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September 26, 2005

Hon. Paul H. Anderson
Minnesota Supreme Court
Minnesota Judicial Center
25 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

Re: Proposed Amendments to the MN No-Fault Arbitration Rules

Dear Justice Anderson:

On behalf of the No-Fault Standing Committee, I am submitting a Petition to Amend the No-Fault Arbitration Rules. The changes are minor, in that we are not recommending changes to the current fee structure which has been in place since July 1, 2004. The members of the committee feel it is important to formalize what has been the general practice long followed with regard to the arbitrator's assessment of postponement fees so that the rules are applied with consistency.

The proposed amendment to Rule 15 states that the party requesting a continuance is responsible for paying for the cost of re-scheduling the matter. Members of the Standing Committee however, particularly those who have represented respondent insurers, noted experiences in which some claimant practitioners delayed their response to Rule 12 disclosures (i.e., discovery) and other details of the nature of the claim, long enough into the process that it compromised the insurer's ability to meaningfully respond with a defense to the claim. Thus, some respondents were essentially forced to seek a continuance to develop a response to late disclosures by claimants. It was the consensus of the entire Standing Committee that if a request for continuance is thrust upon one side by their adversary, that the arbitrator in his/her discretion should be able to "reverse the charge" for rescheduling an arbitration hearing. The proposed

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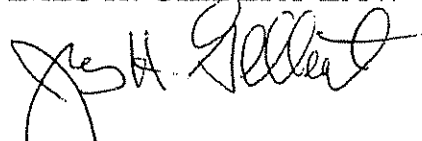
amendment to Rule 15 states such a discretionary alternative as an exception to the general rule that otherwise makes the requesting party responsible for the cost of a postponement

Finally, the change to Rule 41 merely adopts consistent nomenclature for the cost of rescheduling/postponement.

If the Court deems it necessary, I or other members of the Committee will be happy to appear at any hearing in order to discuss the changes in more detail.

Sincerely,

JAMES H. GILBERT LAW GROUP, PLLC

A handwritten signature in black ink, appearing to read "James H. Gilbert", written over a circular stamp or mark.

James H. Gilbert
Standing Committee Chair

In The Matter Of The Proposed Amendments To The
Minnesota No-Fault Arbitration Rules

PETITION

To: THE SUPREME COURT OF THE STATE OF MINNESOTA:

The Standing Committee on No-Fault Arbitration, by its Chair, does hereby represent and respectfully petition the Court to amend the No-Fault Arbitration Rules:

* * * *

Rule 15. Postponements

The arbitrator, for good cause shown, may postpone any hearing upon request of a party or upon the arbitrator's own initiative, and shall also grant such postponement when all of the parties agree thereto. The party requesting a postponement will be billed for the cost of the rescheduling; if, however, the arbitrator determines that a postponement was necessitated by a party's failure to cooperate in providing information required under Rule 5 or Rule 12, the arbitrator may assess the rescheduling fee to that party.

* * * *

Rule 41. Rescheduling Postponement Fees

A rescheduling postponement fee of \$75.00, \$125.00, and \$175.00 shall be charged against each party requesting a rescheduling for their first, second and additional postponements respectively.

* * * *

Petitioner is prepared to have members of the Standing Committee appear at any hearing the Court might choose to have and to discuss the Rules changes in great detail, if that should be deemed necessary.

WHEREFORE, Petitioner respectfully requests that the Court grant this petition.

By: _____


James Gilbert
Its Chair

9/26/05