



NO-FAULT ARBITRATOR NEWSLETTER: News From The AAA's Minnesota No-Fault Office

Welcome to the latest edition of the Minnesota No-Fault Arbitrator Newsletter.

News & Announcements

New Scheduling System

On June 1, 2018, the AAA will launch a new online scheduling system that will be available to you through AAA WebFile® and Panelist eCenter®. Pursuant to the Minnesota Supreme Court's February 28, 2018 order, all case participants will be required to use this new scheduling system. The AAA will offer various training opportunities for representatives and arbitrators in preparation for this transition. More information on these trainings will be provided soon. It will, however, be advantageous to you to become familiar with these online portals as soon as possible. To that end, AAA has posted "How To" guides on the Minnesota No-Fault website at www.adr.org/mnnofault. For additional assistance, please contact us at 612-332-6545.

Amended Standards of Conduct for No-Fault Arbitrators

The Minnesota Supreme Court amended the existing Standards of Conduct for No-Fault Arbitrators (Standards), effective January 1, 2018. To view the amended Standards, please visit the Minnesota No-Fault website at www.adr.org/mnnofault.

Arbitrator Compensation Designation

As you know, the AAA asks you to indicate your payment preferences on the Oath and Disclosure form for each case. This information is now captured on your AAA account; therefore, beginning April 9, 2018, this question will no longer appear on the form. If you have any questions or concerns regarding payment preferences, please feel free to contact us at 612-332-6545.

Rule Highlight

Rule 17 Stenographic Record

Either party has the right, pursuant to Rule 17, to bring a court reporter to the hearing or to have an audio recording made of the hearing proceeding. Notice to the other party is required at least 24 hours prior to the hearing.

In addition, Rule 17 states, "If the transcript is agreed by the parties to be, or the arbitrator determines this to be the official record of the proceedings, it must be made available to the arbitrator and to the other party for inspection at a date, time, and place set by the arbitrator."

AAA-Sponsored CLE Credits

In 2017, the AAA with the assistance of the No-Fault Standing Committee, sponsored five free CLE seminars on No-Fault Arbitration. These seminars covered topics such as Avoiding Arbitrator Pitfalls, No-Fault Law Updates, and Understanding the Amended Standards of Conduct. The next AAA-sponsored CLE is scheduled for May 17, 2018. More information about these seminars will be provided by the AAA in the next few weeks.

If you have any suggestions for future CLE topics, please contact Krista Peach at AAAKristaPeach@adr.org.



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Arbitrator Tips

Perception of Bias — Avoid fraternizing before, during, and after the hearing.

It's common that an arbitrator may know one or both attorneys involved in a proceeding and many attorneys understand the informality of these types of proceedings. However, it's important to be mindful that others involved in the proceedings, such as claimants, witnesses, claims representatives, and sometimes newer attorneys are not familiar with these proceedings. So, casual interactions with a representative, despite how innocent the exchange may be, could lead to the perception of bias or partiality.

In order to avoid such a perception, we recommend limiting interacting with either representative before, during, and after the hearing. Allow parties to enter the room, get settled and then join them after both parties are situated and ready to proceed. If you are an arbitrator who holds your hearings in our office, you will notice this is our practice at the AAA.

When the hearing concludes, separate yourself from the parties by returning to your office or leaving for your next appointment. We also recommend that you avoid sharing elevators with one or both of the parties.

While friendly conversation is not discouraged, most arbitrator conduct complaints stem from the hearing, so avoiding a situation that could lead to a complaint or the appearance of partiality is the best practice.

A Reminder from a No-Fault Standing Committee Member

"As an arbitrator, you have the ability to designate the method by which you would like to receive hearing materials. This designation can be found at the bottom of the scheduling calendar. We are working with the AAA to bring greater awareness to party representatives that these preferences should be used when submitting documents."

– Denise S.S. Fullerton, Fullerton Law, P.A.

New Arbitrators

On March 1, 2018, a New Arbitrator Training was held at the AAA for new applicants approved by the No-Fault Standing Committee. The training was conducted by Standing Committee member Suzanne Kvas with assistance from AAA employees Krista Peach, Assistant Vice President, and Kelly Baker, Supervisor. The training provided new arbitrators with direction on the responsibilities and expectations of service as a No-Fault panel member, as well as best practices for handling cases. We would like to welcome to the No-Fault Panel the following new arbitrators: Dahrim K. Boulware, Patrick M. Conlin, Megan M. Curtis, Nicholas J. Maxell, Tanner J. Moe, Eric M. Palmer, and John M. Spiten.

Traveling Arbitrators

Would you like to be a traveling arbitrator? If so, all you need to do is tell us where you are willing to go! Send an email to Victoria Chandler (victoriachandler@adr.org) and list the counties in which you are willing to hear cases. She will update your profile to have you listed within those specified areas. Please note that there is no additional compensation for travel or mileage. Please feel free to contact Victoria at 612-278-5124 or by email at AAAVictoriaChandler@adr.org with any other questions.

Upcoming Events

AAA Office Closings

Friday, May 27 – Closes at 1:00 PM

Monday, May 28 – Closed