



## 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.

### Administrative Changes

Since the pandemic began, the AAA has seen a significant number of hearings transition from in-person proceedings to videoconferences and teleconferences. We anticipate that some parties, representatives, and arbitrators may prefer these alternatives long term.

Therefore, in an effort to improve the efficiency of setting a hearing format, the AAA will begin incorporating this process at the beginning of a case. The AAA has updated the Petition form so claimants can provide their requested hearing format. Moving forward, claimants should use this updated Petition form. To access the updated Petition form, please click [here](#).

The AAA will include the requested format in the Initiation letter, the first letter sent out by the AAA confirming receipt of the new filing. Respondents will have an opportunity to object to the requested hearing format as noted in this letter. If the parties cannot agree on a format, the AAA will forward the parties' positions to the arbitrator for a final determination.

Hearing notices will reflect the format and include any necessary videoconference or teleconference login information.

If the parties would like to change the hearing format, prior to contacting the case administrator, first they should confer with opposing counsel and then notify the case administrator of the result. If the parties do not agree to the method by which the hearing should proceed, the issue will be submitted to the arbitrator for a determination. Conferring with opposing counsel in advance of contacting the case administrator limits unnecessary delays.

### Resume Updates

Recently, the AAA updated the Minnesota No-Fault Resume format to include two new sections.

- **Firm/Professional Address** shows the physical address of an arbitrator's firm or professional location, prompted by the No-Fault Standing Committee's directive to provide parties and representatives with information on the physical location of an arbitrator.
- **Available Hearing Format** notes the hearing formats an arbitrator is willing and able to employ—videoconference, teleconference, in-person, and/or documents-only, allowing parties to make an informed decision while completing the strike list should hearing format be an important consideration for a party.



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### Hearing Documents

The arbitrators' preference for the form in which they will receive hearing materials is noted at the bottom of the Notice of Hearing. Hearing documents should be sent directly to the arbitrator using their preferred method, with a copy to opposing counsel. Please note that it is not necessary to send a copy of the hearing documents to the AAA.

If an arbitrator indicates "No Preference," parties may submit their hearing documents in any convenient manner. The AAA encourages all case participants to use AAA WebFile® to share hearing documents.

### Rule Highlight

#### How does a postponement affect Rule 40(b)?

If the AAA is notified of a postponement of a hearing less than 24 hours prior to the scheduled hearing date and time, the arbitrator's compensation automatically increases from \$50.00 to \$300.00 for that case. The 24-hour notice requirement does not include weekends or federal holidays. Therefore, parties should remember that when a hearing is postponed under the timing scenario noted above and that same case later settles, the arbitrator's compensation is \$300.00 due to the previous postponement.

### Party Case-Management Tips

#### Motion Practice Prior to a Hearing

If a motion becomes necessary, parties should submit the motion with enough time prior to a scheduled hearing so that all protocols can be satisfied without the need for postponement. To avoid delays, the required "meet and confer" confirmation should be provided so the motion can be processed promptly.

#### Video-Hearing Promptness

As it is a best practice for attorneys and clients to arrive before the start time of an in-person hearing, so it is for parties to join a video hearing at least five minutes prior to the scheduled start time. Connecting prior to the hearing ensures that there is enough time for the AAA staff member to assist with any audio, video, or connectivity issues that might arise and to start the hearing promptly.

A link to tutorials explaining the process appears at the bottom of each invitation. Attorneys should provide this link to their clients prior to the hearing.



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### **Duplicate copies—no longer necessary! Save the trees! Don't duplicate your efforts!**

The AAA has been managing cases electronically for several years. Therefore, we no longer require that any correspondence sent in duplicate. The AAA encourages electronic transmission of materials; however, if you are mailing correspondence, only the original is necessary.

Similarly, if you choose to email or upload your correspondence directly to AAA WebFile, it is not necessary to duplicate your efforts and send the same correspondence using multiple methods. We need correspondence in one format only.

### **Reminder**

#### **New Office and Mailing Address**

The Minneapolis office moved to a new location on September 14, 2020. The address for the new location is:

American Arbitration Association  
100 South Fifth Street, Suite 1900  
Minneapolis, MN 55402

The AAA anticipates that we will occupy this location for at least the next year. During this time, we will not have hearing room space available.

### **Feedback**

#### **What would you like to see featured in this newsletter?**

Please contact Kelly Baker at [KellyBaker@adr.org](mailto:KellyBaker@adr.org) or Kristin Folsom at [KristinFolsom@adr.org](mailto:KristinFolsom@adr.org).