



NO-FAULT CUSTOMER NEWSLETTER

Introduction

Welcome to the premiere edition of *No-Fault Customer Newsletter*. The purpose of this newsletter is to communicate new and important information to you as a party representative of No-Fault arbitration matters.

2016 Case and Administrative Statistics

- In 2016, the American Arbitration Association received 5,792 cases. 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- The final disposition of cases closed in 2016: 54.11% awarded, 37.37% settled, 7.29% withdrawn, .62% dismissed, .57% closed administratively, and .03% consolidated.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.

Filing Tips

- When filing a petition for No-Fault Arbitration, whether by paper, fax, email or online, you must provide a copy of the filing to the insurance company. For your convenience, the AAA has a list of insurance company filing addresses located on our website at www.adr.org/mnnofault.
- Your filing should include the insurance company claim and policy numbers.
- If you are re-filing a case, please indicate such on your cover letter or within the claim description if filing online.
- In order to process your filing, it must meet the filing requirements under Rule 5 of the Minnesota Rules of No-Fault Arbitration Procedure.

Rescheduling a Hearing

If a hearing is postponed by the parties or arbitrator, the standard administrative procedure is to re-circulate a calendar. Circulating calendars can prolong the process and result

in the scheduling of a hearing date several weeks or even months down the road. If you would like to avoid these delays, you may forego the use of calendars with the agreement of the opposing party. If both parties agree and can provide mutual dates to reschedule, notify your case administrator immediately, who will work with the arbitrator to get the hearing rescheduled as quickly as possible.

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). 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



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legislature, rather than the court, to weigh these competing policies.

AAA WebFile®

The AAA is committed to innovation and providing customers with state-of-the-art technology to enhance the arbitration experience. AAA WebFile provides parties with 24-hour internet-based access to case filings and administrative services that work in conjunction with Case Administrators. The value of online case management includes efficiency, flexibility and convenience because it allows parties to work on their cases online as their schedules permit. An online tutorial is available to assist users with the functions of AAA WebFile. The AAA WebFile login page is located at: <http://www.adr.org/aaa/faces/login>.

WebFile users have access to a wealth of information, including hearing schedules, claim information, case administrator information, and arbitrator resumes.

Did you know that you can do the following on WebFile?

- File Cases
- Rank Strike Lists
- View lists ranked online
- View Arbitrator Resumes
- View active cases
- Access closed cases up to 12 months
- Check on hearing dates, locations, and where to send hearing materials
- Upload, view, and print case documents
- Identify your Case Administrator
- Identify your case number
- View Records of Hearing
- Make case payments

You will be required to enter your username and password to access AAA WebFile. If you have not yet accessed WebFile, you may register an account by visiting <http://www.adr.org/aaa/faces/login> and selecting "Register" at the top left-hand side of the screen. During the registration process, you will be asked to provide a registration code. This code can be provided to you by contacting the AAA at 612-332-6545, or by email at MinnesotaNoFaultArbInfo@adr.org.



If you already have an account, but cannot remember your credentials, you may utilize the "Forgot Username" or "Forgot Password" 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.

If you have any questions related to AAA WebFile, please contact our office at 612-332-6545.

2017 No-Fault Arbitrator 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.

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,



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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.

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."

Minnesota Supreme Court's No-Fault Standing Committee:

The No-Fault Standing Committee, on behalf of the Minnesota Supreme Court, oversees the No-Fault Arbitrator Panel, as well as the day-to-day administration of no-fault claims by the AAA. The Committee meets on the third Friday in the months of January, April, July and October in the offices of the AAA or the Minnesota Judicial Center. These meetings are public, but only members of the Standing Committee and the AAA are allowed to participate in discussions during the meeting except as invited by the Committee Chair. Anyone who would like an item placed on the agenda for discussion or who would like to address the Committee is asked to submit to the AAA a written request detailing the item at least two weeks prior to the scheduled meeting. All agenda items must be approved by the Committee Chair and submitted to the Committee members prior to the meeting. The Committee Chair has authority to exclude non-Committee members from certain discussions at the Chair's discretion. For times and locations of the meetings, please contact Krista Peach at PeachK@adr.org, or 612-278-5114.

Upcoming Office Closings

Friday, May 26, 2017 – Office closes at 1:00 PM CDT
Monday, May 29, 2017 – Office closed