

As a member of the California Bar Association and a public FINRA arbitrator, I wish to offer my comments regarding the "Efficacy of allowing compensated non attorneys to represent parties in FINRA arbitrations." (the proposal).

It is my understanding the reason for the proposal is because of financial reasons some stock broker customers are finding it difficult to retain an attorney on a contingency or limited payment against their broker unless their claim is worth a certain amount of money. The option of being ones "own attorney" is not open to many people for various reasons.

The main objection to proposal appears to be the proposed conduct would fall under the unlawful practice of law doctrine and/or the non law licensed person would not have the same experience as the present attorneys who practice in the area.

California, like most states by statute, prevents the practice of law by attorneys not licensed by the State. (California Business and Professions Code Section 6126). However, the term "practice of law" is not defined by statute and rests upon court decisions.

I have no doubt that a program for non attorneys *could be* crafted by FINRA to train non law licensed persons to only represent parties in FINRA arbitrations without violating the unlawful practice of law prohibition.

However, I also have no doubt that at least in the beginning of such a program, the non law licensed persons will not have the same knowledge as well as the experience as the present licensed attorneys who, based on my experience, are very well versed in the law and practice of FINRA arbitrations. It may be appropriate at the beginning to limit the non law licensed person to cases with a value of less than a certain amount and/or have the non law licensed person to be associated with an experienced attorney. I could also speculate that the rule against the arbitrator doing their own legal research would face re-examination.

Respectfully submitted,

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