



FINRA Office of Dispute Resolution Party's Reference Guide

June 2018 Edition

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This booklet contains important information about FINRA Office of Dispute Resolution (ODR) services, policies, and procedures. For additional information, please go to <http://www.finra.org/ArbitrationMediation/index.htm> or call one of our regional offices.

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Overview of FINRA Office of Dispute Resolution

The Financial Industry Regulatory Authority (FINRA) administers a dispute resolution forum for investors, brokerage firms, and their registered employees in the U.S. through its network of 71 hearing locations, including at least one in each state and Puerto Rico. FINRA annually administers between 4,000 and 8,500 arbitrations and numerous mediations. FINRA maintains a diverse roster of over 7,100 arbitrators and 200 mediators. The National Arbitration and Mediation Committee (NAMC), which is composed of investor, industry, and neutral (arbitrator and mediator) representatives, provides policy guidance to FINRA's Dispute Resolution staff. A majority of the NAMC members and its chair are public. FINRA is regulated by the United States Securities and Exchange Commission (SEC).

FINRA Office of Dispute Resolution pledges to provide impartial professional staff and highly trained arbitrators and mediators committed to delivering fair, expeditious, and cost-effective dispute resolution services for investors, brokerage firms, and their employees. FINRA Office of Dispute Resolution wants our customers to view us as the pre-eminent provider of dispute resolution services worldwide.

FINRA Office of Dispute Resolution Office Directory

Headquarters and Northeast Region

One Liberty Plaza
27th Floor
165 Broadway
New York, NY 10006
Telephone: (212) 858-4200

Southeast Region

Boca Center Tower 1
5200 Town Center Circle
Suite 200
Boca Raton, FL 33486
Telephone: (561) 416-0277

West Region

300 S. Grand Avenue
Suite 1700
Los Angeles, CA 90071
Telephone: (213) 613-2680

Midwest Region

55 West Monroe Street
Suite 2600
Chicago, IL 60603
Telephone: (312) 899-4440

How To Reach Staff By E-mail

firstname.lastname@FINRA.org
e.g. kelly.smith@FINRA.org

The Information Specialist at FINRA

The Information Specialist is a specially trained Case Assistant who is available to answer your procedural and case-specific questions on any case. FINRA created the Information Specialist position to ensure that your telephone inquiries are handled quickly and efficiently. Parties, counsel, and arbitrators can expect to receive exceptional service from the Information Specialist. An Information Specialist can provide information such as:

- How to file a new claim and case status
- Dates and location of scheduled evidentiary hearings or telephonic hearings
- Contact information for Case Administrator or other staff
- Deadlines/due dates
- The process for or status of scheduling, rescheduling, and cancelling pre-hearing conferences
- Clarification of correspondence received from FINRA
- Confirmation of receipt of correspondence/pleadings to FINRA

You may also communicate to the Information Specialist case-specific information including your response to correspondence received from FINRA. The Information Specialist will alert you if you are required to submit your response in writing. Feel free to give the information specialist your:

- Availability for rescheduling a pre-hearing conference or an evidentiary hearing
- Phone number or other changes to scheduled calls
- Special requests

What does this mean for you?

- Friendly and helpful service available during FINRA's local business hours
- Immediate and accurate answers to your questions
- No recordings that ask you to push buttons!
- While the Information Specialist can help you with most questions/issues, your Case Administrator is still available to speak with you. Ask the Information Specialist to transfer your call to the Case Administrator and to assist you better, specify the reason for your call.

Information Specialist Telephone Numbers

Northeast Region	(212) 858-4200
West Region	(213) 613-2680
Southeast Region	(561) 416-0277
Midwest Region	(312) 899-4440

Questions to FINRA Office of Dispute Resolution Staff

If you have any questions, call or e-mail the appropriate FINRA Office of Dispute Resolution office.

FINRA Office of Dispute Resolution is not authorized to give you legal advice or to comment on the merits of your case. If you feel that you need legal advice, we recommend that you consult a lawyer.

How To Find An Attorney

The Office of Dispute Resolution staff members cannot provide specific recommendations for finding an attorney or other legal representation. However, we offer general guidance, on our website, available at <http://www.finra.org/arbitration-and-mediation/how-find-attorney>.

How to Access the Codes of Arbitration Procedure

For Customer cases filed on or after April 16, 2007:

FINRA - Rules and Regulations - FINRA Manual Online

http://finra.complinet.com/en/display/display.html?rbid=2403&element_id=607

For Industry cases filed on or after April 16, 2007:

FINRA - Rules and Regulations - FINRA Manual Online

http://finra.complinet.com/en/display/display.html?rbid=2403&element_id=607

Mediation Overview

FINRA Office of Dispute Resolution's Mediation Program

FINRA administers a full-scale securities industry mediation program to provide public customers, member firms, and associated persons with an effective way to resolve their disputes without going through arbitration or the court system. Mediation is a non-binding negotiation facilitated by an experienced third-party neutral. Mediation allows the parties an opportunity for early resolution of their disputes. The resulting settlement is likely to save the parties substantial time and expense.

Why use the Mediation Process:

- **Is voluntary and informal.** The parties decide who their mediator will be, when the mediation will take place, and whether the mediation is conducted in person or telephonically.
- **Is non-binding.** An impartial person, the mediator, does not decide the outcome but rather enables the parties to reach a mutually acceptable solution to their dispute. The mediation only becomes binding when a settlement agreement is executed. Parties may still arbitrate their dispute if they are unable to agree on a settlement.
- **Is inexpensive.** The collaborative nature of the mediation process translates into major cost savings over arbitration or litigation.
- **Is a “win-win” solution.** The mediator's role is to help the parties find a mutually acceptable solution to their controversy. Since the inception of the program in 1995, more than 17,500 cases have been involved with mediation. Parties who mediate at FINRA Office of Dispute Resolution resolve four out of every five disputes, an 80% settlement rate!!

More than 200 FINRA mediators, diverse in culture and background, have met our rigorous mediator training and mediator experience standards. Many are experienced arbitrators, attorneys, and securities industry professionals who are knowledgeable in employment and securities issues.

Consider mediating your claim! The “Request For Mediation” Form may be found on the [FINRA website](#). You may also contact any FINRA Office of Dispute Resolution Office to obtain a copy by mail.

Comparison Between Arbitration & Mediation

Arbitration	Mediation
Adjudication	Expedited negotiation
Arbitrators control the outcome	Parties control the outcome
Arbitrator is given power to decide	Mediator has no power to decide
Final and binding decision	Settlement only with party approval
Often extensive discovery is required	Exchange of information is voluntary. Parties exchange information that will assist in reaching a resolution
Arbitrator listens to facts and evidence and renders an award	Mediator helps the parties define and understand the issues and each side's interests
Parties present case, testify under oath	Parties vent feelings, tell story, engage in creative problem-solving
Process is formal. Attorneys control party participation	Process is informal. Parties are active participants
Evidentiary hearings No private communication with the arbitrator	Joint and private meetings with mediator, individual parties and their counsel
Decision based on facts, evidence, and law	Outcome based on needs and interests of parties
Result is win/lose award—Relationships are often lost	Result is mutually satisfactory—A relationship may be maintained or created
More expensive than mediation, but less expensive than traditional litigation	Low cost
Private (but decisions are publicly available)	Private and confidential

FINRA'S MEDIATION PROGRAM

How Can I Participate In FINRA's Mediation Program?

If you do not have a FINRA arbitration case filed...

- The parties may file a Request to Mediate directly into the Mediation Program to begin the process. Mediation staff will reach out to the opposing side to see if they will agree to mediate.
- You can begin your request for mediation at: www.finra.org/arbitration-and-mediation/initiate-mediation

If you already have a FINRA arbitration case filed...

- If the case is already a FINRA arbitration case, you may contact your arbitration case administrator for a referral to mediation. Again, if both sides are not yet in agreement to mediate the mediation staff will try to gain their agreement.
- Parties may mediate at any time through the arbitration process (up until an award has been rendered).
- Parties are free to use FINRA conference room space for the mediation session when space is available

OTHER MEDIATION OPPORTUNITIES

The Mediation Program for Small Arbitration Claims

- FINRA offers parties in active arbitration cases free or low-cost telephone mediation with initial claim amounts of \$50,000 or less
- Parties with initial claims of \$25,000 or less may participate in telephonic mediation at no cost; we have mediators that have graciously agreed to provide this service *pro bono*.
- Parties with initial claims of \$25,000 to \$50,000 can participate for just \$50/hour.
- Cases are generally mediated telephonically, although if the selected mediator agrees, an in-person mediation may be arranged. Parties would be responsible for any mediator expenses, and may be required to pay for a conference room if a FINRA location or mediator's conference space are unavailable.
- **No Mediation Filing Fees are assessed.**
- No FINRA revenue is taken from the mediator's hourly rate.

October is Mediation Settlement Month

- Settlement Month is a once a year event taking place in October. FINRA partners with mediators on our roster to encourage parties to mediate through our program.
- In order to benefit from the reduced rate mediation parties must be in agreement by October 31st. Parties have until December 31st to conduct the mediation (If

circumstances prevent parties to schedule by that date, the mediator must agree to mediate at the reduced rates after that date.)

- FINRA reduces the Administrative Filing Fee and mediators agree to mediate for reduced rates (see reference page for Settlement Month rates). FINRA does not take revenue from mediator’s fees billed under the Settlement Month rates.

Summary of Mediation Fees

Once the parties agree to mediate, each side pays a Mediation Filing Fee to FINRA - an administrative fee based on the amount of the claim.

Filing Fees for Cases Filed Directly into FINRA’s Mediation Program

Amount in Controversy	Customer, Broker (AP), Investment Advisor/Firm	Brokerage Firm (Member Firm)
\$25,000 or less	\$50	\$150
\$25,000.01 -- \$100,000	\$150	\$300
Over \$100,000	\$300	\$500

Note: Unspecified claim amount will be assessed the \$25,000 - \$100,000 amount in controversy rate.

Filing Fees for Cases Initially Filed in Arbitration

Amount in Controversy	Customer , Broker, Investment Advisor, Investment Advisor Firm	Brokerage Firms (Member Firms)
Claims of \$25,000 or less	\$0	\$0
Claims over \$25,000 through \$100,000	\$100	\$150
Claims over \$100,00	\$250	\$500

Note: Unspecified claim amount will be assessed the \$25,000 - \$100,000 amount in controversy rate.

Mediator's Fees

In addition, the Mediator's Fee is a charge for the mediator's services. Mediators set their own rates, which can be an hourly fee or a flat fee. When parties are ready to select a mediator, FINRA will provide a list of suggested mediators and include a Mediator Disclosure Report for each mediator. The mediator's rate and cancellation policy, if any, will be included on each report.

Sometimes parties will select a mediator who needs to travel to a distant location. In that instance, the travel costs are the parties' responsibility. When a mediator cannot provide conference space, and a FINRA office or party representative's office is unavailable, parties may need to pay for conference space at a conferencing center. In those instances, FINRA staff will help parties find a location.

All fees are apportioned equally, unless parties agree to a different arrangement.

An estimate of mediation cost can be found on our web site, available at <https://www.finra.org/arbitration-and-mediation/estimate-mediation-cost>

Mediation Settlement Month Filing Fees and Rates

Applicable Mediation Filing Fees are reduced 50% during Mediation Settlement Month.

The following chart shows the fees the mediator will receive. Any overtime, parties will be billed at the selected mediator's regular hourly rate.

Mediation Settlement Month Session Rates	
Amount in Controversy	Mediation Session Fee
\$25,000 or less	\$100 per party for a 4-hour mediation session
Between \$25,000.01 — \$100,000	\$200 per party for a 4-hour mediation session
Over \$100,000.00	\$500 per party for an 8-hour mediation session

Note: Unspecified claim amounts are charged the \$25,000.01 -- \$100,000 rate.

Common Reasons Why a Claim is Deficient

Pursuant to Rule 12900 of the Customer Code or Rule 13900 of the Industry Code (“Codes”), FINRA Office of Dispute Resolution (ODR) will not serve deficient claims, and will notify the claimant in writing if the claim is deficient. If the claimant does not correct the deficiency within 30 days from the time the claimant receives notice, we will close the case without serving the claim, and refund any hearing session deposit fees paid by the claimant. Here is a list of ways to avoid common deficiencies:

Statement of Claim

Remember to submit a Statement of Claim, which is a written narrative that sets forth the facts of the dispute. While the Statement of Claim does not have to be in a special form, it should set forth the details of the dispute, including all relevant dates, and names in a clear, concise, and chronological fashion, and should conclude by indicating the requested relief (*e.g.*, the amount of money damages, specific performance, interest, etc.) that is sought.

If your Statement of Claim refers to documents, copies of the documents should be attached as exhibits. Exhibits must be clearly identified. Number each page of your Statement of Claim to indicate the page number and the total amount of pages. For example, if your Statement of Claim contains four pages, number the pages as follows: “Page 1 of 4,” “Page 2 of 4,” “Page 3 of 4” and “Page 4 of 4.”

Except for arbitration awards, which are publicly available, the documents and information in ODR case files are confidential. ODR limits access to personal confidential information to FINRA staff members who need it to perform their job functions, and to arbitrators, mediators or other individuals involved directly in the arbitration or mediation process. Examples of personal confidential information include:

- Social Security numbers;
- Brokerage, bank or other financial account numbers;
- Taxpayer identification numbers; and
- Medical records.

Parties and their counsel also should take steps to protect their confidential information. Parties can safeguard personal confidential information by redacting such information from pleadings, exhibits and other documents upon agreement of the parties. For example, the parties may agree:

- Not to use or to redact Social Security, account or driver license numbers; and
- Where such data must be referenced, to use only the last few digits of social security, bank or account numbers, or similar information.

If you do not know the employee's current business address, FINRA will attempt to obtain it. If FINRA cannot locate an employee respondent, you will be required to provide a valid address for the respondent.

If you are a claimant firm and the respondent is a public customer, you must include, with your Statement of Claim, a copy of the predispute agreement signed by the customer to arbitrate this dispute with you at this forum. If you do not file a copy of the customer predispute arbitration agreement, you will delay the processing of your claim.

The text of your Statement of Claim should contain an explanation of how and why each of the respondents is liable.

Submission Agreement

A Submission Agreement must accompany your Statement of Claim.

- You must complete the "Claimant" and "Respondent" portions on the front of a Submission Agreement. In the blank spaces provided for the claimants' names, you should write or type the name of each claimant filing the Statement of Claim. Public customer claimants should list themselves the same way the account was listed with the broker-dealer. For example:
 1. If your account was a joint account listed as "Tom Smith and Mary Smith, JTWROS," it should be written or typed in this manner under the claimant heading.
 2. If you had two accounts, a personal and an IRA, they should be written or typed as "John Smith and John Smith, IRA."
- Claimants must complete the respondent portion of the Submission Agreement. In the blank spaces provided for the respondents' names, you should write or type the name of each respondent you believe is liable.
- The parties listed on the Submission Agreement must be identical to those appearing in your Statement of Claim. Do not list "John Doe" respondents in the respondent portion of the Submission Agreement. ODR will not serve unidentified respondents. If you list "John Doe" respondents, you will delay the processing of your claim.
- By signing the Submission Agreement, you are stating that you are one of the following: (1) the claimant; or (2) a person with legal authority to bind the claimant; or (3) a person with firsthand knowledge of the facts and actual or implied authority to act on behalf of the claimant; or (4) an attorney who has actual or implied written or verbal power of attorney from

the claimant to sign on the claimant's behalf, and thus, bind the claimant to the terms of the Submission Agreement, as if the claimant personally signed the form.

- If a claimant is a corporation, partnership, or bank, the authorized person(s) must sign and date the Submission Agreement.
- If a claimant is a trust, estate, or intestate account, the person who signs the Submission Agreement on behalf of the claimant trust, estate, or intestate account must be authorized to do so and must sign in the capacity in which he or she represents the claimant.
- If a claimant is a custodial account, the custodian must sign the Submission Agreement on behalf of all minors.

Once you sign and file a Submission Agreement with FINRA, the procedures and timing set out in the Codes become operative and binding.

Fees

You must submit filing fees at the time you file your Statement of Claim. The amount of this fee is based on the total amount of your claim including any punitive and treble damages but excluding interest and expenses. You must submit the correct filing fee for FINRA to process your claim. However, you can obtain a temporary waiver of this fee if you can demonstrate financial hardship.

In order to expedite the filing process for claims, ODR provides an online arbitration filing fee calculator to help parties determine the cost to file their claims, available at <http://apps.finra.org/ARbitrationMediation/ArbFeeCalc/1/Default.aspx>. Parties should use the calculator to avoid delays in the process due to potential filing fee deficiencies.

Current Address

In order for the arbitration process to move forward, claimant must provide FINRA with the location of his/her current residence and his/her residence at the time of the dispute. Claimant's residence at the time of the dispute is a key factor in determining the hearing location. ODR has 71 hearing locations and endeavors to set the hearing location early in the process. Claimant's current address, if different, is also needed to ensure that claimant's case can proceed in a timely and efficient manner.

Damages

To initiate an arbitration, a claimant must file a signed and dated Submission Agreement; and a statement of claim specifying the relevant facts and remedies requested.

The DR Portal

For arbitration and mediation case participants of the DR Portal, more information is available at <https://www.finra.org/arbitration-and-mediation/dispute-resolution-portal-user-guides>.

Respondents – Terminated Firms

Under Rule 12202 of the Customer Code, a FINRA firm whose membership is terminated, suspended, canceled or revoked, or that has been expelled from FINRA or a related exchange, or that is otherwise defunct is prohibited from enforcing predispute arbitration agreements with its customers to arbitrate at FINRA unless the customers agree in writing to do so after the claim has arisen. If the customer chooses not to proceed with the claim in this forum, and has not agreed to arbitrate the claim in another forum, he or she may be able to bring this claim in court.

FINRA will assume that the customer wants to proceed with the claim in this forum, based upon the signed Submission Agreement. However, FINRA will notify the customer if the firm's membership status is inactive and of its intent to serve the claim, unless the claimant submits written notice within 30 calendar days that he or she does not want to arbitrate the claim in this forum.

The above rule does not affect customer claims involving a firm that has been acquired by another firm that assumes its liabilities. Also, it does not affect claims involving an associated person whose registration has been barred, terminated, revoked or suspended. If the customer decides to proceed with the claim in this forum, he or she should be aware that arbitration awards against a firm whose membership status is terminated, suspended, canceled, revoked, expelled or otherwise defunct, have a much higher incidence of non-payment than those against active firms. The claimant should also be aware that FINRA has only limited disciplinary authority over inactive firms that fail to satisfy arbitration awards.

To save time, before filing an arbitration claim you:

- May review the FINRA Public Disclosure Program to determine the firm's FINRA membership status. (Customers may access FINRA's BrokerCheck program at www.finra.org/BrokerCheck, or call the BrokerCheck Hotline at (800) 289-9999 Monday through Friday from 8 a.m. to 8 p.m. Eastern Time.) Customers may also review the firm's membership status at the appropriate exchange.
- Should determine whether you wish to proceed in arbitration against a former firm or go to court.

If you determine that you wish to proceed in arbitration, advise FINRA, in writing, that you want to proceed against the firm whose membership status was terminated, suspended, canceled, revoked, expelled or otherwise defunct. Failure to provide this written statement with your claim will delay the processing of your arbitration case.

Hearing Location

If an arbitration dispute involves a **public customer**, FINRA will generally select the hearing location closest to the customer's residence at the time of the events giving rise to the dispute, unless the customer requests, in his or her initial filing a hearing location in the customer's state of residence at the time the dispute arose. For example, if a Kansas resident lives only five miles from Kansas City, Missouri (and did so at the time the dispute arose), but specifies Wichita, Kansas as his requested hearing location – a location more than five miles from his residence – FINRA would select Wichita as the hearing location. See Rule 12213.

If an arbitration involves an **employment dispute** between a member firm and an associated person, FINRA will generally select the hearing location closest to where the associated person was employed at the time of the dispute. See Rule 13213.

In industry disputes involving FINRA **members only (or more than one associated person)**, FINRA will consider a variety of factors, including:

- ➔ The parties' signed agreement to arbitrate, if any;
- ➔ Which party initiated the transactions or business in issue; and
- ➔ The location of essential witnesses and documents.

See Rule 13213.

If all parties in any arbitration agree to one of FINRA's hearing locations, FINRA ordinarily will select that hearing location.

All requests to proceed in a hearing location that is not one of FINRA Office of Dispute Resolution's 71 designated hearing locations will be ruled on by the arbitrators. If the arbitrators grant this request, the parties are responsible for paying the arbitrators' travel and expenses. Also, if the hearing was originally scheduled to proceed in one of the Office of Dispute Resolution's four regional offices (Boca Raton, Chicago, Los Angeles, and New York), and the panelists grant the request to hold the hearing in an alternative location, then the parties are responsible for securing and paying for the conference room rental for the hearing.

Arbitrator Selection

FINRA's arbitrator appointment process uses the Neutral List Selection System (NLSS), a computer algorithm, to randomly generate lists of arbitrators from FINRA's arbitrator roster. The number of lists generated, and the number of arbitrator names per list, depend on the specific case type.

More information is on our website, available at <https://www.finra.org/arbitration-and-mediation/arbitrator-selection>. This web page also contains examples of circumstances where challenges to an arbitrator's conflict of interest or bias would likely be granted.

Simplified Arbitrations

If a party files an arbitration claim in which the amount in dispute is \$50,000 or less, exclusive of interest and expenses, FINRA will process the claim using the Simplified Arbitration rule. Simplified arbitration cases are also called "paper" or "small claims" cases. More information is on our website, available at <https://www.finra.org/arbitration-and-mediation/simplified-arbitrations>.

Summary of Arbitration Fees

The FINRA website provides guidance on arbitration fees associated with filing an arbitration claim in FINRA's forum. The website is available at <http://www.finra.org/arbitration-and-mediation/summary-arbitration-fees>.

Expedited Proceedings for Senior or Seriously Ill Parties

FINRA Office of Dispute Resolution implements on a national basis various measures to expedite arbitration proceedings in matters involving senior or seriously ill parties. More information is on our website, available at <https://www.finra.org/arbitration-and-mediation/expedited-proceedings-seniors-seriously-ill>.

Filing Statements of Answer

If you are a respondent, the entity or person responding to a claim, the Codes allow you 45 calendar days to serve and file answers to claims.

Your answer must specify all relevant facts and available defenses to the Statement of Claim submitted.

Filing and Serving a Statement of Answer

In contrast to the initial claim, when you answer a claim you must serve every party with copies of your executed Submission Agreement and answer via the DR Portal. Parties include all respondents and claimants.

Extensions

With opposing party consent, you may obtain extensions of time to answer. FINRA staff will not grant you extensions of time to answer, except upon a showing of good cause.

Filing Other Claims

With your answer, you also may serve and file claims. The types of claims include the following:

1. **counterclaims** - asserted against claimants,
2. **cross-claims** - asserted against already named co-respondents, and
3. **third-party claims** - asserted against a party not named in any previous pleading.

If you assert counterclaims, cross-claims, or third-party claims, the filing fee will be determined by the highest claim amount, excluding interest and expenses. To determine the correct fees, see Rule 12900 of the Customer Code or Rule 13900 of the Industry Code.

Serving and Filing Counterclaims and Cross-claims

You must serve every party you list and against whom you assert a claim with a copy of your answer containing a counterclaim or cross-claim via the DR Portal.

Serving and Filing Third-party Claims

You must serve every new party you list and against whom you assert a claim with a copy of your answer containing third-party claim(s), and you should establish proof of service.

You also must serve the new respondent with the Statement of Claim and all other pleadings.

You must send one copy of the answer containing your third-party claim(s) and the executed Submission Agreement to all other parties via the DR Portal for their information and review.

Certificate of Service Form Information

Public Customers representing themselves who are not registered for the DR Portal may use the enclosed Certificate of Service Form to certify that you have served the listed party representatives (or in the case of parties who are not represented, the parties themselves). Attach the completed form to the document that was served.

Certificate of Service Form *

State of _____, County of _____

I _____ do hereby certify that on _____
(Name of server) (Date)

a true and correct copy of the enclosed _____
(Title of Pleading)

was forwarded by _____ to the following
(Type of Service)

address(es):

* For use by Public Customers who are representing themselves and are not registered for the DR Portal.

Amendments to Pleadings

You must serve via the DR Portal on all parties amendments to Statements of Claim and Statements of Answer.

- If you receive an amendment **before** the original claim was answered, your original time to answer is extended by 20 days.
- If you receive an amendment **after** the original claim was answered, but **before** a panel was appointed, you have 20 days to answer from service of the amended claim.
- If the claim was amended **after** a panel has been appointed, you have 20 days to answer from the time you received notice that the panel has granted the motion to amend the claim.

If you amend your answer to include a counterclaim, cross-claim, or third-party claim, you must serve it in accordance with the instructions regarding Filing Other Claims.

If you amend an initial Statement of Claim or if you amend a Statement of Answer to add a new respondent, you must serve the new respondent via the DR Portal with:

- ➔ the amendment, and
- ➔ the statement of Claim and all other pleadings.

If you are a new respondent, you have 45 calendar days to serve and file an answer and any related claim. You must also submit an executed Submission Agreement.

If you receive an amended answer containing a cross-claim, you have 20 days from the date your answer is due or from receipt of the cross-claim (whichever is later) to serve and file an answer and any related claim.

Once you receive the notice that identifies the selected arbitrator(s), no new or different pleadings may be filed without the consent of the arbitrator(s).

Correspondence with Parties and FINRA Office of Dispute Resolution

You must serve all parties and file with FINRA Office of Dispute Resolution any correspondence pleadings, or amendments via the DR Portal. You do not need to serve any party with Neutral List Selection System (NLSS) arbitrator ranking lists.

Settlement or Withdrawal of a Claim

Claimant(s) must write directly to assigned staff if any claim settles. FINRA will not close the case without receiving notice from the claimant. Failure to advise FINRA timely of a settlement of a claim may affect claimant's entitlement to a return of the refundable portion of the filing fee.

Rule 12702 of the Customer Code and Rule 13702 of the Industry Code provide for withdrawal of a claim:

- ➔ If you wish to withdraw your claim after the claim has been served and filed but before the respondent has served and filed the answer, you may withdraw the claim without prejudice[†] by informing the respondent in writing and copying the designated FINRA Office of Dispute Resolution office and all other parties.
- ➔ If you wish to withdraw your claim after the claim has been served and filed but after the answer has been served and filed by the respondent, you may not withdraw the claim without prejudice, unless the respondent agrees to a withdrawal without prejudice.

[†] "Without prejudice" means without interfering with any existing right you may have to refile this claim at this or another forum.

Discovery Guide

FINRA provides the Discovery Guide for customer cases only, which outlines documents that the parties should exchange without arbitrator or staff intervention. The Discovery Guide contains two document production lists of presumptively discoverable documents: one for the firm/associate persons to produce and one for the customer to produce. The Discovery Guide also discusses additional discovery requests, information requests, depositions, admissibility of evidence, and the use of sanctions.

- **Discovery Guide (2013)** - For claims filed on or after December 2, 2013 (PDF 59 KB), available at <http://www.finra.org/sites/default/files/ArbMed/p394527.pdf>

The Discovery Guide is not intended for use in **simplified arbitration proceedings** under Rule 12800 of the Customer Code. However, the arbitrator may, in his or her discretion, choose to use relevant portions of the Discovery Guide in a manner consistent with the expedited nature of simplified proceedings.

You may also obtain this document by calling one of our regional offices.

The Motion to Dismiss and Eligibility Rules: Frequently Asked Questions

Rule 12504 of the Customer Code and Rule 13504 of the Industry Code establish procedures that govern motions to dismiss. Rules 12206 and 13206 address motions to dismiss based on eligibility grounds and are related to time limits on submissions of arbitration claims. The rules ensure that parties have their claims heard in arbitration, by significantly limiting motions to dismiss filed prior to the conclusion of a party's case-in-chief and by imposing stringent sanctions against parties for engaging in abusive practices under the rules.

FAQs related to motions to dismiss can be found by opening the following link:
<http://www.finra.org/industry/faq-motion-dismiss-and-eligibility-rules-faq>.

Initial Pre-hearing Conference Information

FINRA Office of Dispute Resolution will initiate the appointment of arbitrators after the Respondent's answer is filed or due, whichever is earlier. After the parties select a panel of arbitrators, the panel will conduct a telephonic pre-hearing conference with all parties and their representatives. The purpose of this initial telephonic pre-hearing conference is to schedule all relevant dates and deadlines for this matter to proceed expeditiously.

- Please alert FINRA Office of Dispute Resolution staff of any changes to your contact phone number at least 24 hours before the scheduled initial pre-hearing conference.
- FINRA Office of Dispute Resolution's telecommunications provider will call all arbitrators and party representatives for the conference call. Please be available 5 minutes prior to the scheduled time for the conference call.
- FINRA Office of Dispute Resolution staff may or may not attend the call. Please contact FINRA Office of Dispute Resolution staff **prior** to the commencement of the call if you have any questions about the call.
- The chairperson should follow the Initial Pre-hearing Conference Script, available at <https://www.finra.org/arbitration-and-mediation/hearing-scripts>. The chairperson should complete the scheduling order during the conference. At the conclusion of the conference, the chairperson should sign the order on behalf of the panel and submit it to the FINRA Office of Dispute Resolution staff member assigned to this matter.

Opting Out of the Initial Telephonic Pre-hearing Conference

FINRA Office of Dispute Resolution allows the parties to opt out of the initial telephonic pre-hearing conference provided all parties send in the items listed below to assigned staff.

All parties must stipulate to and provide the following at least 48 hours prior to the scheduled initial pre-hearing conference:

1. A minimum of four sets of mutually agreed upon dates for the evidentiary hearing;
2. A discovery cut-off date (all discovery must be completed by this date);
3. Identify all anticipated motions with the following dates provided:
 - a. Motion due date
 - b. Opposition to motion due date
 - c. Reply to opposition to motion due date (if applicable);
4. Identify a minimum of four mutually agreed upon dates and times for a telephonic pre-hearing conference to hear any motions (if applicable); and
5. Indicate the due date of arbitration briefs (if applicable).

Opting out of the initial telephonic pre-hearing conference will save the parties money due to reduced forum fee assessments.

The “Top Ten” Standards of Good Practice at Arbitration Hearings

1. Participants should be courteous and civil in all arbitration claims administered by FINRA Office of Dispute Resolution.
2. Participants should treat one another with fairness and due consideration, recognizing that they can disagree without being disagreeable.
3. All participants should avoid vulgar language, disparaging personal remarks, or acrimony toward the parties, their attorneys, the arbitrators or the administrative staff.
4. All participants should conduct themselves with dignity and refrain from engaging in acts of rudeness or disrespect.
5. Parties, witnesses, and attorneys should recognize the authority and power of the arbitrators, and conduct themselves accordingly.
6. Attorneys, parties, and witnesses should – at all times – address the arbitrators and not each other. Participants should not engage in conversation with arbitrators in the absence of the other party(ies).
7. An attorney’s effective representation does not require antagonistic or acrimonious behavior. Parties have no right to expect their representative to abuse anyone or to indulge in any offensive conduct.
8. Attorneys should not engage in conduct intended primarily to harass or humiliate witnesses.
9. Attorneys should advise their clients and witnesses of the proper conduct expected of them at arbitration hearings and, to the best of their ability, prevent clients and witnesses from causing disorder or disruption.
10. Respect all persons associated with the process regardless of race, color, national origin, religion, disability, age, gender, or sexual orientation.

Hearing Procedure - Parties

The following provides an overview of arbitration hearing procedures. If you have any questions after reading this notice, please contact the FINRA Office of Dispute Resolution staff member assigned to your case.

The objective of the arbitration is to provide the parties with a full, fair and expedient resolution of their dispute.

Record

The record of the hearing required by FINRA Rules¹ will be an audio recording provided by FINRA Office of Dispute Resolution. Parties can order copies of the audio recording from FINRA Office of Dispute Resolution for a fee.

If a party or parties wish to use a stenographic reporter, then the party or parties are responsible for making all arrangements. The cost of the stenographic reporter and of the record transcription are borne by the party or parties making the request, unless the arbitrators direct otherwise. Please notify FINRA Office of Dispute Resolution staff member assigned to your case if you intend to hire a stenographer.

The digital recording (or stenographic record) will be the official record of the hearing, and parties and counsel should refrain from making audio or video recordings of the proceedings unless otherwise agreed by all parties and arbitrators.

Expected Conduct

All participants are expected to act in a civil manner at all times.

Parties and attorneys are requested to be on time for all sessions and to limit

breaks to the time allotted.

Parties and counsel must direct all objections and motions to the arbitrators and not to each other. Parties are also encouraged to avoid repetitive arguments.

Starting the Hearing

The hearing will commence with the introduction and swearing in of the arbitrators.

After a brief introductory statement by the Chairperson of the arbitration panel, all parties and witnesses will be sworn in and asked to identify themselves by name and address for the record.

Any person who is not a party may be excused from the hearing room, including witnesses who will be brought back to testify at the appropriate time. However, all parties are permitted to remain throughout the proceeding. Corporations are entitled to have a corporate representative present during the hearing.

The executed submission agreements and the pleadings filed with FINRA Office of Dispute Resolution by the parties are marked and received into evidence as Arbitrator's Exhibit One.

Opening Statement

The Chairperson of the panel will advise the parties that they may make an opening statement. If a party decides to make an opening statement, he/she will be asked by the panel to keep it as brief as possible and to limit the statement to that which the party intends to prove.

¹ Customer Code: Rule 12606; Industry Code: Rule 13606

This is **not** the time for a party to present evidence.

Presentation of Evidence

After any opening statements, the Chairperson will call upon the parties to present their respective cases. Starting with the claimant, the parties will question witnesses and present documents in support of their position. All opposing parties may cross-examine each witness.

Parties should be aware that FINRA Rules provide that:

Parties may not present any documents or other materials not produced and or any witnesses not identified in accordance with FINRA Rules² at the hearing, unless the panel determines that good cause exists for the failure to produce the document or identify the witness. Good cause includes the need to use documents or call witnesses for rebuttal or impeachment purposes based on developments during the hearing. Documents and lists of witnesses in defense of a claim are not considered rebuttal or impeachment information and, therefore, must be exchanged by the parties.

At the hearing, each party must provide a copy of the documents they intend to use at the hearing to FINRA Office of Dispute Resolution staff, each arbitrator, and all opposing parties.

Closing Arguments

After all presentations of evidence are completed, the Chairperson will advise the parties that they may make a closing argument. If a party decides to make a

closing argument, it must be limited to a summation of what each party proved.

It is the practice in these proceedings to allow claimant to proceed first in closing argument with rebuttal argument being permitted. Claimant may reserve their entire closing for rebuttal.

Procedural Flexibility

The hearing procedures may be varied at the discretion of the arbitrators provided all parties are allowed a full and fair opportunity to present their respective cases.

Awards

To expedite delivery of the panel's decision to the parties, the panel may either execute a handwritten copy of the award or each arbitrator may execute a counterpart copy of the award.

All awards are final and are not subject to review by FINRA Office of Dispute Resolution. Any party wishing to challenge the award by filing a motion to vacate or modify in a court should consult federal or state law before doing so.

FINRA Office of Dispute Resolution is not a proper party to any post-award motion made by a party and should, therefore, not be named as a party to such proceeding.

Evaluations

Prior to the close of the last hearing, each party or representative will be asked to voluntarily complete a questionnaire concerning the arbitration.

² Customer Code: Rule 12514(c); Industry Code: Rule 13514(c)

Expungement Rules

Expungement is an extraordinary remedy that should be recommended only under appropriate circumstances. Customer dispute information should be expunged only when it has no meaningful investor protection or regulatory value. Once information is expunged from the Central Registration Depository (CRD®), it is permanently deleted and thus no longer available to the investing public, regulators or prospective broker-dealer employers. The expungement rules are contained in Rule 12805 of the Customer Code and Rule 13805 of the Industry Code. More information is on our website, available at <http://www.finra.org/arbitration-and-mediation/notice-arbitrators-and-parties-expanded-expungement-guidance>.

Party Experience Survey

As a service organization, the primary goals of the FINRA Office of Dispute Resolution are the integrity of its process and the satisfaction of its clients. Although no one welcomes disputes in their lives – and no one wins every time – we strive to make the process for resolving these inevitable disputes understandable, efficient, and fair.

To ensure that we are meeting your needs and satisfying our commitment to you, we need to hear from you. Please take the time to complete the evaluation, available at <http://www.finra.org/arbitration-and-mediation/arbitration-evaluation-form>.

Your responses to this survey will be kept confidential. Your feedback is a valuable and necessary component in our efforts to serve you better.

Award Payment Information

Award Payment Deadline

Liable parties must pay arbitration awards within 30 days of receipt, unless a motion to vacate is filed in court. Interest is due from the date of the award, if:

- the liable parties do not pay the award within the 30-day period; or
- the liable parties file a motion to vacate the award and the motion is denied.

The arbitrators may direct another interest arrangement. For example, the arbitrators may decide that interest is due from an earlier or later date. Unless the arbitrators set a different rate in the award, the interest rate is the legal rate in the state where the award was made (usually where the arbitration was held).

Contact FINRA Office of Dispute Resolution

Parties who have not been paid within 30 days of receipt of the award should notify their case administrator at FINRA Office of Dispute Resolution in writing of the failure to pay the award.

Suspension of Membership or Registration

Under FINRA's by-laws and rules, the membership or registration of a member firm or associated person can be suspended or canceled for failure to comply with an arbitration award, unless:

- the member firm or associated person made full payment; or
- claimants agreed to installment payments of the amount awarded or have otherwise agreed to settle the action; or
- the award has been modified or vacated by a court; or
- a motion to vacate or modify the award is pending in, and has not been denied by, a court; or
- the member firm or associated person has a bankruptcy petition pending in U.S. Bankruptcy Court pursuant to Title 11 of the United States Code (the Federal Bankruptcy Code) or the award in the action has been discharged by a U.S. Bankruptcy Court.

If a member firm or associated person is out of business, FINRA Office of Dispute Resolution may not be able to use the threat of suspension of membership to enforce payment of the award. FINRA Office of Dispute Resolution will prevent any member firm or associated person from re-registering until the award is satisfied.

Member Firm and Associated Person Award Payment Reporting Requirements

Member firms and associated persons are required to notify FINRA Office of Dispute Resolution in writing within 30 days of receipt of an award that they have paid or otherwise complied with the award, or to identify a valid basis for non-payment.

Confirming An Award In Court

Arbitration awards are also enforceable under federal and state laws. For example, under the Federal Arbitration Act (9 U.S.C. sec. 1 et seq.) a party has one year from when the award was issued to move to confirm the arbitration award. By this summary process, an award is turned into a court judgment that can be enforced like any other judgment.

Motions To Vacate

Arbitration statutes provide very limited grounds for challenging arbitration awards, such as fraud, arbitrator misconduct, arbitrators exceeding their authority, manifest disregard of the law, or arbitrator bias. It is usually difficult to overturn an award. Although some state laws vary, the typical time frame to challenge an award is three months from when the award was issued. Parties should consult with an attorney regarding Motions to Vacate.

How to Obtain FINRA Awards Online

It is fast, simple and free. You can access awards issued by arbitrators at FINRA via our website at FINRA Arbitration Awards Online by opening the following link:

<http://www.finra.org/arbitration-and-mediation/arbitration-awards>

The FINRA Arbitration Awards database enables users to perform web-based searches for FINRA Arbitration Awards free of charge, seven days a week. Users may search for awards by case number, document text, date of award (by date range), or a combination of document text and date of award. Awards can be viewed online, printed, or downloaded as text-searchable PDF files.

If you are having problems locating an Award:

- Call the Arbitration Awards Hotline at (866) 689-0849, between 8:00 a.m. and 5:00 p.m., Eastern Time (ET); or
- Send an email directly to FINRA Awards Online with your question(s) and/or comment(s).

Procedure for Ordering Copies of Audio Recordings and Documents

Parties or their counsel may request copies of audio recordings of the arbitration proceedings or copies of documents from their case. If you would like copies of either, please send a request in writing to the case administrator handling your case. The request should indicate the case number and name, and the number of copies that you would like. To determine the number of audio recordings which make up the complete record of the case, please call the staff member handling your case.

Glossary of Terms

Answer: A response to the statement of claim, which specifies the relevant facts and available defenses.

Award: An award is a document stating the disposition of a case.

Arbitrator: A private, disinterested person chosen to decide disputes between parties.

Arbitrator's Exhibit One: The pleadings submitted by the parties including the executed Submission Agreements (see **Pleadings**).

Case Administrator: FINRA Office of Dispute Resolution staff members who serve as neutral administrators of the arbitration forum.

Challenge for Cause: A party's request to the Director of Arbitration to remove an arbitrator if it is reasonable to infer, based on information known at the time of the request, that the arbitrator is biased, lacks impartiality, or has a direct or indirect interest in the outcome of the arbitration. The interest or bias must be direct, definite, and capable of reasonable demonstration, rather than remote or speculative. Close questions regarding challenges to an arbitrator by a customer will be resolved in favor of the customer.

Claim: An allegation or request for relief.

Cross Claim: A claim asserted by a respondent against another already-named respondent.

Cross-Examination: The examination of a witness by the opposing party. Cross-examination usually follows direct examination and may be limited to the scope of testimony on direct examination.

Closing Argument: A party's final statement made at the close of the arbitration hearing. It is a summary of what the party thinks he/she proved with the testimony and evidence presented.

Counterclaim: A claim asserted against a claimant by a respondent.

Court Reporter: A person who keeps a stenographic record of the proceedings.

Damages: Pecuniary compensation which may be recovered.

Deposition: A discovery device by which one party asks questions of the other party or other party's witness under oath and which is recorded and transcribed by a court reporter.

Direct Examination: The first questions of a witness by the party on whose behalf the witness is called. The second such questions (after cross-examination) are called redirect examination.

Discovery: The pre-hearing stage of a case in which parties request information or documents from each other in preparing for the hearing.

Evidence: A party's offer of testimony, writings, material objects, or other things to prove the existence or non-existence of a fact.

Exhibits: A document or any other item presented or identified in proof of facts to the arbitrators.

Expert Witness: One who is particularly knowledgeable in a specialized field.

Filing: A party's delivery to the Director of Arbitration of the statement of claim or other pleadings.

FINRA: Financial Industry Regulatory Authority. FINRA is the largest non-governmental regulator for all securities firms doing business in the United States.

FINRA Office of Dispute Resolution: FINRA Office of Dispute Resolution operates the largest securities dispute resolution forum in the world. FINRA facilitates the efficient resolution of monetary, business, and employment disputes between investors, securities firms, and employees of securities firms.

Hearing Session Fees: Fees charged for arbitration hearings.

Injunctive Relief: A prohibitive equitable remedy directed to a party, forbidding the party from doing some act or restraining the party in the continuance thereof.

Motion: A party's request to the arbitrator(s) for the purpose of obtaining a ruling directing some act to be done in favor of the requesting party. Common motions include requests to:

- Bar a late answer.
- Bar a witness or document not exchanged.
- Consolidate separate proceedings/sever claims.
- Compel production of documents or witnesses.
- Change hearing location.

Oath of Arbitrator: Attestation or affirmation by the arbitrator that the arbitrator will decide the controversy in a fair manner and render a just award.

Objection: The act of a party who objects to some matter or procedure during the hearing.

Opening Statement: A party's statement made at the start of the hearing. It is limited to what a party intends to prove, and should not be a presentation of a party's evidence.

Pleadings: A statement describing a party's causes of action or defenses. Documents that are considered pleadings are: a statement of claim, an answer, a counterclaim, a cross claim, a third party claim, and any replies.

Postponement/Adjournment: A party's request to the arbitrator(s) to hold the hearing on a date subsequent to the one scheduled.

Prehearing Conference: Any hearing session, including an Initial Prehearing Conference, that takes place before the hearing on the merits begins.

Party: A person or entity making or responding to a claim in an arbitration proceeding.

Punitive Damages: Damages on an increased scale awarded over and above what will barely compensate for property loss. Punitive damages are not intended to right a wrong, but are intended to punish the wrongdoer and to deter future wrongdoing.

Respondent: A party against whom a statement of claim or third party claim has been filed.

Service: Delivery of the statement of claim or other pleadings to those parties named in the arbitration.

Subpoena: A command to appear at a certain time and place to give testimony upon a certain matter. It can also require the production of books, papers, and other things.

Testimony: Evidence given by a competent witness under oath or affirmation.

Third Party Claim: A claim asserted against a party not already named in the statement of claim or any other previous pleading.

Submission Agreement: A document that parties must sign at the outset of an arbitration in which they agree to submit to arbitration under the Code.

Special Procedures for California Cases Guidelines for Appearance by Attorneys in the FINRA Arbitration Forum in California

Attorneys not admitted to practice in California may represent a party in FINRA arbitration proceeding in California, provided they satisfy the requirements of Cal. Code of Civil Procedure Section 1282.4(c). See the below guidelines for compliance with Section 1282.4(c). The State Bar of California requires a filing fee for registration of attorneys who are not admitted to practice in California. Fee information, forms, and other information can be obtained on the web site of the State Bar of California at www.calbar.ca.gov.

Attorneys Who Are Not Admitted to Practice in California

An attorney who is licensed in a state other than California may not appear in the FINRA Office of Dispute Resolution arbitration forum in California in a representative capacity unless he or she associates with a California attorney who will be attorney of record. The out-of-state attorney may participate fully in the arbitration hearing on the merits, provided that all of the following steps are completed:

- the out-of-state attorney submits a notice of intent to appear at the arbitration to the West Regional Office when the initial pleading is filed. This notice may take the form of a letter;
- the out-of-state attorney submits a completed [Non-California Attorney Certification Form](#) to the to the West Regional Office when the initial pleading is filed, and serves it on all arbitrators, parties and their counsel whose addresses are known to the attorney at the time. The Form is available at: <http://admissions.calbar.ca.gov/Requirements/OutofStateAttorneyArbitrationCounselOSAAC.aspx>
- FINRA Office of Dispute Resolution reviews the Certificate submitted by the out-of-state attorney. If the out-of-state attorney does not complete the Certificate or file the Certificate with the initial pleading, the claim will be deemed deficient and will not be served on opposing parties and counsel until the out-of-state attorney has submitted a completed Certificate;
- Once FINRA Office of Dispute Resolution receives the notice of intent to appear and a completed Certificate, it will approve the Certificate and return it to the out-of-state attorney;
- the out-of-state attorney files the Certificate approved by FINRA Office of Dispute Resolution with the State Bar of California, and serves it upon all parties and their counsel in the arbitration whose addresses are known to the attorney at the time the Certificate is filed; and
- the California attorney has entered an appearance as counsel of record. The California attorney's notice of appearance must be filed with the initial pleading, and should include the attorney's California Bar number, and contact information.

Determination of Location of FINRA Office of Dispute Resolution Proceedings

- These Guidelines apply only to FINRA Office of Dispute Resolution arbitration proceedings taking place in California.
- The location of arbitration proceedings is governed by the Uniform Submission Agreement and Code of Arbitration Procedure Rule 10315, which provide that the Director of Arbitration shall set the initial hearing location, and that the arbitrators may set the location thereafter.

How Guidelines Affect FINRA Office of Dispute Resolution Administration of Arbitration Proceedings

- **Question: When Must California Counsel Enter an Appearance?**
Answer: California counsel must enter their appearance when the initial pleading is filed.
- **Question: Under Ca. Civil Procedure Code sec. 1282.4, can the panel require the out-of-state attorneys to verify their compliance with the rules?**
Answer: Under the statute, the panel has the authority to request verification of compliance with the Guidelines at any time. Pursuant to this authority, the panel will be instructed to ask out-of-state attorneys on the record, at the initial prehearing conference, whether the Certificate has been filed with the State Bar.
- **Question: Do the Guidelines Apply to Mediation Cases?**
Answer: No. The statute and these Guidelines apply only to arbitration cases in the FINRA Office of Dispute Resolution arbitration forum. FINRA Office of Dispute Resolution takes no position on the applicability of the statute or Birbrower to mediation cases. Counsel or other representatives participating in mediations should take whatever actions they deem necessary to comply with applicable California law, including but not limited to legal research and consulting with counsel and/or the California State Bar.
- **Question: What Happens if an Out-of-State Attorney Fails to Comply with these Guidelines?**
Answer: Attorneys who fail to comply with these Guidelines and with the statute are subject to possible penalties under state law, and risk being prohibited from representing their client in arbitration.
- **Question: What happens if an out-of-state attorney files a Certificate that is approved by FINRA Office of Dispute Resolution, but an opposing party challenges the out-of-state attorney's participation in the case before the panel?**
Answer: FINRA Office of Dispute Resolution's approval of an attorney's appearance does not override the arbitrators' authority to later determine whether an out-of-state attorney may appear in a particular case. Like judges deciding *pro hac vice* motions, the arbitrators have the ultimate authority to determine whether an attorney has complied with the statute and whether he or she may appear in the case.
- **Question: My opponent's counsel is an out-of-state attorney who has not complied with the Guidelines. What can I do?**
Answer: You may raise the issue with the arbitrators. You may also notify the State Bar of conduct you believe violates section 1282.4.

- **Question: Counsel is an out-of-state attorney, but her law firm has offices in California. Does she need to comply with the Guidelines?**

Answer: Before entering an appearance in the case, counsel should consult with the State Bar.

For more information, you may contact the State Bar of California by email at ossac@calbar.ca.gov or by calling (415) 538.2111.

Special Procedures for Florida Cases Representation by Out-of-State Attorneys in Florida

Pursuant to the 1997 Florida Supreme Court decision¹, the FINRA Office of Dispute Resolution requires lawyers from other states who are not members of The Florida Bar to provide certain information to The Florida Bar if they wish to appear in an arbitration proceeding in Florida. A Verified Statement along with an administrative fee has to be submitted to The Florida Bar in certain arbitration proceedings pursuant to Rules Regulating The Florida Bar 1-3.11. You should consult that rule as well as rule 4-5.5 of the Rules Regulating The Florida Bar to determine whether you need to file the Verified Statement. The rules are available on [The Florida Bar's Web site](#).

¹ 696 So. 2nd 1178 (Fla. 1997). The Supreme Court's decision approved the position taken by the Florida Bar Standing Committee on the Unauthorized Practice of Law in October 1996.

Special Procedures for Oregon Cases Representation by Out-of-State Attorneys in Oregon

An attorney who is licensed in a state other than Oregon may appear in a FINRA arbitration in Oregon if the attorney complies with Rule 5.5 of the Oregon Rules of Professional Conduct ("Rule 5.5"). The attorney must serve all parties and arbitrators with a certification required by Rule 5.5. The attorney must also submit an administrative fee to the Oregon State Bar. Additional information on Rule 5.5 of the Oregon Rules of Professional Conduct and the certification may be obtained from the Oregon State Bar's website [Welcome to the Oregon State Bar Online](#).