

Mass Tort Vendor Association Complaint Procedures

As a requirement for continued membership in the MTVA, Members have agreed to maintain the following standards:

- Members agree to resolve all complaints within 90 days, if possible, and maintain excellent customer service relationships with their customers. If a complaint is not resolved within 90 days, the Member should continue to strive to amicably resolve the dispute.
- Members agree to not falsely advertise and not publish anything misleading or defamatory.
- Members agree to inform the MTVA about any pending, threatened or anticipated litigation that may in the opinion of the Member have an impact on the mass tort legal community.
- Members are required to develop and maintain data security processes to ensure confidentiality and protect against mishandling or fraud.

Members who violate the MTVA standards, best practices or bylaws may be subject to disciplinary action including, without limitation, expulsion. It is expressly understood that MTVA membership is “at will” and may be terminated at the MTVA’s sole and final discretion.

The Complaint Process

Any customer of the MTVA may initiate a complaint against an MTVA member for violation of MTVA standards, best practices or bylaws. In addition, the MTVA may initiate the complaint process if it obtains information that any Member may be in violation of MTVA standards, best practices or bylaws.

The Initiating of a Complaint. The Complaint process can be initiated by a written complaint submitted by a customer of a Member, or by the MTVA itself. Any Complaint shall be provided to the MTVA member within 4 business days of receipt.

The Response by the MTVA Member. The MTVA Member shall provide a written response within 14 days of its receipt of the Complaint.

The Investigation by the MTVA. The MTVA Disciplinary Committee shall conduct an informal investigation of all alleged violations of the MTVA standards, best practices or bylaw by any Member. The MTVA Disciplinary Committee shall be comprised of 5 Founding or General Members selected by the President and approved by the MTVA Advisory Working Committee. The scope of the investigation shall include, in the MTVA’s sole discretion: (a) informal interviews of the MTVA member and customer; and (b) requests for documents or additional information.

The Scope of MTVA Disciplinary Committee Determinations. The primary objective of the MTVA is to establish and maintain the highest voluntary ethical and professional standards for its members. Accordingly, the primary focus of the MTVA disciplinary process is

to encourage and promote the trusted and tested ethical best practices by its members. The decision of the MTVA Disciplinary Committee shall consider in its sole discretion any of the following;

- the degree to which the MTVA member has been forthright and cooperative during the investigation process,
- the willingness of the MTVA member to engage in remedial measures,
- the history of compliance, or non-compliance by the MTVA member,
- whether the MTVA member has enacted any measures to prevent future violations of the MTVA standards, best practices or bylaw before and during the investigation process,
- the severity and intentionality of the alleged violation,
- the effect that the alleged violation may have on the affected MTVA customer(s) or the mass torts industry,
- whether the alleged violation could have been anticipated by the MTVA member with due diligence,
- whether the MTVA member has violated any federal or state law, and
- whether the MTVA member had failed to self-report any pending, threatened or anticipated litigation that may have an impact on the mass tort legal community.

Following its investigation, the MTVA Disciplinary Committee shall issue a confidential written determination, and shall be entitled to impose in its discretion one of the following remedies for any alleged violation of the MTVA standards, best practices or bylaws:

- Expulsion from the MTVA.
- Suspension from the MTVA.
- Imposition of remedial conditions, subject to suspension or expulsion from the MTVA for violations or remedial conditions.
- A finding of no liability or suspension.

Appeal. An MTVA member may appeal the MTVA Disciplinary Committee determination to a Special Appeals Committee of the MTVA, which shall be comprised of three MTVA Founding Members who are not direct competitors of that MTVA member.

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DISCLAIMER. MTVA is a volunteer organization and all of its member acknowledge and recognize that the MTVA is entitled to terminate an MTVA membership if it maintains (in its sole and unfettered discretion) that the member has violated the standards, best practices or bylaws of the organization. The MTVA membership does not create any property or other vested interests. In the event of a termination, the member's sole remedy shall be the pro-rata refund of any membership fees that were paid and due for the entire fiscal year.