

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

_____)	
In the Matter of)	
)	
NATIONAL ACADEMY)	Docket No. C- 4070
OF ARBITRATORS)	
)	
)	
a corporation.)	
_____)	

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, as amended, 15 U.S.C. § 41 *et seq.*, and by virtue of the authority vested in it by said Act, the Federal Trade Commission, having reason to believe that the National Academy of Arbitrators (“Respondent NAA” or “NAA”), a corporation, has violated and is violating the provisions of Section 5 of the Federal Trade Commission Act, 15 U.S.C. § 45, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues this Complaint stating its charges as follows:

PARAGRAPH ONE: Respondent National Academy of Arbitrators, is a corporation organized and existing under the laws of the State of Michigan, with its principal office and place of business at Suite 600-A, 1121 Boyce Road, Pittsburgh, Pennsylvania 15241.

PARAGRAPH TWO: Respondent NAA is a national professional association of Arbitrators of labor-management disputes. NAA has approximately 600 members, many of whom arbitrate labor-management disputes for a fee.

PARAGRAPH THREE: The general business practices of Respondent NAA and its members, including the acts and practices herein alleged, are in or affecting “commerce” as defined in the Federal Trade Commission Act, as amended, 15 U.S.C. § 45.

PARAGRAPH FOUR: Respondent NAA engages, among its various activities, in substantial economic activities for the benefit of its members. At all times relevant to this Complaint, NAA is and has been organized in part for the profit of its members, and is therefore a corporation within the meaning of Section 4 of the Federal Trade Commission Act, as amended, 15 U.S.C. § 44.

PARAGRAPH FIVE: Except to the extent that competition has been restrained as herein alleged, many of NAA's members have been and are now in competition among themselves and with other Arbitrators of labor-management disputes.

PARAGRAPH SIX: Respondent NAA, acting as a combination of its members, and in agreement with at least some of its members, has acted to restrain competition by restricting advertising and solicitation by its members.

PARAGRAPH SEVEN: The combination and agreement alleged in Paragraph Six consists of Respondent NAA adopting and maintaining provisions in its *Code of Professional Responsibility for Arbitrators of Labor-Management Disputes* and *Formal Advisory Opinions* that restrain Arbitrators from engaging in truthful, non-deceptive advertising and solicitation, regardless of whether such advertising or solicitation compromises or appears to compromise Arbitrators' impartiality.

PARAGRAPH EIGHT: The acts or practices described in Paragraphs Six and Seven restrain competition unreasonably and injure consumers by depriving consumers of Arbitrators' services for labor-management disputes of truthful, non-deceptive information and of the benefits of free and open competition among Arbitrators.

PARAGRAPH NINE: The combination, agreement, acts and practices described above constitute unfair methods of competition and unfair acts and practices in violation of Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. § 45. Such combination, agreement, acts and practices, or the effects thereof, are continuing and will continue or recur in the absence of the relief herein requested.

WHEREFORE, THE PREMISES CONSIDERED, the Federal Trade Commission on this thirteenth day of January, 2003, issues its Complaint against Respondent NAA.

By the Commission.

Donald S. Clark
Secretary

SEAL