

**BEFORE THE
MINNESOTA NO-FAULT ARBITRATION STANDING COMMITTEE**

In re:

Brian Stevens,

Respondent.,

ORDER FOR PUBLIC REPRIMAND

This matter came before the Minnesota No-Fault Arbitration Standing Committee (“the Standing Committee”) on a complaint filed against Arbitrator Brian Stevens (“Arbitrator Stevens”) which alleged certain concerns. The complaint was initiated on June 24, 2020, by Respondent’s counsel in a particular case to which Arbitrator Stevens had been assigned to serve as arbitrator. The initial concerns raised by Respondent’s counsel have been addressed separately.

Upon receiving the complaint, an investigation was conducted by three members of the Standing Committee. In the course of its investigation, the Investigative Subcommittee noted concerns as to whether Arbitrator Stevens was qualified to serve as an Arbitrator under Rule 10(a).

In accordance with the Standards of Conduct for Minnesota No-Fault Arbitrators IX B.3. and the Minnesota No-Fault Standing Committee (“NFSC”) Policy Statement No. 4, Arbitrator Stevens was given the Investigative Subcommittee’s recommendation memorandum and informed of his right to appear before the Standing Committee either in person, by telephone, by other electronic means of communication, or by written submissions, to offer information or evidence in response to the Investigative Subcommittee’s recommendation memorandum and otherwise address the Standing Committee. Arbitrator Stevens was also advised of the NFSC Policy Statement No. 4a deadline to exercise his request for an appearance to respond. Arbitrator Stevens did not request to

appear in person or by other means, nor offer any written submission within the requisite deadline, and did not appear.

The matter was called for consideration by the Standing Committee in executive session at its quarterly meeting on October 9, 2020. Following the report of the Investigative Subcommittee and questions by the Standing Committee, in accordance with Policy Statement No. 4, the three-person subcommittee recused itself and did not deliberate or vote regarding sanctions. The vote by the remaining eight members was not unanimous. Based upon the investigation and discussions, the Standing Committee makes the following Findings, Conclusions, and Sanctions:

FINDINGS

1. The Standing Committee is a body duly organized under the laws of the State of Minnesota, consisting of 12 members appointed by the Minnesota Supreme Court, to administer the Arbitration under Minn. Stat. § 65B.525, and is the proper party to bring this proceeding under the authority granted in Rule 1(b) of the Minnesota Rules of No-Fault Arbitration Procedures (“the Rules”), and Paragraph IX of the Standards of Conduct for Minnesota No-Fault Arbitrators (“the Standards of Conduct”).

2. The American Arbitration Association (“the AAA”) is the arbitration organization designated by the Standing Committee with the concurrence of the Supreme Court to conduct the day-to-day administration of the Arbitration under Minn. Stat. §65B.525.

3. Arbitrator Stevens is a Minnesota No-Fault Arbitrator that had been nominated by the Standing Committee, approved by the Supreme Court, and certified by the Standing Committee to the AAA to serve on the panel of arbitrators to hear and decide arbitrations under Minn. Stat. §65B.525.

4. On November 19, 2018, Arbitrator Stevens provided a 2019 No-Fault Arbitrator Recertification form in which he sought recertification under Rule 10(a), certifying that 40% of his practice involved motor vehicle accident cases.

5. On December 19, 2019, Arbitrator Stevens provided a 2020 No-Fault Arbitrator Recertification form in which he sought recertification under Rule 10(a), certifying that 30% of his practice involved motor vehicle accident cases.

6. Arbitrator Stevens advised the Investigative Subcommittee, in late June 2020, that 80 percent of his practice at that time was estate planning and probate, 10 percent was small business law, and that he had only two active personal injury cases.

7. Arbitrator Stevens advised the AAA on or about July 6, 2020, that his practice at that time consisted of 10-15% in motor vehicle accident cases, and that this dropped below one-third about two to three years prior. On or about July 6, 2020, AAA provided Arbitrator Stevens with a form to use in submitting an amended 2020 Recertification.

8. On July 20, 2020, Arbitrator Stevens provided an amended 2020 No-Fault Arbitrator Recertification form in which he sought recertification under Rule 10(c), certifying that the date of practice change was July 1, 2018.

CONCLUSIONS

Whereas, at the time of submission of Arbitrator Stevens' 2019 and 2020 Recertification forms, Rule 10(a)(2) stated the requirements for qualification as an arbitrator to include, "at least one-third of the attorney's practice is with auto insurance claims..." And Rule 10(c) allowed for continuation of service following a change in practice, stating, "[i]f an arbitrator has been certified and has met the requirements of subdivision (a) for the past five years but becomes ineligible for

certification under Rule 10(a) due to retirement or change in practice, the arbitrator may continue to seek annual certification for up to five years from the date of practice change...”

Whereas, Arbitrator Stevens had a change in practice as of July 1, 2018, which disqualified him from service under Rule 10(a).

Whereas, Arbitrator Stevens filed recertifications for 2019 and 2020 which falsely represented the nature of his practice, a fact which directly implicated his qualifications to serve under Rule 10(a).

Whereas, per the Standards of Conduct, arbitrators undertake serious responsibilities to the public, as well as to the parties, and, in order for the system to succeed, the public must have the utmost confidence in the arbitration process and the arbitrators who serve on the No-Fault Panel.

Whereas, per the Standards of Conduct, an arbitrator shall at all times act in a manner that promotes public confidence in the integrity and impartiality of the arbitration process.

Whereas, per Standard of Conduct VIII, “An arbitrator must continue to meet the qualifications under Rule 10 in order to serve on the Minnesota No-Fault Panel.”

Whereas, per Standard of Conduct VIII B, “An arbitrator shall file a timely and accurate recertification form on an annual basis.”

Whereas, Arbitrator Stevens’ falsely filed recertifications for 2019 and 2020 constitute a violation of Rule 10(a) and Standard of Conduct VIII, and specifically VIII B.

Whereas, because falsely certifying qualifications to serve as an arbitrator should have been clearly improper to any Minnesota No-Fault Arbitrator currently serving, or contemplating serving, on the No-Fault Panel, Arbitrator Stevens’ blatant violation impairs the integrity and public confidence of the arbitration process, and warrants public reprimand.

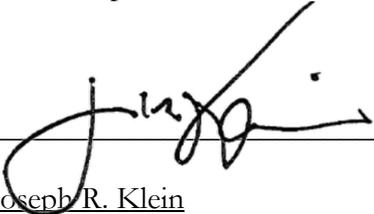
SANCTIONS

NOW, THEREFORE, it is hereby ORDERED that:

1. Arbitrator Stevens is PUBLICLY REPRIMANDED for the violations set forth above. The issuance of this public reprimand will be posted on the AAA website, which shall include a copy of this Order.

Minnesota Supreme Court No-Fault Standing Committee

Dated: October 29, 2020



By: Joseph R. Klein