

OFFICE OF THE INDEPENDENT ADMINISTRATOR

located in the

LAW OFFICES OF MARCELLA A. BELL

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**TO: All OIA Neutral Arbitrators**

**FROM: Office of the Independent Administrator**

**DATE: August 2, 2019**

**RE: MANDATORY ANNUAL UPDATE / ETHICS STANDARDS REQUIREMENTS**

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It is time for you to update your application as a Neutral Arbitrator with the OIA. Enclosed are two forms: a Statement of Annual Update and a Schedule of Fees and Costs.

**WE MUST RECEIVE your Statement of Annual Update by September 13, 2019. If we do not receive it by the deadline, we will REMOVE you from the OIA's panel of neutral arbitrators.**

**If you want to raise your fees or change your payment procedures, you must also return the Schedule of Fees and Costs Form by September 13, 2019.**

*Annual update of application.* The Statement of Annual Update has nine sections. When you describe cases in either Section I or II, please do not list claimants by name or provide their contact information.

If you have no new information, check the box in Section I of the Statement of Annual Update, complete Sections V - VIII, and sign and date Section IX.

*Changes in Fees and Costs.* If you wish to change your fees or update your payment procedures, you must complete and return **BOTH** the Schedule of Fees and Costs **AND** your Statement of Annual Update by September 13, 2019. If you decide not to return the new schedule, you will not be able to modify your fees or update your payment procedures until next year, when we request our next annual update to your application.

Please note, the change in fees applies only to new cases received on or after October 15, 2019. Because parties may request a 90 day postponement, parties might have your old schedule in some cases through January 2020. If the parties received an old schedule, the old schedule applies. When we offer you a new case during this period, we will let you know which fee schedule applies.

*On-Line Forms.* You may return the forms to our office by mail, fax or email ([oia@oia-kaiserarb.com](mailto:oia@oia-kaiserarb.com)). The fillable forms are also available on-line at [www.oia-kaiserarb.com](http://www.oia-kaiserarb.com) under the Neutral Arbitrators tab.

**(CONTINUED ON REVERSE)**

**Reminder regarding Ethics Standard 12(d)(1).** Standard 12(d)(1) requires that you serve notices of offer and acceptance to all open consumer arbitrations in which you are appointed with same parties or lawyers. The notice(s) must be given to the parties within five (5) days of receipt of the offer. Even if you refuse the offer, you must notify the parties of the offer in your open cases within five (5) days.

If you timely serve the notice, the parties in the open case(s) cannot do anything. **If the notice is not served within five (5) days, you are in violation of the Ethics Standards, can be disqualified, or have an award vacated.** Additionally, you will be removed from the OIA's panel of neutral arbitrators for a minimum of six (6) months. In order to be re-admitted, you will need to describe how your procedures have been changed so that you will not violate the Ethics Standards again. **Therefore, it is imperative that you comply with the requirements.**

To outline:

- ◆ Notice of new case must be given to the parties in all your open OIA cases, as well as non-OIA cases which involve the same party or lawyer.
- ◆ The notice must be made within five days of the offer and acceptance.
- ◆ Even if the offer is refused, the parties in all your open OIA cases, as well as non-OIA cases which involve a same party or lawyer, must be notified of the offer.
- ◆ If you close the arbitration by your action, the arbitration is considered "open" until the time for a motion for reconsideration has passed. Until then, notice of an offer of a new case would have to be given to the parties.
- ◆ If the notice is not served within five days, the parties in the arbitrations to whom notice was supposed to be given can disqualify you or file a petition to vacate any award you render.
- ◆ If the notice is served within five days, you cannot be disqualified and an award cannot be vacated based on the notice.

If you have any questions about this process, please feel free to contact me directly at [mbell@oia-kaiserarb.com](mailto:mbell@oia-kaiserarb.com) or 213-637-9838.

Thank you for your attention to these matters.

Enclosures