



## NO-FAULT NOTES: News From The AAA's® Minnesota No-Fault Office

Welcome to the latest edition of Minnesota No-Fault Notes.

This issue contains a brief description about the 2016 Case and Administrative Statistics, Minnesota Supreme Court – Anti-Assignment Clauses, 2017 Recertification Statistics, 2017 Statistics, 1099 Tax Form Information, John Gores, Steps for Updating your Arbitrator Information, New Arbitrator Training, and Upcoming AAA Office Closings.

### 2016 Case and Administrative Statistics

- In 2016, the American Arbitration Association received 5,792 filings. This is a 17% reduction from the number of filings received in 2015.
- The median number of days from the date of filing to the filing of an award was 183 days.
- The final disposition of cases closed in 2016: 54.11% awarded, 37.37% settled, 7.29% withdrawn, .62% dismissed, .57% closed administratively, and .03% consolidated.

To view the full 2016 Annual Statistic Report, visit [www.adr.org/mnnofault](http://www.adr.org/mnnofault).

### Minnesota Supreme Court – Anti-Assignment Clauses

On January 11, 2017, the Minnesota Supreme Court issued a decision on the enforceability of an anti-assignment clause in an automobile insurance policy in *Stand Up Multipositional Advantage MRI, P.A. v. American Family Insurance Company et al.*, 889 N.W.2d 543 (Minn. 2017). (Published, No. A15-0843). The Court identified the primary issue in this case as whether an anti-assignment clause in an automobile insurance policy prevents a policyholder from assigning basic economic loss benefits under that policy to a medical provider.

The court first determined that the assignment at issue did not conflict with the No-Fault Act.

Next, the court reviewed the “majority rule” based on other jurisdictions, which prohibits pre-loss assignments, but not post-loss assignments under an anti-assignment clause. The court also discussed the *Travertine* rule in *Travertine Corp. v. Lexington-Silverwood*, 683 N.W.2d 267 (Minn. 2004), which recognizes the enforceability of anti-assignment clauses if they are clear and do not conflict with statute or public policy. The court concluded that the anti-assignment clause in the present case would be valid under either rule, as it was determined that the assignments at issue were “pre-loss” assignments.

The court also noted that while there were valid policy considerations on both sides of the issue it was for the legislature, rather than the court, to weigh these competing policies.

### 2017 Recertification Statistics

Pursuant to Rule 10 of the Minnesota Rules of No-Fault Arbitration Procedure, No-Fault Arbitrators are required to recertify on an annual basis. Recertification is a self-certification process, which the AAA oversees under the guidance of the Minnesota Supreme Court No-Fault Standing Committee.



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### 2017 Statistics

- The AAA received 491 recertification forms from arbitrators who wished to continue service on the No-Fault Panel.
- Of those who recertified, 428 recertified under Rule 10(a) for a licensed attorney who is actively representing clients, 32 recertified under Rule 10(a) for a licensed attorney who is not actively representing clients, but maintaining an ADR practice, and 31 recertified under Rule 10(c) for arbitrators who have retired or changed practice.
- Of those who recertified under Rule 10(a) for a licensed attorney who is actively representing clients, 301 arbitrators identified as plaintiff's attorneys, 119 identified as defense attorneys and eight identified their practice as equal between plaintiff and defense.

To view the full 2017 Annual Recertification Report, visit [www.adr.org/mnnofault](http://www.adr.org/mnnofault).

### 1099 Tax Form Information

Information about your 1099 tax forms can be obtained by contacting our Finance Department at **888-320-6569**.

### Welcome John Gores to the Supreme Court's No-Fault Standing Committee

The AAA would like to welcome John Gores, of Gores Law Office, to the No-Fault Standing Committee. Mr. Gores replaces Kelly Sofio, of Oskie & Sofio, PLLC, who has served on the Committee for the past eight years.

Mr. Gores is a civil litigator and practices in the areas of personal injury, wrongful death, business and employment disputes, and estates. He is a Rule 114 qualified neutral and has been an active arbitrator on the Minnesota Supreme Court No-Fault Panel of Arbitrators for the past 15 years. He also serves as a Traveling Arbitrator on the No-Fault Panel and conducts hearings statewide. On his recent appointment to the No-Fault Standing Committee, Mr. Gores said, "I am privileged and honored to be working with such distinguished members of our profession to ensure Minnesota's no-fault arbitration process remains efficient, economic, and judicious for the parties while operating under the highest standards of integrity."

### Steps for Updating your Arbitrator Information

#### W-9 Forms

If you have recently changed firms, or if your firm has had a change of address or firm name change, you will need to complete a new W-9 form for tax purposes. The AAA requires an updated W-9 form before arbitrator compensation can be issued. Please contact Kelly Baker, Supervisor, at 612.278.5106, or by email at [BakerK@adr.org](mailto:BakerK@adr.org), if you require a copy of a W-9 form.

#### Updating Panelist eCenter® Profile

You will also need to update your Panelist eCenter profile information if you have changed firms, your firm has changed addresses, or your resume has changed. You can update your information by navigating to [www.adr.org](http://www.adr.org) and clicking on "Sign In". You will be required to enter your username and password to access Panelist eCenter. If you do not remember your credentials, you may utilize the "Forgot Username" or "Forgot Password"



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feature located on the Log-in screen. An email will be sent to the email account on file. Please note that the link included in this email is only valid for two hours from the time of receipt.

Once you have logged in, click on "Panelist eCenter", which will direct you to your online profile. In order to update your profile, click on "Update Profile" on the right side of the screen.

If your online profile is not updated, specifically your email address, you may lose the ability to recover your username and password. Once you have updated your profile online, notify Panel Relations by email at [eCenter@adr.org](mailto:eCenter@adr.org). Panel Relations will complete the final step in the process. Please note that updating your profile does not automatically update your resume.

### **Resumes**

The AAA circulates the resumes of each arbitrator on a strike list to the parties for review. Parties rely on this information when completing their lists, therefore it's important that this information be up to date and accurate. If your resume requires updates or changes, please log in to your Panelist eCenter account following the instructions above. You may update your resume by selecting the "Resume" tab located on the top dashboard. Please note that updating your account profile does not automatically update your resume. If you have any questions, please contact Panel Relations at [eCenter@adr.org](mailto:eCenter@adr.org).

### **New Arbitrator Training**

On February 23, 2017, a New Arbitrator Training was held at the AAA for new applicants approved by the No-Fault Standing Committee. The training was led by Standing Committee members Eric Hayes and John Gores with the assistance from AAA employees Krista Peach, Director, and Kelly Baker, Supervisor. The training provides new arbitrators with direction on the responsibilities and expectations of service as a No-Fault arbitrator, as well as best practices for handling cases as an arbitrator. We would like to welcome Pat Biren, Brian Cassidy, Gabe Johnson, David Stewart, and Christy Thorson to the No-Fault Panel.

### **Upcoming AAA Office Closings**

**Friday, May 26, 2017 – Office closes at 1:00 PM CDT**

**Monday, May 29, 2017 – Office closed**