



NY SUM Frequently Asked Questions

How do I file for SUM / UM Arbitration?

All arbitration notices shall be filed in triplicate with the AAA together with a filing fee in the amount of \$250. A copy of the demand for arbitration shall also be sent by the applicant via registered or U.S. certified mail, return receipt requested, or by any other method legally authorized for service of a summons to the claim office of the insurer under whose policy arbitration is sought.

Where do I mail the filing?

The filing should be mailed to:

SUM Arbitration
American Arbitration Association
32 Old Slip, 33rd Floor
New York, NY 10005

How long does it take to process a Demand for Arbitration?

The normal processing period after the Association receives a Demand is about 14 business days.

If I have submitted a Demand for Arbitration and have not gotten any response what should I do?

If you have not gotten any response within 21 business days you should contact the Association at 917-438-1500 and the SUM Supervisor will assist you.

How is an Arbitrator selected for a file?

The AAA will select an arbitrator who will hear the case and will submit the name of the arbitrator to each party to the arbitration. The AAA shall maintain information concerning the professional background of each of the arbitrators and such information shall be available to a party to the arbitration upon request.

If I don't agree with the Arbitrator selected can I choose another?

If a party challenges an arbitrator, the specific grounds for the challenge must be submitted in writing to the AAA, which will solicit comments on said challenge from the other party, shall determine whether the arbitrator shall be disqualified, and shall inform the parties of its decision, which shall be final and binding.



What if the Parties agree that upon receipt of the Pre-Hearing Telephone Notice that they are ready to proceed to hearing at the Arbitrator's earliest convenient date and time.

- (1) The parties will receive from the AAA a notice of the date and time for the pre-hearing conference call. In response to a notice of a pre-hearing conference call, a party may contact AAA case management staff, as identified in the notice, to advise that the party is ready for a hearing on the earliest available date.
- (2) If both parties so respond, the hearing will be scheduled promptly. Otherwise, the pre-hearing conference call will establish the hearing date.

What if the file settles, I choose to withdraw or the file for any reason cannot be processed, is the filing fee refundable?

An applicant, having paid the filing fee of \$250 referred to in Section 4 of these rules, shall be entitled to a return of the filing fee from the respondent if said applicant receives an award, which grants all damages demanded. The arbitrator shall in the award direct the respondent to return the filing fee to the applicant. There shall be no return of the filing fee under any other circumstances.

Can I bring a witness or Interpreter to the hearing?

If a party to the arbitration intends to introduce a witness, expert witness, interpreter and/or the treating physician at the hearing, the identity of the witness, expert witness, interpreter and/or the treating physician must be given to all parties at least fifteen (15) calendar days prior to the hearing.

Where can I find the rules of Arbitration for SUM/UM?

The rules can be found on this web site under the heading State Specific Rules.

What do I do if my claim is settled during Arbitration?

If the parties settle their dispute during the course of arbitration, the arbitrator shall set forth the terms of the agreed settlement in an award which shall provide that the parties agree that the settlement is final and binding and shall not be subject to review by a court. The award shall be signed by the arbitrator and shall be transmitted to the parties by the AAA, with a copy to the Department of Insurance.

Can I change my claim once it has been filed?

If a party desires to make any new or different claim, the same shall be made in writing and filed with the AAA and a copy shall be mailed to the other party. After the arbitrator has been appointed, no new or different claim may be submitted except with the arbitrator's consent.



Can I choose the time and place of the hearing?

The arbitration hearing will be held in the arbitrator's office or any other appropriate place selected by the AAA, and, to the extent practicable, within the general locale of the applicant's residence but in no event more than one hundred (100) miles from such residence. The arbitrator will fix the time and date for each hearing. At least thirty (30) calendar days prior to the hearing, the AAA will mail a Notice of Hearing to each party.

Can I communicate directly with the Arbitrator?

There can be no direct communication between the parties and the arbitrator other than at oral hearings. Any other oral or written communication from the parties to the arbitrator must be directed to the AAA for transmission to the arbitrator.

Who can attend a hearing?

Any person having a direct interest in the arbitration is entitled to attend the hearings. The arbitrator shall have discretion to determine the propriety of the attendance of any other person.

How can I submit my documents to the Arbitrator?

All documents to be submitted to the arbitrator shall be simultaneously transmitted to the other party at least fifteen (15) calendar days prior to the hearing. The arbitrator shall determine whether all parties received such documents prior to the hearing.

How can I get a hearing adjourned?

The arbitrator may, for good cause shown, postpone the hearing upon the request of a party or upon the arbitrator's own initiative.

- (a) Each party may cause one adjournment without the payment of an adjournment fee if the adjournment request is received by the AAA more than two (2) business days prior to the scheduled arbitration. There shall be an adjournment fee of \$50 payable to the AAA by the party which requests and obtains a subsequent adjournment, provided the subsequent request for adjournment was made more than two (2) business days prior to the hearing.
- (b) Notwithstanding any other section of this rule, a \$100 adjournment fee shall be payable for any adjournment which is caused within two (2) business days prior to the scheduled hearing by the party causing such adjournment. The \$100 adjournment fee will be assessed for all adjournments caused within two (2) business days prior to the scheduled hearing regardless of whether it is the party's first adjournment request or a subsequent request.



Can I be given the disposition of the Award by telephone or fax?

The parties shall accept as delivery of the award the placing of the award or a true copy thereof in the mail addressed to the parties or their designated representatives at their last known addresses, or by any other form of service permitted by law. The AAA shall note on such award or transmittal letter, the date of mailing and keep a record of same.