



Representing Yourself in MN No-Fault Arbitration

Disclaimer: The American Arbitration Association® (AAA®) provides these materials for informational purposes only. The information provided in this guide should not be construed as legal advice, and is not intended to be a substitute for legal counsel on any subject matter.

The American Arbitration Association is a not-for-profit, public service organization committed to the resolution of disputes through the use of arbitration, mediation, and other voluntary procedures. Annually, the AAA administers hundreds of thousands of cases in a range of areas including finance, construction, labor and employment, insurance, technology, and many other areas. As an administrative agency, the AAA processes a case from filing to closing, appointing arbitrators, setting hearings, and transmitting documents. The AAA's goal is to keep cases moving in a fair and impartial manner. The AAA does not provide legal advice, and does not serve as an advocate for any party to a dispute.

Definitions

Arbitration – A statutory method of resolving disputes between parties, by which disputes are referred to an impartial third person for resolution; a substitute for jury and judge.

Arbitrator – The professional who makes a decision based on the evidence and testimony presented by the claimant and the respondent. The Supreme Court's Standing Committee has approved all no-fault arbitrators in Minnesota.

Award – The arbitrator's decision, which is made in writing and is enforceable in court under state and federal statutes.

Case Administrator – The AAA staff person assigned to administer cases. This person is neutral and responsible for the administrative details involved in moving cases through the system. The administrator does not represent either party.

Claimant – The party filing the petition and bringing the action in arbitration.

Discovery – The exchange of information between the parties.

Hearing – A proceeding wherein the evidence is taken for the purpose of determining the facts of a dispute and reaching a decision based on the evidence.

Parties – The named insured and insurer involved in the dispute.

Petition – The filing of a claim in arbitration; also the name of the form used to file a case.

Respondent – A responding party; in no-fault arbitration, the insurance company.



Steps Involved in a No-Fault Arbitration Case

The following is a summary outline of the arbitration process. For more detailed information, please refer to the Minnesota Rules of No-Fault Arbitration Procedures.

- Step 1.** A Petition for No-Fault Arbitration and itemization of claim is filed with the American Arbitration Association's Minneapolis office, along with a copy of the insurance company's denial letter and the \$40 filing fee. Please refer to the MN No-Fault Arbitration Filing Instructions to complete your filing. These instructions are attached.
- Step 2.** The case is assigned to a case administrator at the AAA. The case administrator will then send you (the claimant) and the insurance company (the respondent) a letter advising that we have received your case. We will ask the respondent to respond within 30 days of the date of the AAA's letter. Even if the respondent does not respond, the case will still proceed.
- Step 3.** The AAA will send a list of potential arbitrators from which the parties will mutually select an arbitrator.
- Step 4.** Once the arbitrator is appointed, the AAA will work with the parties and arbitrator to schedule a hearing.
- Step 5.** At the hearing, you may present your case and submit evidence you think will support your case. The respondent will also submit evidence, which will support their claim. The parties may also agree to an alternative method of hearing, such as a telephone hearing, video conference, or documents only process, where an oral hearing is not held but decided on the parties' written submissions.
- Step 6.** The arbitrator will render a decision on your case within 30 days after the hearing is concluded and the record is closed. Or, if you submitted written evidence only, the decision will be rendered 30 days from the date the arbitrator received all written evidence.

Can I go through arbitration without an attorney?

Arbitration is less formal than going to court, and you may represent yourself. However, you should keep in mind that arbitration is a legal proceeding that results in an award that is generally final and binding. Because your legal rights are involved, you may choose to consult with and be represented by an attorney. All parties to an arbitration proceeding, whether a business or an individual, have the same option whether or not to be represented by an attorney. Because of the AAA's neutral and impartial role in the arbitration process, the AAA and its employees cannot recommend or provide attorneys to the parties in arbitration. If you do not have an attorney and wish to be represented by an attorney in arbitration, you may want to contact your local bar association or another legal services organization for a referral.

Are there rules or procedures that apply to my arbitration?

Yes. You are responsible for adhering to the Minnesota Rules of No-Fault Arbitration Procedures, as well as the Standards of Conduct for Parties and Representatives. The AAA's website offers immediate access to the Rules and Standards of



Conduct. You may visit the AAA's website at www.adr.org/MNNoFault. You may also obtain a copy of the rules from the AAA by calling 612-332-6545 or by sending an email to MinnesotaNoFaultArbInfo@adr.org.

What does the process cost?

The filing fee is \$40 for the claimant and \$150 for the respondent. A party that postpones a scheduled hearing is charged \$100. The arbitrator is compensated \$300 if the case is postponed with 24 hours of a scheduled hearing and eventually settles or if a case settles within 24 hours of the hearing (Rule 40). The parties will either split the fee, or the arbitrator will direct which party pays the fee in the award that is rendered at the end of the case.

The AAA has established guidelines to request a deferral or waiver of the filing fee in arbitration in of your cases in circumstances of financial hardship. For information regarding a hardship request, you may contact our office at 612-332-6545.

Who pays the arbitrator's compensation?

You may request that the arbitrator assess his/her compensation against the other party; however, it will ultimately be up to the arbitrator on how the compensation is assessed. The arbitrator will address it in the award. If the parties settle, it is up to the parties to determine who will pay for the arbitrator compensation. If the parties cannot agree, the compensation amount will be split among the parties equally. If you decided not to pursue arbitration after filing your petition and an arbitrator has been assigned, you will be solely responsible for the arbitrator compensation, pursuant to Rule 13 of the Minnesota Rules of No-Fault Arbitration Procedures.

What happens after the claim is filed?

Once the AAA receives all items noted on the MN No-Fault Arbitration Filing Instructions, your case will be assigned to an AAA case administrator who will be your contact for the duration of your case. The AAA's case administrators act as impartial liaisons, send out notices, monitor the neutral selection process, schedule hearings, prepare billings, and transmit the arbitrator's awards. The AAA offers comprehensive case management to expedite the resolution of your case. Please note that if you include your email address on the petition, correspondence will be sent by email only.

How long does the process take from beginning to end?

Each case is different. However, we find the average length for no-fault arbitrations to be three to six months.

When do I present my evidence and what kind of evidence will be allowed?

You will be given an opportunity to present your evidence at the hearing. The party that files the Petition for Arbitration (claimant) usually presents their evidence first at the hearing. Formal rules of evidence that usually apply in court do not apply in an arbitration hearing, but you must still be prepared to prove your case and present all evidence that you think is appropriate. The arbitrator may accept or reject evidence that the arbitrator believes will help in deciding the dispute.



Each party should be prepared to make a focused presentation so the hearing can be conducted in an efficient manner. Generally, the hearings last between one and three hours.

Does AAA help me present my claim?

No. The AAA's case administrator will be your main contact throughout the case. The case administrator cannot assist you in the presentation of your claim and will not be in attendance at the hearing. The case administrator will answer your questions about certain procedures relating to the arbitration process, and will distribute information to you, but case administrators do not provide legal advice or legal assistance.

Who are the arbitrators?

The arbitrator is not your legal representative and does not assist you with your case. The arbitrators are impartial decision-makers chosen for their knowledge, case experience, integrity, and dispute resolution skills. They are approved by the MN Supreme Court's Standing Committee and Minnesota Supreme Court. Arbitrators must adhere to the Standards of Conduct for No-Fault Arbitrators.

Do I get to select the arbitrator?

A list of potential arbitrators will be provided to you and the insurance company, as well as copy of each potential arbitrator's resume. You will be given an opportunity to rank these arbitrators from most desirable to least desirable, as well as eliminate arbitrator from the list. The AAA will review the rankings of both parties and invite the most mutually acceptable arbitrator to serve on the case.

How do I know the arbitrator is neutral and impartial?

All arbitrators, before they accept appointment to a case, are responsible for completing a conflict check for any past or present relationships with either party, potential witnesses, or the parties' representatives or attorneys. If the arbitrator has any such relationships, all of the parties will be provided that information. After the parties are given that information, they are given the opportunity to comment on whether that individual should remain as the arbitrator in light of the disclosure. Neither you nor the representative for the insurance company should contact the arbitrator directly before or after the hearing. Any communication with the arbitrator, other than at the hearing, should be directed to the AAA for transmittal to the arbitrator. Parties may send exhibit books directly to the arbitrator and opposing party at the same time.

How do I prepare for the hearing?

You should gather all pertinent documentation and make a copy for the arbitrator and the insurance company. Organize the information in a logical fashion. If you intend to bring a witness, you will be responsible to ensure the witness attends. At the hearing, you will be given an opportunity to make a brief opening statement, question witnesses (if any), introduce evidence supporting your claim, and answer questions about your case.



How are the hearings conducted?

The arbitrator will discuss with the parties how the hearing will be run. Generally, each party will present their side with the filing party going first. During the hearing, all parties should be respectful to the other party and the arbitrator. Present your case in a clear and concise fashion.

What if the insurance company doesn't show up for the hearing? What if I don't show up?

The hearing can still proceed even if one party does not show up. The appearing party will still have to present his/her case to the arbitrator.

Can I settle with the insurance company prior to the arbitration hearing?

You may settle your dispute with the insurance company at any time before the arbitrator issues the award. If you have settled, or believe you are close to settling your dispute, notify your case administrator. If you do settle your case and decide not to proceed with your claim, the AAA will close its case file. Remember that the filing fees are non-refundable and both parties are still responsible for any administrative fees and arbitrator compensation that have been incurred.

How quickly after the hearing do I get the arbitrator's decision?

Once the arbitrator closes the hearing, which takes place after he or she determines that all of the information needed to make the decision has been received, the arbitrator will make his/her decision within 30 days. The AAA will send you the arbitrator's award.

What happens after the arbitrator renders their award?

A copy of the award is sent to both parties. If you have questions regarding receipt of the amounts awarded, you should contact your insurance company. The AAA is not responsible for collecting any award on your behalf and we do not have the authority to enforce an award.

What if I do not agree with the arbitrator's award?

The arbitrator's decision is binding on all parties to the dispute. You may request clarification or modification of the award; however, you must submit your request in writing to the case administrator within 20 days from the date the award was issued. The arbitrator is free to decline any response or changes.

Under very limited circumstances it can be overturned in court. You may review Rule 38 of the Minnesota Rules of No-Fault Arbitration Procedures. Neither the AAA nor the arbitrator is involved in that process.



MN No-Fault Arbitration Filing Instructions

As amended and in effect September 1, 2016

In order to begin processing a no-fault arbitration case, the American Arbitration Association® (AAA®) requires the following be filed with the AAA, pursuant to Minnesota No-Fault Arbitration Rules 5(c) and 5(e):

1. **Filing Fee:** A \$45.00 filing fee payment made payable to American Arbitration Association.

Your filing should include one copy of the below documents:

2. **Petition:** A Completed Petition for No-Fault Arbitration, signed by the claiming party or representative.
3. **Denial/Discontinuation Letter:** Letter from the insurance company verifying that benefits have been denied or discontinued. If a denial letter has not been provided, the filing party may submit proof that bills have been submitted to the insurance company and remain unpaid after 30 days.
4. **Itemization of the Claim:** An itemization detailing what you are claiming for arbitration. The itemization, depending on the nature of your claim, should include the name(s) of medical providers, the name(s) of employer(s), date(s) of service or loss and the amount(s) claimed for each.
5. **Supporting Documents:** Documentation supporting your claim. e.g. billing summaries, wage stubs, market value comparisons, etc.

A copy of your filing must be sent, simultaneously, to the respondent/insurance company, with the exception of the filing fee.

If not included at the time of filing, items 4 and 5 must be provided to the AAA within 30 days of filing, pursuant to Rule 5(f). However, providing these documents at the time of filing will increase the efficiency of case administration.

If you have not received a copy of the Minnesota No-Fault Rules or the "Guide to Representing Yourself in MN No-Fault Arbitration" you may obtain copies by visiting our website at www.adr.org or contact the AAA at (612) 332-6545.