

Court- and Government-Connected ADR and Access to Justice: The Minnesota No-Fault Panel of Arbitrators

Throughout its history, the American Arbitration Association[®] has helped to design and improve systems for resolving high-volume, lower-claim-amount disputes where efficiency, transparency, and consistent administration are imperatives. These court- and government-connected ADR programs may arise from large-scale but one-time events like natural disasters or the Global Financial Crisis, or they may address an ongoing need over the course of decades.

The Minnesota No-Fault arbitration program, which launched in 1975 and continues today, is an example of the second category. In cooperation with the state's Supreme Court and its No-Fault Standing Committee, the AAA has worked over the years to refine all facets of the program, from the rules that apply to these disputes, to the digital platform used to administer the process—to the maintenance of a panel of qualified, well-trained, and diverse arbitrators who hear and decide these cases.

Each year, the AAA publishes a comprehensive report focused solely on the composition of the panel of Minnesota No-Fault arbitrators. Recent reports are available on the AAA website:

[2019 Annual No-Fault Panel Report, Minnesota No-Fault Arbitration](#)

[2020 Annual No-Fault Panel Report, Minnesota No-Fault Arbitration](#)

[2021 Annual No-Fault Panel Report, Minnesota No-Fault Arbitration](#)

[2022 Annual No-Fault Panel Report, Minnesota No-Fault Arbitration](#)

[2023 Annual No-Fault Panel Report, Minnesota No-Fault Arbitration](#)

[2024 Annual No-Fault Panel Report, Minnesota No-Fault Arbitration](#)

The many data points tracked for this one facet of the program speak to the myriad considerations that go into panel composition, and to the scope and complexity of the Minnesota No-Fault program overall.

Panel Retention: On average, since 2017, 93% of arbitrators who were eligible to recertify and then did so were retained on the panel each year. This is a seasoned panel with low turnover. In recent years, no more than 11 new arbitrators have been added in a given year.

Panel Composition: The AAA tracks whether panelists are attorneys, whether they are actively representing clients in private practice and, if so, the extent to which each represents plaintiffs, defendants, or both. Tracking and reporting this information enhances transparency and trust in the process.

Panel Diversity: The AAA also collects data on the diversity of the panel, with the goal of ensuring that it resembles as closely as possible the demographic makeup of the state.

Travelling and “Outstate” Arbitrators: Roughly 1/3 of panelists volunteer to travel to hear cases, and many of those are willing to do so statewide—across the 12th largest state by area in the U.S. This helps to address an important geographical access to justice concern, given how many Minnesota residents live in rural areas.¹ A significant percentage of panelists also maintain offices in these rural areas.

Access to justice matters, but it must be access to the right kind of justice: that meets citizens where they are, offers them a high level of service, and produces fair results in an efficient manner. The Minnesota No-Fault program, along with the AAA’s other long-standing state insurance ADR programs in New York and Illinois, illustrate the degree of planning and rigor needed to further those ends.

¹ Minnesota GO, Urban & Rural Population Trends 2, https://minnesotago.org/application/files/4214/5825/6165/Urbanization_public_Final.pdf.