NGFA Arbitration

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NGFA Arbitration User Alert

Special Advisory for Arbitration Users: New Rules & Procedures

Of special importance to users of the NGFA Arbitration System, the new rules and procedures that were effective on October 10, 2025, address the following:

- **Membership Status** [Amended Rule 1(B)]

The new rule codifies the existing policy that for a case to be eligible for arbitration, at least one of the parties must be an NGFA member when the complaint is filed and when the underlying contract or transaction in dispute was agreed upon or formed.

- **New Complaint Form** [Amended Rule 2(A)]

The new rule requires that when filing a complaint to commence a case, the plaintiff must use the form available from NGFA to succinctly, plainly and specifically provide the required information (nature of dispute; identification of parties, applicable contracts and dates; and amount of damages claimed) in a clear and accessible manner. With the form, the plaintiff is to provide any contracts in dispute and applicable court orders (but no other documents). The form is available on the NGFA website and upon request to NGFA.

- **Preparing Arguments** [Amended Rule 3]:

The new rule clarifies and expands upon what was already expected from the parties with respect to their written arguments to be presented to the arbitrators. In the initial round of arguments (the plaintiff's "first argument" and defendant's "answer"), the parties must submit:

- ✓ A timeline of the facts and circumstances relevant to the dispute.
- ✓ A concise and clear statement of all claims. The parties are responsible for clearly presenting all aspects of their case. Neither NGFA nor the arbitrators undertake fact-finding or research.
- ✓ Applicable contracts, and all written evidence, letters, communications, and other supporting documents (including but not limited to shipping directions, bills of lading, affidavits, inspection certificates, etc.) relied upon by a party to establish the terms and conditions related to the dispute.
- ✓ If the grade or quality of commodities is in dispute, inspection certificates or other documentary evidence must be submitted.
- ✓ Proof of market difference when there is probability of the market difference affecting the parties' claims.

Also, in presenting their case, the parties must heed the following:

- ✓ All evidence and arguments must be clearly presented and organized, including being arranged in chronological order, to present a clear history of the case.
- ✓ The plaintiff's first argument and defendant's answer shall not exceed 15 pages in length, and the plaintiff's rebuttal and defendant's surrebuttal shall not exceed 10 pages (single-sided, double-spaced, 12-point font, excluding exhibits).
- ✓ Any exhibits included as attachments must be organized with appropriate use of tabbing and should be judiciously limited to only what is essential for supporting the parties' arguments.
- ✓ Six copies of the parties' arguments must be filed with the NGFA Secretary. All papers should be fastened together securely to avoid loss.

▪ **Non-compliance:** The parties should be aware that failure to comply in these areas when filing a complaint or argument may be considered by the arbitrators in reaching their decisions and/or result in the rejection of a party's complaint or argument.

▪ **Other provisions:** The new rules also increase the arbitration services fees, and they add clarity to or they otherwise impact various components of the arbitration process involving how it is determined at the outset of the process whether a case is eligible to proceed to an arbitration committee; the awarding of interest by arbitrators in their decisions; and the processes whereby a party requests an oral hearing or the vacating of a default judgment.