



NO-FAULT CUSTOMER NEWSLETTER

The purpose of this newsletter is to communicate new and important information to parties and representatives on No-fault arbitration matters in Minnesota.

COVID-19 Update

In-Person Hearings

As stay-at-home order restrictions loosen, case participants may choose to proceed with in-person hearings. The use of in-person hearings is at the discretion of the case participants. If parties or representatives have concerns about appearing in-person, we recommend that you discuss alternatives with the opposing party. If the parties cannot agree on an alternative method, please alert the case administrator. The arbitrator will make a final decision on an alternative hearing method.

Virtual/Remote Hearings

The American Arbitration Association® (AAA®) will continue to provide support for those who wish to use alternative hearing arrangements, including videoconferencing, teleconferencing, and documents-only procedures.

If you would like to use an alternative hearing method for an upcoming hearing, please first discuss this with the opposing party and notify the case administrator of the outcome of those discussions.

Videoconferencing Resources

The AAA does not endorse any particular platform over another or guarantee their suitability or availability. It is up to the case participants to familiarize themselves with the terms and policies of their preferred platform, for example: <https://zoom.us/privacy-and-legal>.

The AAA has published guidance on how to utilize Zoom to optimize the virtual hearing experience. You may access this information using the following link:

[AAA-ICDR® Virtual Hearing Guide for Arbitrators and Parties Utilizing Zoom](#)

In addition, if your videoconference will proceed by Zoom, case participants are encouraged to prepare for the hearing by viewing platform-specific resources. Examples of these resources are as follows:

[Joining a Zoom Meeting](#)

[Joining and Configuring Audio and Video](#)

AAA Hearing Rooms

The AAA remains active and operational, but no hearings will take place in AAA hearing facilities until at least September 1, 2020. If a hearing is currently scheduled to take place before then at the AAA's offices, the case administrator will contact the case participants to explore alternatives.



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Rule Changes

Various changes to the Minnesota Supreme Court's Minnesota Rules of No-Fault Arbitration Procedure became effective on February 1, 2020.

The most significant changes relate to motion practice. More specifically, the rules now include new procedure for filing and responding to motions, as well as new motion fees.

The following amended rules impact parties and representatives:

- **Rule 12. Discovery, Motions, and Applications**
- **Rule 40. Arbitrator, Motion, and Application Fees**

The rules, as amended, are available on the AAA's Minnesota No-Fault webpage at www.adr.org/mnnofault.

The AAA has developed **Motion Practice Protocols** that will be used to implement the new rules changes. To view the Protocols, please visit the AAA's Minnesota No-Fault webpage at www.adr.org/mnnofault.

List Integrity

Party Disclosures

Rule 8 of the Minnesota Rules of No-Fault Arbitration Procedure sets forth the arbitrator selection process. The rule requires that the AAA circulate simultaneously to each party an identical list of four potential arbitrators. These lists are generated at random based on the requested hearing locale or the claimant's residence.

To preserve the integrity of the arbitration process, if you receive a list that includes an arbitrator with whom you have a direct and substantial conflict, please contact your case administrator. These types of conflicts may include an arbitrator from your firm or an arbitrator who is a member of your family.

This process does not replace the challenge procedures for cause under Rule 8 and should only be used for direct and substantial conflicts.

Ranking Lists

When ranking a strike list, parties must rank the list of potential arbitrators in numerical order. Rule 8 of the Minnesota Rules of No-Fault Arbitration Procedure provides that the AAA will circulate a list with four panelists. The rule further provides that parties may strike only one panelist from the list. The remaining arbitrators should be ranked in numerical order, with the first choice at number one.

AAA WebFile® Highlight

When filing a case online, a "Description Box" helps identify key filing information. To expedite the intake process, we ask that filing parties enter only the following information in the box:

- *Name of Claimant*



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- *Attorney's name, email address, and phone number*
- *Name, email address, and phone number of person entering the petition online*
- *Name of Respondent*
- *The type of claim (medical, wage loss, replacement services, etc.)*

Please do not enter anything else in this box. The Description Box is viewable only by AAA Intake personnel, so anything included here will not be viewable by the other party or the arbitrator.

Information regarding specific case details such as denial information, notices of refiling, lien information, and billing representative requests, should not be included in the Description Box. This information should be sent in a separate document, uploaded at the time of filing.

Party Case Administration Tips

Scheduling

To avoid the possibility of being scheduled for back-to-back hearings on the same day, we recommend that you cross off all the 12:30 p.m. time slots using the "Recurring" feature when submitting your unavailability online.

List of Upcoming Hearings

You can print or download a list of your upcoming hearings using AAA WebFile. To generate the list, navigate to "Hearings & Conferences Calendar" in the sidebar on the left side of the page. Then click "Print Event List." Last, enter a timeframe for which you would like to view your hearings and click "OK."

Submitting Payment by Electronic Check

The AAA has a new online method of payment. In addition to paying by credit card, you now may also pay online using an electronic check (EFT) drawn on your bank account. When you go online via QuickPay, WebFile, or Paylink, or when filing a new case, you will be provided with the payment screen. On the payment screen, you may choose between making payment by credit card or by bank account. If you select "Bank Account," you may select the type of account you would like to use, such as personal checking, personal savings, or business checking.

Public Reprimands

The Minnesota Supreme Court's No-Fault Standing Committee is responsible for the review of arbitrator conduct complaints. If the Committee orders a public reprimand as a result of a complaint, the name of the arbitrator and order are noted on the AAA's Minnesota No-Fault webpage at www.adr.org/mnnofault.

Feedback

What would you like to see featured in this newsletter?

Please contact Kelly Baker at KellyBaker@adr.org or Kristin Folsom at KristinFolsom@adr.org.