

To: All New York PIP Arbitrators

Re: Summary of January 23, 2013, Loss Transfer Advisory Committee Meeting

The following discussion points from the January 23, 2013, Loss Transfer Advisory Committee meeting are shared to keep users of the forum informed of issues and any changes.

- I. AF was asked to address the rumor that it is closing the Maiden Lane office and will no longer allow personal appearances in some locations. AF advised the committee that we may close the Maiden Lane office when the lease expires, but that we will continue to have hearings in Manhattan to accommodate appearances. So long as the rules allow for appearances, AF must accommodate them. AF also advised the committee that we have successfully offered telephonic appearances where requested and possible. AF continues to ensure we provide the most efficient and effective arbitration process for our users, and many want an alternative to the time and cost associated with personal appearances.
- II. AF provided a 2012 business update – filings processed, cycle time (filed-to-heard), and average claim and award amounts. AF also reported that there was no backlog due to Hurricane Sandy.

	2010	2011	2012
Cases Filed	15,011	14,407	14,580
Cases Heard	10,889	13,980	10,983
Avg Cycle Time	156 days	125 days	73 days
Avg Claim Amount	\$8,292.37	\$8,903.45	\$8,708.63
Avg Award Amount	\$6,142.81 (74.1%)	\$6,858.55 (77.0%)	\$6,828.04 (78.4%)

- III. Rule Update/Clarification – Per Rule (2) Initiation of Arbitration (i) and (iv), the Applicant and Respondent must submit all listed evidence by the Materials Due Date. The current Rules also allow a party that will appear at the hearing to bring its evidence to the hearing. AF proposed that the rule be revised to discontinue this practice and to require all evidence be submitted by the Materials Due Date so it is online for arbitrator review. This would preserve the integrity of the process and ensure that only listed evidence items are submitted by a party for consideration by the arbitrator. The rule change would not preclude a representative from bringing copies of the listed evidence to the hearing for his or her own reference. After discussion, the proposal was not accepted but will be discussed again at the next meeting. The committee wants to ensure that “late evidence” (evidence secured after the filing or response is submitted) can still be submitted.
- IV. A concern was raised about hearing locations changing. For example, a case is scheduled for Maiden Lane hearing. A response is submitted, and the case is rescheduled for another location. AF recognized this problem and advised the party to call us when this



happens on a case, and we would return it to the original location. One user error that could also cause this problem occurs when personal appearance is selected and the party selects the different location.

- V. A request was made for AF to include the arbitrator's electronic signature on the decisions to assist with award enforcement should a court action be needed. AF advised the committee that it was developing a new system and that electronic signatures would be proposed. In the interim, AF will continue to have NY PIP decisions signed by the arbitrator upon request.

- VI. The issue of making evidence viewable to all parties was discussed. It was mentioned that AAA's "rocket docket" process allows for evidence sharing/viewing. After discussion, there was not consensus to allow the viewing of evidence by adverse parties. The topic is to be discussed again at the next meeting.