

November 1, 2005

Standing Committee Proposes Amendments To The No-Fault Arbitration Rules

The Standing Committee for Administration for No-Fault Arbitration has filed a petition with the State Supreme Court of Minnesota recommending two amendments to the rules of procedures for No-Fault Arbitration. The Supreme Court will consider the proposed amendments without a hearing, but will accept and review comments regarding the petition.

The proposed changes are:

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 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.

We view these proposed changes as a positive development, because a request for postponement often results from a Claimant's failure to provide adequate documentation or discovery responses. Should you have any questions or concerns regarding these proposed amendments, please contact anyone of our Motor Vehicle Practice Group members at (952) 831-6544. If warranted, we will assist in providing statements in either support or opposition of the proposed amendments to the Court. Such statements are required to be received by the Minnesota Supreme Court by Wednesday, November 30, 2005.

Sincerely,

THE JOHNSON & CONDON, P.A., MOTOR VEHICLE PRACTICE GROUP

Mark J. Condon
Timothy J. Leer
B. Jon Lilleberg

Paul S. Hopewell
Matthew M. Johnson
Jake M. Tomczik

Lee A. Hutton, III
Stacey A. Nilsen
Michael M. Skram