

FILED

June 5, 2020

**OFFICE OF
APPELLATE COURTS**

STATE OF MINNESOTA

IN SUPREME COURT

ADM09-8011

**ORDER PROMULGATING AMENDMENTS TO THE
RULES FOR NO-FAULT INSURANCE ARBITRATION**

The Minnesota Supreme Court No-Fault Standing Committee on the Rules of No-Fault Insurance Arbitration recommended amendments to Rule 10 of the Rules of No-Fault Insurance Arbitration, which governs the qualifications of arbitrators. All of the comments filed during the public comment period unanimously supported the proposed amendments.

The supreme court is responsible for promulgating rules to facilitate the use of arbitration for claims that fall under Minn. Stat. § 65B.525 (2018). The proposed amendments are intended to ease the burden of qualifying to serve as a no-fault arbitrator, which in turn will allow for increased retention of skilled arbitrators.

Based on the all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the Minnesota No-Fault, Comprehensive, or Collision Damage Automobile Insurance Arbitration Rules are amended as shown in the attachment. The amendments are effective as of September 1, 2020.

Dated: June 5, 2020

BY THE COURT:



Lorie S. Gildea
Chief Justice

**MINNESOTA NO-FAULT, COMPREHENSIVE, OR COLLISION DAMAGE
AUTOMOBILE INSURANCE ARBITRATION RULES**

[Note: In the following amendments, deletions are indicated by a line drawn through the words and additions are indicated by a line drawn under the words.]

Rule 10. Qualification of Arbitrator and Disclosure Procedure

a. Every member of the panel shall be a licensed attorney at law of this state or a retired attorney or judge in good standing. ~~Effective January 1, 2004, r~~Requirements for qualification as an arbitrator shall be:

(1) at least 5 years in practice in this state;

(2) at least one-quarter, based upon a five (5) year average, ~~one-third~~ of the attorney's practice is with auto insurance claims or, for an attorney not actively representing clients, at least one-quarter, based upon a five (5) year average, ~~one-third~~ of an ADR practice is with motor vehicle claims or no-fault matters;

(3) completion of an arbitrator training program approved by the No-Fault Standing Committee prior to appointment to the panel;

(4) at least three CLE hours on no-fault issues within the reporting period ~~in the last year~~; and

(5) arbitrators will be required to re-certify each year, confirming at the time of recertification that they continue to meet the above requirements.

b. No person shall serve as an arbitrator in any arbitration in which he or she has a financial or personal conflict of interest. Under procedures established by the Standing Committee and immediately following appointment to a case, every arbitrator shall be required to disclose any circumstances likely to create a presumption or possibility of bias or conflict that may disqualify the person as a potential arbitrator. Every arbitrator shall supplement the disclosures as circumstances require. The fact that an arbitrator or the arbitrator's firm represents automobile accident claimants against insurance companies or self-insureds, including the respondent, does not create a presumption of bias. It is a financial conflict of interest if, within the last year, the appointed arbitrator or the arbitrator's firm has been hired by the respondent to represent the respondent or respondent's insureds in a dispute for which the respondent provides insurance coverage. It is a financial conflict of interest if the appointed arbitrator received referrals within the last year from officers, employees or agents of any entity whose bills are in dispute in the arbitration or the arbitrator's firm has received such referrals.

c. If an arbitrator has been certified and has met the requirements of subdivision (a) for the past five years but becomes ineligible for certification under Rule 10(a) due to retirement or change in practice, the arbitrator may continue to seek annual certification

for up to five years from the date of practice change, and for a retired attorney or judge serving as an arbitrator, at any time, if the following requirements are satisfied:

The arbitrator completes and files an annual No-Fault Arbitrator Recertification form which certifies that:

- (1) He or she is an attorney licensed to practice law in Minnesota and is in good standing or a retired attorney or judge in good standing;
- (2) He or she has retained current knowledge of the Minnesota No-Fault Act (Minn. Stat. §§ 65B.41-65B.71), Minnesota appellate court decisions interpreting the Act, the Minnesota No-Fault Arbitration Rules, and the Arbitrators' Standards of Conduct; and
- (3) He or she has attended at least three CLE hours on no-fault issues within the reporting period, regardless of whether he or she is in CLE active or inactive status. ~~CLE course(s) in the last year containing at least three credits relating to no-fault matters.~~

The rules regarding bias and conflict of interest as set forth in subdivision (b) remain applicable to arbitrators who are recertified under this subdivision (c).