](#) to update their disclosure reports.

## Last Affirmation Dates on Arbitrator Disclosure Reports

In 2017, FINRA enhanced arbitrator disclosure reports by publishing the date that arbitrators last affirmed the accuracy of their disclosure reports. The affirmation date appears prominently at the top of the disclosure report that parties review during the arbitrator selection process. Parties may consider the affirmation date when making decisions about ranking and striking arbitrators.

In order to provide parties with the most current arbitrator information, we are asking arbitrators to review their disclosure reports regularly and affirm the information in the disclosure report. Arbitrators can affirm their disclosures and refresh the affirmation date by submitting an update through the portal or by submitting an Oath of Arbitrator when assigned to a case. Even if you do not have any changes, you can update the affirmation date by affirming the information on your disclosure report and submitting an update form through the portal. If you would like to register in the portal or need to reactivate a dormant account, please send an email to the Department of [Neutral Management](#) to request an invitation. Please include “request portal invitation” in the subject line.

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