WELLS FARGO AND FORCED CONSUMER ARBITRATION MARCH 2017 DATA OVERVIEW

This report provides a comprehensive overview of consumer arbitrations involving Wells Fargo, as reported by arbitration firms pursuant to California's arbitration disclosure mandate, from 2009 through 2016.

The research was performed by Level Playing Field, a non-profit organization that collects, analyzes, and publishes data on consumer arbitration cases. Level Playing Field has developed a consumer arbitration database that allows the general public to quickly and easily search consumer arbitration cases by fields such as business name, arbitrator name, attorney name, and state.¹

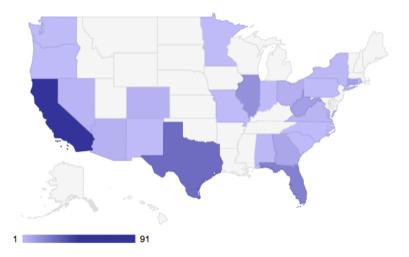
The original data for this report was provided by the American Arbitration Association (AAA), which routinely provides arbitration services to Wells Fargo.² A handful of additional cases were filed with another arbitration provider, JAMS (initially named Judicial Arbitration and Mediation Services, Inc.).³

BACKGROUND

Wells Fargo serves over 70 million customers, including one in three households in the United States, through more than 8,600 locations, 13,000 ATMs, the internet, mobile banking and other distribution channels across the U.S.⁴ Wells Fargo provides services to consumers, businesses and institutions in all 50 states and the District of Columbia.⁵

As a standard practice, Wells Fargo includes forced arbitration agreements in its consumer account agreements.⁶

FIGURE 1. GEOGRAPHIC DISTRIBUTION OF WELLS FARGO CONSUMER ARBITRATION CASES, 2009-16



¹ Instructions on how to search <u>https://levelplayingfield.io</u> can be found in the Appendix hereto (pages 10 and 11) and this video: <u>https://youtu.be/Z5i9sfESoBY</u>.

² The AAA data goes back to 2009.

³ The JAMS data goes back to 2011.

⁴ Wells Fargo 2016 Annual Report, pages 36 and 132.

⁵ Wells Fargo 2016 Annual Report, page 146.

⁶ Level Playing Field reviewed current consumer account agreements published on Wells Fargo's website as well as historical agreements dating back to 2011 in the Consumer Financial Protection Bureau's credit card agreement database: <u>https://www.consumerfinance.gov/credit-cards/agreements/</u>.

SUMMARY

Since 2009, consumers have filed 215 consumer arbitrations against Wells Fargo in 25 of the 50 United States. The states with the most consumer cases are California (91), Texas (27), Florida (20), Illinois (15), Connecticut (10), and West Virginia (10). (See Figures 1 and 2)

Figure 2	2. States	Of the 215 subject cases, 48 went to	a final hearir	ng and	Figure 3. Dis	positions
	Case	award. (See Figure 3)				Case
State	Count				Disposition	Count
AL	2	Of those 48 awarded cases, consume		0	Settled	119
AZ	4	the "prevailing party" in seven and r			Awarded	48
CA	91	\$349,549. Whereas Wells Fargo was	-		Withdrawn	25
СО	4	prevailing party in 13 cases and rece			Dismissed	14
СТ	10	\$485,208. In the remaining 28 cases	, the prevaili	ng party	Administrat	ive 9
DC	1	was undefined. However, in those u	ndefined case	es, Wells	Total	215
FL	20	Fargo received a total of \$519,458 co	ompared to a	total of		
GA	8	only \$82,527 for the consumer. (See	Figure 4)			
IL	15					
IN	1	In terms of total dollar amounts awa	rded, in case	s where the	e consumer v	was
MN	1	identified as the prevailing party, the	e consumer re	eceived 99.	7% of the to	tal amount
MO	1	awarded. In cases where Wells Farg	o was identifi	ed as the p	revailing pa	rty, the bank
NC	1	received 98.2% of the total amount a				-
NM	1	identified, the bank received 86.2% of			•	01 /
NV	3	,				
NY	2	Notably, the consumer was the	Eiguro A. Brow	ailing Partics	and Award Am	ounts
ОН	5	initiating party – otherwise		annig Parties	anu Awaru Am	
OR	1	known as the plaintiff – in all 48	Prevailing	Case	Awarded to	Awarded to
PA	1	awarded cases. The plaintiff	Party	Count	Wells Fargo	Consumer
RI	1	succeeded in only seven of the	Undefined	28	\$ 519,458	\$ 82,527
SC	1	-	Business	13	\$ 485,208	\$ 8,811
ТХ	27	20 cases where a prevailing	Consumer	7	\$ 1,000	\$ 349,549
VA	3	party was identified (a 35%	Total	48	\$1,005,666	\$ 440,888
WA	1	success rate). This compares				
WV	10	unfavorably to the over 60%		. 7		
Total	215	success rate of plaintiffs in state cou	rt contract tri	als.		

In conclusion, relative to its size and geographic footprint (70m+ customers in all 50 United States), given its across the board adoption of forced arbitration agreements, and given recent revelations regarding two million fraudulently opened accounts, Wells Fargo has experienced a shockingly low number of consumer arbitration cases.⁸

⁷ U.S. Department of Justice, Bureau of Justice Statistic, "Contract Bench and Jury Trials in State Courts, 2005" published September 2009.

⁸ <u>https://www.consumerfinance.gov/about-us/newsroom/consumer-financial-protection-bureau-fines-wells-fargo-100-</u> million-widespread-illegal-practice-secretly-opening-unauthorized-accounts/.

FIGURES

state	2009	2010	2011	2012	2013	2014	2015	2016	Total	State	2009	2010	2011	2012	2013	2014	2015	20
AL	0	1	0	0	0	0	1	0	2	AL	0	0	0	0	0	0	0	(
AZ	1	0	1	1	0	0	0	1	4	AZ	0	0	0	0	0	0	0	C
CA	2	5	3	8	4	11	26	32	91	CA	0	0	0	3	0	3	5	4
CO	1	0	0	0	3	0	0	0	4	CO	1	0	0	0	0	0	0	(
СТ	0	1	1	2	0	1	2	3	10	СТ	0	0	0	0	0	0	0	C
DC	0	0	0	1	0	0	0	0	1	DC	0	0	0	1	0	0	0	C
FL	1	0	4	5	0	4	5	1	20	FL	0	0	1	1	0	1	2	C
GA	0	0	2	2	2	0	1	1	8	GA	0	0	0	0	1	0	0	C
IL	0	0	0	1	1	2	4	7	15	IL.	0	0	0	1	1	2	2	C
IN	0	1	0	0	0	0	0	0	1	IN	0	0	0	0	0	0	0	C
MN	0	0	0	0	0	0	0	1	1	MN	0	0	0	0	0	0	0	C
MO	0	0	0	0	0	1	0	0	1	MO	0	0	0	0	0	0	0	C
NC	0	0	0	0	0	0	1	0	1	NC	0	0	0	0	0	0	0	(
NM	0	0	0	0	0	1	0	0	1	NM	0	0	0	0	0	0	0	(
NV	0	0	1	0	0	1	0	1	3	NV	0	0	1	0	0	0	0	
NY	0	0	0	0	0	0	1	1	2	NY	0	0	0	0	0	0	1	(
OH	0	1	1	0	1	1	0	1	5	ОН	0	0	0	0	0	0	0	(
OR	0	0	1	0	0	0	0	0	1	OR	0	0	1	0	0	0	0	C
PA	0	0	0	1	0	0	0	0	1	PA	0	0	0	0	0	0	0	C
RI	0	0	0	0	0	0	0	1	1	RI	0	0	0	0	0	0	0	C
SC	0	0	0	0	0	0	1	0	1	SC	0	0	0	0	0	0	0	C
TX	0	3	2	1	5	6	7	3	27	ТХ	0	1	1	1	2	3	4	2
VA	0	1	0	0	0	0	1	1	3	VA	0	1	0	0	0	0	0	C
WA	0	0	0	1	0	0	0	0	1	WA	0	0	0	0	0	0	0	C
WV	0	0	0	5	0	1	0	4	10	WV	0	0	0	0	0	0	0	C
Total	5	13	16	28	16	29	50	58	215	Total	1	2	4	7	4	9	14	7

3

State	2	009	2	010	2011	2012	2	013	2	2014	2015		2016	 Total
AL	\$		\$		\$	\$	\$		\$		\$	\$		\$
AZ	\$		\$		\$	\$	\$		\$		\$	\$		\$
CA	\$		\$		\$	\$ 16,899	\$		\$		\$ 31,803	\$	3,599	\$ 52,301
CO	\$		\$		\$	\$	\$		\$		\$	\$		\$
СТ	\$		\$		\$	\$	\$		\$		\$	\$		\$
DC	\$		\$		\$	\$	\$		\$		\$	\$		\$
FL	\$		\$		\$	\$	\$		\$		\$	\$		\$
GA	\$		\$		\$	\$	\$		\$		\$	\$		\$
IL	\$		\$		\$	\$ 2,000	\$		\$		\$	\$		\$ 2,000
IN	\$		\$		\$	\$	\$		\$		\$	\$		\$
MN	\$		\$		\$	\$	\$		\$		\$	\$		\$
MO	\$		\$		\$	\$	\$		\$		\$	\$		\$
NC	\$		\$		\$	\$	\$		\$		\$	\$		\$
NM	\$		\$		\$	\$	\$		\$		\$	\$		\$
NV	\$		\$		\$	\$	\$		\$		\$	\$2	281,548	\$ 281,548
NY	\$		\$		\$	\$	\$		\$		\$	\$		\$
OH	\$		\$		\$	\$	\$		\$		\$	\$		\$
OR	\$		\$		\$	\$	\$		\$		\$	\$		\$
PA	\$		\$		\$	\$	\$		\$		\$	\$		\$
RI	\$		\$		\$	\$	\$		\$		\$	\$		\$
SC	\$		\$		\$	\$	\$		\$		\$	\$		\$
TX	\$		\$		\$ 13,700	\$	\$		\$		\$	\$		\$ 13,700
VA	\$		\$		\$	\$	\$		\$		\$	\$		\$
WA	\$		\$		\$	\$	\$		\$		\$	\$		\$
WV	\$	-	\$	-	\$ -	\$ -	\$	-	\$	-	\$ -	\$	-	\$ -
Total	\$		\$		\$ 13,700	\$ 18,899	\$		\$		\$ 31,803	\$2	285,147	\$ 349,549

State	2009	2010)	2011	2012)	2013	2014		2015	2016	Total
AL	\$ -	\$ -	\$	-	\$ -	\$	-	\$ -	\$	-	\$ -	\$ -
AZ	\$	\$	\$		\$	\$		\$	\$		\$	\$
CA	\$	\$	\$		\$	\$		\$	\$	26,173	\$	\$ 26,173
CO	\$	\$	\$		\$	\$		\$	\$		\$	\$
СТ	\$	\$	\$		\$	\$		\$	\$		\$	\$
DC	\$	\$	\$		\$	\$		\$	\$		\$	\$
FL	\$	\$	\$		\$	\$		\$	\$		\$	\$
GA	\$	\$	\$		\$	\$		\$	\$		\$	\$
IL	\$	\$	\$		\$	\$	15,771	\$	\$		\$	\$ 15,771
IN	\$	\$	\$		\$	\$		\$	\$		\$	\$
MN	\$	\$	\$		\$	\$		\$	\$		\$	\$
MO	\$	\$	\$		\$	\$		\$	\$		\$	\$
NC	\$	\$	\$		\$	\$		\$	\$		\$	\$
NM	\$	\$	\$		\$	\$		\$	\$		\$	\$
NV	\$	\$	\$		\$	\$		\$	\$		\$	\$
NY	\$	\$	\$		\$	\$		\$	\$		\$	\$
OH	\$	\$	\$		\$	\$		\$	\$		\$	\$
OR	\$	\$	\$		\$	\$		\$	\$		\$	\$
PA	\$	\$	\$		\$	\$		\$	\$		\$	\$
RI	\$	\$	\$		\$	\$		\$	\$		\$	\$
SC	\$	\$	\$		\$	\$		\$	\$		\$	\$
ТХ	\$	\$	\$		\$	\$		\$	\$4	443,264	\$	\$ 443,264
VA	\$	\$	\$		\$	\$		\$	\$		\$	\$
WA	\$	\$	\$		\$	\$		\$	\$		\$	\$
WV	\$ -	\$ -	\$	-	\$ -	\$	-	\$ -	\$	-	\$ -	\$ -
Total	\$ -	\$ -	\$	_	\$ -	\$	15,771	\$ -	\$4	469,437	\$ -	\$ 485,208

State	2009)	2010) _	2011	2012	 2013	2014	2015	2016	Total
AL	\$ -	\$	-	\$	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
AZ	\$	\$		\$		\$	\$	\$	\$	\$	\$
CA	\$	\$		\$		\$	\$	\$ 27,490	\$ 1,680	\$ 3,599	\$ 32,769
CO	\$	\$		\$		\$	\$	\$	\$	\$	\$
СТ	\$	\$		\$		\$	\$	\$	\$	\$	\$
DC	\$	\$		\$		\$	\$	\$	\$	\$	\$
FL	\$	\$		\$		\$	\$	\$	\$	\$	\$
GA	\$	\$		\$		\$	\$	\$	\$	\$	\$
IL	\$	\$		\$		\$	\$	\$	\$ 40,947	\$	\$ 40,947
N	\$	\$		\$		\$	\$	\$	\$	\$	\$
MN	\$	\$		\$		\$	\$	\$	\$	\$	\$
МО	\$	\$		\$		\$	\$	\$	\$	\$	\$
١C	\$	\$		\$		\$	\$	\$	\$	\$	\$
M	\$	\$		\$		\$	\$	\$	\$	\$	\$
٧V	\$	\$		\$		\$	\$	\$	\$	\$	\$
١Y	\$	\$		\$		\$	\$	\$	\$	\$	\$
DH	\$	\$		\$		\$	\$	\$	\$	\$	\$
DR	\$	\$		\$		\$	\$	\$	\$	\$	\$
PA	\$	\$		\$		\$	\$	\$	\$	\$	\$
RI	\$	\$		\$		\$	\$	\$	\$	\$	\$
SC	\$	\$		\$		\$	\$	\$	\$	\$	\$
X	\$	\$		\$		\$	\$	\$ 8,811	\$	\$	\$ 8,81
/A	\$	\$		\$		\$	\$	\$	\$	\$	\$
VA	\$	\$		\$		\$	\$	\$	\$	\$	\$
WV	\$ -	\$	-	\$	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total	\$ -	\$	-	\$	-	\$ -	\$ -	\$ 36,301	\$ 42,627	\$ 3,599	\$ 82,527

State	2009	9	2010)	2011	2012	2	2013	2014	2015	2016	Total
AL	\$ -	\$	-	\$	-	\$ -	\$	-	\$ -	\$ -	\$ -	\$ -
AZ	\$	\$		\$		\$	\$		\$	\$	\$	\$
CA	\$	\$		\$		\$	\$		\$ 21,133	\$	\$	\$ 21,13
CO	\$	\$		\$		\$	\$		\$	\$	\$	\$
СТ	\$	\$		\$		\$	\$		\$	\$	\$	\$
DC	\$	\$		\$		\$	\$		\$	\$	\$	\$
FL	\$	\$		\$	6,728	\$	\$		\$	\$	\$	\$ 6,72
GA	\$	\$		\$		\$	\$	17,808	\$	\$	\$	\$ 17,80
L	\$	\$		\$		\$	\$		\$	\$ 10,294	\$	\$ 10,29
N	\$	\$		\$		\$	\$		\$	\$	\$	\$
MN	\$	\$		\$		\$	\$		\$	\$	\$	\$
NO	\$	\$		\$		\$	\$		\$	\$	\$	\$
NC	\$	\$		\$		\$	\$		\$	\$	\$	\$
MM	\$	\$		\$		\$	\$		\$	\$	\$	\$
٧V	\$	\$		\$		\$	\$		\$	\$	\$	\$
NY	\$	\$		\$		\$	\$		\$	\$	\$	\$
ЭН	\$	\$		\$		\$	\$		\$	\$	\$	\$
OR	\$	\$		\$		\$	\$		\$	\$	\$	\$
PA	\$	\$		\$		\$	\$		\$	\$	\$	\$
રા	\$	\$		\$		\$	\$		\$	\$	\$	\$
SC	\$	\$		\$		\$	\$		\$	\$	\$	\$
ГХ	\$	\$		\$		\$	\$	1,088	\$ 458,519	\$ 3,887	\$	\$ 463,49
/A	\$	\$		\$		\$	\$		\$	\$	\$	\$
NA	\$	\$		\$		\$	\$		\$	\$	\$	\$
WV	\$ -	\$	-	\$	-	\$ -	\$	-	\$ -	\$ -	\$ -	\$ -
Total	\$ -	\$	-	\$	6,728	\$ -	\$	18,897	\$ 479,652	\$ 14,181	\$ -	\$ 519,4

METHODOLOGY

Wells Fargo appears in the Level Playing Field database under dozens of variations of its name. For example, "Wells Fargo NA", "Wells Fargo Bank, N.A.", "Wells Fargo Card Services", etc. For the purposes of this report, these variations and/or separate legal entities were treated as one.

The Level Playing Field database includes 246 unique Wells Fargo cases from 2009 to 2016. Of those, 21 are debt collection, seven are employment disputes, two are business/commercial, and one is a new home construction case. Because we are interested in the outcomes of consumer banking cases, we have excluded these 31 cases from our analysis. As such, this report is based on 215 cases (191 from AAA and 24 from JAMS).

During our review, we noticed a few outlier cases. We reached out to the attorneys involved in these cases for an explanation but did not receive a response. We note them here so others may follow up:

- The following five cases are in different states with different counsel but have identical award amounts. This suggests they are related. It is also interesting that the last three show as initiated by the consumer but settled with an award amount of over \$750,000 to Wells Fargo. Why would a consumer file a claim against Wells Fargo only to settle for a \$750,000 loss?
 - a. These two were filed in Texas by World Law Group, which was effectively shut down by the CFPB for defrauding consumers⁹:
 - i. https://levelplayingfield.io/case/20368
 - ii. https://levelplayingfield.io/case/20288
 - b. It appears that the cases were then re-filed in CA and IL by a different law firm (Krohn & Moss):
 - i. <u>https://levelplayingfield.io/case/21972</u>
 - ii. https://levelplayingfield.io/case/21982
 - iii. https://levelplayingfield.io/case/22077
- 2. This is a Nevada case in which the consumer won a substantial sum from Wells Fargo: https://levelplayingfield.io/case/20110
- 3. These are three unique Texas cases with three different arbitrators where Wells Fargo won a substantial sum. The identical counsel and award amounts suggest the cases are related. Once again, the consumer was represented by now defunct World Law Group:
 - a. https://levelplayingfield.io/case/17987
 - b. https://levelplayingfield.io/case/18024
 - c. https://levelplayingfield.io/case/18452

⁹ For reference, the final judgment against World Law Group can be found here: <u>http://www.robbevans.com/assets/case-files/worldlaworder08.pdf</u>.

ACKNOWLEDGMENT

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closed:1/1/2016-12/31/2016 state:CA

Try these useful search queries: is:case, filed:9/1/2010-9/30/2010, is:attorney, state:CA, party:"Citibank, N.A."

APPENDIX: GUIDELINES FOR QUERYING LEVEL PLAYING FIELD

Level Playing Field is composed of cases and parties to cases. Every party has a summary page, which also shows up in search results unless you use a search modifier that limits results to cases. And vis-versa, you can use a search modifier that limits your results to party pages (e.g. the business, the arbitrator and the attorneys).

The following query modifiers can be used in any combination if a space is placed between each modifier. Only one modifier from each group can be used at a time:

a.	is:case	Limits results to cases (excludes party search).
	is:party	Limits results to parties to a case (excludes cases).

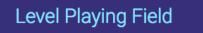
Party Search Modifiers - not to be used with Case Search Modifiers

b.	is:attorney	Limits results to parties by party type. Otherwise
	is:lawfirm	all party types are shown. Use in combination with
	is:arbitrator	other search terms, e.g. "is:nonconsumer Wells" or
	is:nonconsumer	"is:nonconsumer University".

Case Search Modifiers - not to be used with Party Search Modifiers

c.	filed:mm/dd/yyyy-mm/dd/yyyy	Defines a range for case filed date.
d.	closed: mm/dd/yyyy-mm/dd/yyyy	Defines a range for case closed date
e.	state:CA	Limits case results to a single state. Use state abbreviation
f.	disposition: awarded disposition: settled disposition: withdrawn disposition: impasse disposition: administrative disposition: dismissed	Limits case results to a case's final disposition. Otherwise all dispositions are shown.
g.	party:"Wells Fargo Bank"	Limits case results to the exact text between the the quotation marks. In this example Wells Fargo Bank.





Wells Fargo state:TX disposition:awarded Try these useful search queries: is:case, filed:9/1/2010-9/30/2010, is:attorney, state:CA, party:"Citibank, N.A."



SAMPLE COMPOUND QUERIES

- 1. Here is an example case query of: Wells Fargo, limited to California, and limited to a case closed date between 1/1/16 and 12/31/16:
 - a. https://levelplayingfield.io/search?q=Wells%20Fargo%20state%3ACA%20closed%3A1% 2F1%2F2016-12%2F31%2F2016%20
 - b. As you will see after clicking the above link, the search box contains the following query: Wells Fargo state:CA closed:1/1/2016-12/31/2016
 - c. It is important that you put a space between limiters but not within limiters, e.g. state:CA is correct; state: CA is incorrect. The query will not work correctly with spaces in the wrong places. Experiment or shoot us an email if you have questions.
- 2. This query is a modified version of the above and further limits case results to those that ended with a disposition of awarded:
 - a. https://levelplayingfield.io/search?q=Wells%20Fargo%20state%3ACA%20closed%3A1% 2F1%2F2016-12%2F31%2F2016%20disposition%3Aawarded
 - b. The query is: Wells Fargo state:CA closed:1/1/2016-12/31/2016 disposition:awarded
- 3. Here is an example of a Wells Fargo party query:
 - a. https://levelplayingfield.io/search?q=is%3Anonconsumer%20Wells%20Fargo
 - b. The query is: *is:nonconsumer Wells Fargo*
 - c. In this search result, ignore the header titles as they only apply to case results. The numbers in the right most column represent case count. This is to help you more quickly find the parties with the highest case count.