

Regarding allowing non-lawyers to represent clients in FINRA cases, as an arbitrator who has handled many cases, starting in 1996, I want to suggest that this is not good policy. I have actually been assigned only one case where claimant was represented by a lay person, and it was a disaster. Fortunately, the non-lawyer assigned the case to an attorney and the matter proceeded to conclusion.

I do wonder if a non-lawyer who is approved by FINRA is subject to state laws prohibiting the unlicensed practice of law.

I have handled many cases where a party is pro-se, and the misunderstandings about evidence, procedure, etc. are a problem, and in all fairness FINRA cannot prohibit pro-se representation. But where the claimant hires a lay person, a mess is likely to follow and that can be avoided.

I have seen arbitration grow more complex over the years, with motion practice, usually involving discovery, quite active. This growing complexity especially makes the lay person a poor representative of a claimant.

Thank you.

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