

# **NAM's No-Fault Automobile Arbitration Program Guide**

## **About NAM**

Headquartered in Garden City, New York, NAM (National Arbitration and Mediation) is one of the nation's leading administrators of dispute resolution services, offering cost-effective alternatives to expensive and often time-consuming litigation. NAM has provided Alternative Dispute Resolution Services (ADR Services), including arbitrations and mediations, since 1992. We are a national provider with a panel of more than 2,000 top-tier former judges and practicing specialists uniquely qualified and skilled in resolving matters.

NAM receives thousands of case submissions each year, sourced equally from plaintiff and defendant law firms and institutions. As the nation's premier ADR provider, NAM actively works with more than 8,000 commercial entities, including more than 50% of the Fortune 100 companies. Over the course of any twelve-month period, NAM's clientele is so diverse, that no client represents more than 2% of NAM's revenues. As such, parties can rely on the fairness and integrity of a NAM-administered initiative. Also, NAM is well known for its superb customer service and for delivering exceptional results.

## **NAM's No-Fault Automobile Arbitration Program Overview**

NAM's No-Fault Automobile Arbitration Program in New York is a better and faster alternative to resolve disputed medical claims between medical providers, claimants and auto insurance carriers. By keeping these cases out of court, NAM is helping to reduce legal and administrative expenses for insurance companies while providing an expeditious claim resolution process for the applicants.

This program guide is designed to assist the public, insurance companies, medical professionals and the legal community in understanding how a No-Fault Automobile claim is handled under the NAM program.

## **Advantages of the NAM Program**

- Lower program fees
- Streamlined administrative timeframes: The timeframes relating to administrative steps have been structured to allow for a more expeditious process. From case filing to receipt of the award, the time frame approximates less than two months (assuming the Respondent responds on a timely basis). Specifically, once we have obtained mutual agreement from the parties, we can immediately schedule a hearing date and time. Hearings are scheduled a minimum of thirty (30) days out in order that the parties have sufficient notice so that they can ensure their availability. Awards will be rendered within a reasonable time of the closing of the record.

- No mandatory conciliation or pre-hearing calls
- Continue to utilize binding Arbitration as a definitive resolution for No-Fault Automobile claims.
- Awards will conform to the NYS Insurance Laws and Regulations (that is, interest will be awarded if applicable)
- State-of-the-Art technology using the NAM patented myADR online system for dispute resolution case management

NAM is the “gold-standard” dispute resolution provider within New York State and was the original architect for the third-party ADR programs utilized throughout the State by both defendants and plaintiff firms.

With respect to case administration, excluding employees recently hired, more than 50% of NAM’s staff has been employed with the company for more than 10 years. NAM’s Case Managers have significant experience in administering arbitration initiatives and are invaluable to this program as they ensure that all procedures run smoothly.

### **History**

In 1973, the State of New York enacted the Comprehensive Motor Vehicle Reparation Insurance Act (also known as the New York No-Fault Law) requiring that parties with Personal Injury Protection (PIP) disputes be afforded the opportunity to utilize binding Arbitration rather than having to go to court. However, as of the current time, many parties involved in these disputes continue to file their claims in civil courts and are waiting several years for their cases to be resolved. Additionally, another available arbitration program is viewed by many as expensive, with the cost of the arbitration often times exceeding the recovery sought. Under the NAM program, the parties have the opportunity to resolve their claims earlier, faster and more efficiently.

### **NAM’s Panel of Arbitrators**

NAM Arbitrators are dispute resolution professionals. To qualify, a panel member must either be an attorney licensed to practice in the State of New York with at least 8 years experience with personal injury matters or a former judge with similar expertise.

## **State-of-the-Art Technology**

NAM offers access to myADR, our patented, real-time dispute resolution case management system. myADR is a comprehensive management oversight tool with many capabilities. This online portal provides secure ADR-related data such as case calendars, tracking and status reports, as well as decisions and awards. The system is designed so that any data field captured is retrievable, which can be invaluable in trend analysis, as well as in reviewing important individual case-specific information.

On the NAM website, you are able to:

- Obtain a Request for a No-Fault Automobile Arbitration
- View Uploaded Documents
- View Upcoming Schedules for Arbitrations
- Search the Case Database Via a Number of Different Criteria
- Retrieve Arbitration Awards

## **Convenient Hearing Locations**

No-Fault Arbitration hearings may be conducted at the following NAM offices:

MANHATTAN: 122 East 42<sup>nd</sup> Street, Suite 803  
New York, NY 10168

LONG ISLAND: 990 Stewart Avenue, First Floor  
Garden City, NY 11530

## **The Process**

### **Initiation**

A case is initiated by an Applicant/Plaintiff filing a No-Fault Automobile Arbitration Request and Response Form with NAM, with a copy sent to the Respondent/Defendant. The Request and Response Form can be downloaded from the NAM website at <http://www.namadr.com/nofaultny.cfm>. Applicants/Plaintiffs are able to submit these Request and Response Forms via email to [nofault@namadr.com](mailto:nofault@namadr.com), via fax to (516)-794-8518, or via mail to NAM, 990 Stewart Ave. First Floor, Garden City, NY 11530, Attention: No-Fault Department.

Once NAM receives a completed Request and Response Form from the Applicant/Plaintiff, the NAM No-Fault Case Manager will enter the case information into

the NAM system and upload the supporting documents, so that the parties may view the documents online. The NAM No-Fault Case Manager will contact the Respondent/Defendant to obtain agreement to Arbitrate. Once the parties have verbally agreed to arbitrate, the NAM No-Fault Case Manager will send a No-Fault Automobile Dispute Resolution Agreement to the parties for their signatures. NAM will also follow up with the Respondent/Defendant to obtain their completed portion of the No-Fault Automobile Arbitration Request and Response Form along with their supporting documentation, with a copy sent by Respondent/Defendant to the Applicant/Plaintiff.

### Arbitration

Upon receipt of the signed agreements, NAM will appoint an experienced No-Fault Arbitrator to the case and an Arbitration Hearing will be scheduled. Once the case is scheduled, invoices will be sent to the Parties for their respective administrative fees. At the same time, written confirmation of the scheduled hearing will be sent. This notice will include the NAM case number, the name of the Arbitrator, location and time of the hearing, the contact information for the NAM No-Fault Case Manager, and a reminder request for all outstanding submissions to be received no later than ten (10) days prior to the hearing. The written confirmation will be sent out at least thirty (30) days in advance of the Hearing Date in order that the parties may have sufficient time to arrange their schedules accordingly and to complete the submission process.

Prior to the Hearing Date, the NAM No-Fault Case Manager will confirm the attendance of all the parties and ensure that the proper documents have been exchanged and are available for review online via NAM's myADR portal.

On the Hearing Date, the Parties will attend an in-person hearing before the appointed Arbitrator, at which time the parties may present testimony and evidence. Within a reasonable time after the close of the hearing, the Arbitrator will issue a written decision that will be available to the Parties online via NAM's myADR portal.

The decision of the Arbitrator shall be final and binding. However, NAM does offer the services of a Master Arbitrator in the event one of the parties seeks an appeal. Such appeal is limited to the grounds specified by the applicable section of the New York State Insurance Law.

The following documents are utilized in NAM's No-Fault Automobile Arbitration program.

- NAM's No-Fault Automobile Arbitration Rules and Procedures
- NAM's Fees and Costs for No-Fault Automobile Arbitrations
- NAM's No-Fault Automobile Arbitration Request and Response Form
- NAM's No-Fault Automobile Dispute Resolution Agreement Form

For more information about this program, please visit NAM's website at [www.namadr.com](http://www.namadr.com), call NAM at (800) 358-2550, or email NAM at [nofault@namadr.com](mailto:nofault@namadr.com).