



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

AAA WebFile® – An online case management portal that allows you to monitor your case electronically. To register an account, please see instructions below.

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.

Calendar – A calendar that allows you to convey your availability in order to schedule a hearing.

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.

Motion – A formal request made to the arbitrator for an order.

Order – A formal written directive given by an arbitrator.

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.



Scheduling Period – The period of time in which a hearing may be scheduled. The scheduling period will consist of 22 weeks, which will begin 14 days following the date the calendar becomes available to you.

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 Rule 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. This will take place using AAA WebFile.

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?

Filing Fees: The filing fee is \$40 for the claimant, which is the person who initially files the case. The respondent is responsible for a \$150 filing fee.

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

Postponement(s): A party that postpones a scheduled hearing is charged \$100 per postponement.

Motion Fee(s): If you choose to file a motion, or respond to a motion filed by the other party, there is a \$125.00 motion fee deposit that must accompany your motion/response. The arbitrator will decide who is responsible for the fee. The non-responsible party will be provided a refund of \$100.00. The remaining \$25.00 is a nonrefundable administrative fee.

Arbitrator Compensation: Once an arbitrator has been appointed to hear the case, the arbitrator is entitled to \$50.00 in compensation. If the case proceeds to a hearing, the arbitrator will be compensated \$300.00. Also, if the case is postponed, withdrawn, or settled in less than 24 hours, not including weekends or federal holidays, from the date and time of the scheduled hearing, the arbitrator's compensation will be \$300.00 (Rule 40). If the case proceeds to an award, the arbitrator will determine who is responsible for payment of the arbitrator compensation.

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.

What is AAA WebFile®?

AAA WebFile is a convenient online portal that allows you to manage your case electronically. It provides you with 24-hour internet-based access to your file, as well as the ability to complete and upload documents and complete tasks throughout the process.

If you would like to register an account, please contact us at **612-332-6545**. For WebFile "How To" guides, please visit the Minnesota No-Fault Website at www.adr.org/mnnofault.

Am I required to register and use an AAA WebFile account?

You are not required to register an account; however, the process for scheduling a hearing is conducted through AAA WebFile. If you would like to opt-out of the online scheduling process and complete your calendar by paper, please notify your case administrator when you receive instructions to complete the calendar.

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 case?

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.

What is a Motion?

A Motion is a formal request made in writing to the arbitrator for an order, which directs a party to do or refrain from some type of action. Either party may submit a motion. To submit a motion, please review the **Motion Practice Protocols for Parties & Representatives**, which is attached.

What happens if the other party requests a Motion?

Once a motion has been filed by the other party, you will be given an opportunity to respond to the motion. In order to respond, you will be required to submit a motion fee deposit of \$125.00 with your written response. Please review the **Motion Practice Protocols for Parties & Representatives**, which is attached.



What happens if I do not pay the motion fee deposit or choose not to respond?

If you want to submit a Motion, you must pay the \$125.00 fee. If you do not pay the fee, the Motion will not be provided to the arbitrator for a decision.

You are not required to respond to a motion; however, the motion submitted by the other party will still be provided to the arbitrator for a decision.

If you submit a written response to the motion, but do not pay the \$125.00 deposit, your response will not be provided to the arbitrator for consideration.

What happens if I want to request a Motion?

Once the name of the arbitrator has been provided to the parties by the AAA, either party may file a motion. Rule 12(a) requires that the parties first discuss what it is that you would like to request. If the parties cannot resolve the issue, then you will need to prepare a written document to include that you have discussed your request with the other party, the parties could not agree, and state what you are requesting from the arbitrator and why you are requesting that the arbitrator grant your request.

Can I get my money back for any Motion fee?

The motion fee is \$125.00 per motion. If the parties would like the arbitrator to review their written documents, both parties are required to each pay a \$125.00 deposit to the AAA. The arbitrator will decide who is responsible for the \$125.00 motion fee and payment of the fee will be taken from the money deposited with the AAA. If the arbitrator decides that the other party is responsible for the Motion fee, you will receive a full refund of your \$125.00. If the arbitrator decides that you are responsible, the money you deposited will be used to pay the fee and the other party will receive a refund of their deposit.

If you do not respond to a motion and the arbitrator decides that you are responsible for the motion fee, the arbitrator may assess this fee as part of the award.

How do I pay a Motion fee deposit?

Once you submit your written motion or response, the case administrator will provide you with an invoice for the \$125.00 motion fee deposit. You may pay that invoice as follows:

Pay by Credit Card: To expedite the process, the party may submit payment of the deposit through AAA WebFile®. Visit the AAA's website at www.adr.org/mnnofault to view instructions on how to pay invoices online.



Pay by Check: To pay the deposit by check, please send your payment to the address below and include either a copy of the invoice or the AAA case number and party names. If you send your motion by mail, you may include the \$125.00 check with our written submission.

American Arbitration Association
U.S. Bank Plaza
200 South Sixth Street, Suite 700
Minneapolis, MN 55402

For more information on Motion practice, please refer to the document **Motion Practice Protocols for Parties & Representatives**, which is attached.

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/or 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 May 5, 2018

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 \$40.00 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(g). 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 you may obtain a copy by visiting our website at www.adr.org/mnnofault or contact the AAA at (612) 332-6545.



Motion Practice Protocols for Parties & Representatives

Effective February 1, 2020

Submitting a Motion

Pursuant to Rule 12(b) of the Minnesota Rules of No-Fault Arbitration Procedure, no prehearing motion or application may be submitted to the American Arbitration Association® (AAA®) by any party for consideration by an arbitrator until the following requirements are satisfied:

1. An arbitrator has been appointed in accordance with Rule 8;
2. The parties have conferred with each other in person, or by telephone, or in writing in an attempt to resolve their differences. The moving party shall initiate the conference;
3. The moving party shall include with its moving/application papers a certification that the movant has conferred with the other party and which states the outcome of that conference; and
4. The moving party has deposited a \$125.00 motion fee, per each motion, with the AAA. See *Rule 40(a)(1)*. Once the moving party submits the moving papers to the AAA, the moving party will be provided with an invoice for the motion fee deposit(s). Once the fee has been deposited with the AAA, the AAA will proceed in processing the motion.

Please note that the above requirements are per motion; therefore, if you are requesting more than one motion at a time, each requirement must be satisfied in order to complete your submission.

Motion Response/Opposition

Once the moving party has satisfied all requirements under Rule 12(b), the AAA will request the comments of the nonmoving party with respect to the motion(s) filed. Pursuant to Rule 40(a)(2) of the Minnesota Rules of No-Fault Arbitration Procedure, the party opposing the motion shall pay to the AAA a motion fee in the amount of \$125.00 at the time the opposing party submits its opposition papers to the AAA.

Upon the submission of opposition papers, the AAA will provide the nonmoving party with an invoice for the motion fee deposit(s). The opposition papers will be provided to the arbitrator after the fee has been deposited.

Please note that the above requirement is per motion; therefore, if you are responding to more than one motion at a time, each response must include a motion fee deposit.

Motion Fee Deposit

Pursuant to Rule 40(a) of the Minnesota Rules of No-Fault Arbitration Procedure, no motion shall be heard or decided by the arbitrator until all required fees have been deposited and papers submitted to the AAA.



To pay a motion fee deposit, both the moving and nonmoving party may utilize the following payment methods:

Pay by Credit Card: To expedite the process, the party may submit payment of the deposit through AAA WebFile®. Visit the AAA's website at www.adr.org/mnnofault to view instructions on how to pay invoices online.

Pay by Check: To pay the deposit by check, please send your payment to the address below and include either a copy of the invoice or the AAA case number and party names.

American Arbitration Association
U.S. Bank Plaza
200 South Sixth Street, Suite 700
Minneapolis, MN 55402

Responsible Party

Pursuant to Rule 40(a) for each contested motion, the arbitrator shall be compensated \$100.00 and the AAA shall be compensated a \$25.00 administrative fee. The arbitrator shall direct which party is responsible for the fees, which will be paid from the fees deposited. The other party will receive a refund from the AAA.

Uncontested Motions

Pursuant to Rule 40(a), of the Minnesota Rules of No-Fault Arbitration Procedure, in the event there is no response to a motion (filed with the arbitration organization and for which a motion fee has been deposited) by the deadline to respond as set forth in the AAA's written notice to the parties, the motion papers shall be submitted to the arbitrator for consideration.

For each motion in which there is no response, the arbitrator shall be compensated \$50.00 for the motion and the AAA shall be compensated a \$25.00 administrative fee, which shall be paid from the moving party's deposited motion fee. The moving party may assert a claim at the hearing for the portion of the motion fee deposited with the arbitration organization that is not subject to refund from the AAA.

Withdrawing or Resolving a Motion

Pursuant to Rule 40(a) if the AAA is notified prior to submission to the arbitrator that the motion is withdrawn or resolved, the AAA shall refund the arbitrator's portion of the fee to any party who has paid a deposit. The AAA will retain the \$25.00 administrative fee from the moving party's deposit. The moving party may assert a claim at the hearing for the \$25.00 administrative fee paid.

If you have questions regarding the motion practice procedures or the application of the rules, please feel free to contact your case administrator or Krista Peach at KristaPeach@adr.org or by phone at 612-278-5114.