



Accident Claims Frequently Asked Questions

How do I file for Accident Claims Arbitration?

Claimants should submit a Demand for Arbitration, a copy of the relevant policy and Declarations page and the filing fee for \$250.00 (non-refundable) payable to the American Arbitration Association® (AAA®). In addition, Claimants should serve a copy of the Demand via registered mail, U.S. certified mail return receipt requested, or any other method legally authorized for service of a summons on the claims office of the Respondent insurer that issued the relevant policy.

What is the filing fee for Accident Claims Arbitration?

The filing fee is \$250.00 (non-refundable). Claimants should submit checks payable to the AAA with the Demand and a copy of the Affidavit of Service.

Where do I mail the filing?

Claimants should submit their filing to the following address:

SUM/UM Department
American Arbitration Association
32 Old Slip, 33rd Floor
New York, NY 10005

What forms do I complete?

Claimants should complete the Accident Claims Demand for Arbitration form found on the AAA website at <https://nysinsurance.adr.org/programs/sum-um>. Once you are on the page, click on *AAA Accident Claims Demand for Arbitration*.

Can a Claimant file online?

Demand forms can be filed online via Fast File. Visit <https://www.adr.org> and click on *File or Access Your Case*, then click on *Fast File Your Case*. In addition, Claimants should serve a copy of the Demand via registered mail, U.S. certified mail return receipt requested, or any other method legally authorized for service of a summons on the claims office of the Respondent insurer that issued the relevant policy.

How long does it take to process a Demand for Arbitration?

The average processing period after the AAA receives a Demand is approximately fifteen (15) business days.



What information needs to be on the Demand?

The Demand should contain the following information:

- 1) The name, address, and telephone number of the insured person(s) and the filing attorneys or representatives;
- 2) The name, address, and policy number of the policyholder;
- 3) The identity and location of the claims office of the insurer (if known), the claim's file number (if known), and the name of the individual with whom the claim was discussed;
- 4) The date and the location of the accident;
- 5) The nature of the dispute and the injuries alleged;
- 6) The relevant policy limits and the amount claimed thereunder;
- 7) Tortfeasor's policy limits; and
- 8) Effective dates of the policy under which the Demand is made;

What should I do if I submitted a Demand for Arbitration and have not gotten any response?

If you have not received any response within twenty-one (21) business days, you should contact AAA by e-mail at NYSUMTeam@adr.org or by phone at 917-438-1500 and ask for the SUM Supervisor to assist you.

Can I file a Demand for Arbitration if my matter is pending in Court?

Claimants are not restricted from filing a Demand for Arbitration while there is corresponding litigation in Court.

How is the arbitrator assigned to a file?

Unless applicable law or the parties' agreement provides otherwise, one (1) arbitrator shall determine the dispute, except as otherwise provided in this section. The AAA will submit a list of nine (9) members of the Accident Claims Panel from which each party may strike up to two (2) names on a peremptory basis within twenty (20) days of AAA's submission of the list. The AAA will appoint the arbitrator from among the remaining names.

NOTE: If the parties fail to agree on any of the arbitrators, if acceptable arbitrators are unable to act, or if for any other reason the appointment cannot be made from the submitted lists, the AAA retains the power to select an arbitrator from other members of the panel without submitting additional lists.

Three (3) Arbitrator Panel

Where the amount claimed and available coverage limits exceed minimum statutory financial responsibility limits, upon request of a party within twenty (20) calendar days after AAA acknowledged the Claimant's Demand, a panel of three (3)



arbitrators shall determine the dispute. The AAA will submit a list of nine (9) names from the Accident Claims Panel and allow each party to strike up to three (3) names on a peremptory basis within twenty (20) days of the AAA's submission of the list. The AAA will appoint three (3) arbitrators from among the remaining names. An additional administrative fee of \$900.00 shall be due and payable when the request for a panel of three (3) arbitrators is made.

Party Appointed Arbitration

Some arbitration provisions will specify dispute resolution by party appointed arbitration. Party appointed arbitrations occur where the claimant and respondent each submit the name of its selected arbitrator, respectively. In this arrangement, both arbitrators then agree to a third arbitrator. The claimant and the respondent each pay compensation for its respectively chosen arbitrator, and both parties split the compensation for the third arbitrator. The parties must submit the arbitrator's names, home/business addresses, phone numbers, e-mail addresses, professional resumes, and tax identification numbers to the AAA. The AAA will add this information to its list of arbitrators.

NOTE: If the relevant policy specifies a particular method of appointing an arbitrator or the parties agree upon a method in writing, the arbitration shall be guided by such procedure. If the parties request in writing that AAA assist in appointing a neutral arbitrator to complete a pre-designated panel, the parties will be required to pay an additional fee of \$300.00 as compensation for the arbitrator.

Is the filing fee refundable where the claim is settled, withdrawn, or closed administratively?

The party initiating the mediation or arbitration shall pay the initial administrative fee of \$250.00 to the AAA. There will be no refund where the matter is settled, withdrawn, or closed administratively.

Is mediation an option for resolving Accident Claims?

Since mediation is a voluntary process, all parties to the dispute must consent to participate. Upon request, the AAA will submit a mediation form to the Claimant. The Claimant instead may indicate its willingness to mediate on the Demand for Arbitration form. The AAA will contact the other parties and attempt to obtain their agreement to mediate. If there is no agreement to mediate or if mediation proves unsuccessful, the parties may proceed to or continue the arbitration.

May I bring a witness or interpreter to the hearing?

Any party retaining an interpreter will make all needed arrangements directly with the interpreter and will be responsible for all related costs for such services.

Where can I find the Accident Claims Rules?

To obtain a copy of the Accident Claims Rules, please call 917-438-1500 and ask for a member of the SUM/UM Team to assist in providing a copy of the rules.



What happens if my claim is settled during the arbitration?

Upon request of the parties, the arbitrator may issue a Consent Award including the terms of the settlement.

May I change my claim after I have filed it?

If a Claimant would like to make a new or different claim, the Claimant must submit a written request to the AAA and provide a copy of the request to the other party. However, once an arbitrator has been appointed to a claim, any new or different claim is subject to the arbitrator's approval.

May I choose the time and place of the hearing?

The arbitration hearing will be held in the arbitrator's office or any other appropriate place selected by the arbitrator within 100 miles from the Claimant's residence to the extent practicable, unless parties agree otherwise. The arbitrator shall set the time and date for each hearing. The AAA will mail a Notice of Hearing at least twenty (20) calendar days prior to the scheduled date of hearing to each party.

NOTE: If the Claimant's address is not in the state of New York, the AAA will use the address of the claimant's representative featured on the Demand for Arbitration to assist with hearing locale.

May I communicate directly with the arbitrator?

There shall be no direct communication between the parties and an arbitrator other than at oral hearings. Any other oral or written communication from the parties to an arbitrator shall be directed to the AAA for transmission to the arbitrator.

May I submit any documents to the arbitrator?

The parties may not submit documents directly to the arbitrator. Documents intended for the arbitrator's consideration should be simultaneously transmitted to the other party and the AAA at least twenty (20) calendar days before the hearing.

Does the AAA provide a record or transcript of the hearing?

The AAA does not provide a record or transcript. Any party needing a record shall make arrangements directly with a stenographer or court reporter and must notify the other party of such arrangements in advance of the hearing. The requesting party is responsible for all costs associated with the record. If the parties agree or the arbitrator determines that such transcript is the official record of the proceeding, the requesting party must provide copies of the transcript to the arbitrator and the other party for inspection at the time and place determined by the arbitrator.



How can I adjourn the hearing?

The arbitrator may adjourn the hearing upon request of the party, upon the arbitrator's own initiative, or upon agreement of all parties.

- The party requesting an adjournment of a hearing scheduled before a single arbitrator shall be required to pay a \$50.00 adjournment fee. For subsequent adjournments before a single arbitrator, the party requesting the adjournment must pay a \$100.00 fee for each adjournment.
- The party requesting an adjournment of a hearing scheduled before a multi-arbitrator panel must pay a \$50.00 fee. For subsequent adjournments before a multi-arbitrator panel, the party requesting the adjournment will be a \$150.00 fee for each adjournment.

How may a party request an adjournment?

Parties may request adjournments by contacting the Case Administrator handling the case via e-mail. If you are unable to locate the contact information for the assigned Case Administrator, please call 917-438-1500 and request a member of the SUM/UM Team.

Who is responsible for hearing expenses?

The party producing a witness shall pay for all related expenses for producing such witness. The parties shall bear equal responsibility for all other expenses stemming from the arbitration including required traveling; expenses of the arbitrator, AAA representatives, and any witness; the cost of proof produced at the direct request of the arbitrator. Exceptions to this responsibility include the parties' agreement to the contrary or the arbitrator's assessment of expenses or any part thereof against a specified party/parties.

Can I receive notice of case disposition and/or award by telephone or fax?

The award shall be in writing and signed either by the sole arbitrator or a majority of the arbitrators where the hearing involved multiple arbitrators. The award shall be executed in the manner required by law.

If more than one Claimant is involved in the accident, is a separate Demand required for each Claimant?

No. If all Claimants were involved in the same accident, only one Demand form and filing fee are required.

May a Claimant's attorney reopen a withdrawn case?

Yes, the Claimant's attorney may request that a case be reopened. If the request is made within thirty (30) days from the date of closing, there is no additional fee. If the request is made beyond the thirty (30) days, the Claimant's attorney must file a new Demand for Arbitration form and pay the filing fee.