



AMERICAN ARBITRATION ASSOCIATION®

2016



ANNUAL REPORT TO THE

NYS

DEPARTMENT OF FINANCIAL SERVICES

A REPORT TO NEW YORK STATE DEPARTMENT OF FINANCIAL SERVICES
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CFO'S LETTER

In 2016, the American Arbitration Association (AAA) celebrated its 90th birthday, and for nearly half of its existence—43 years to be exact—the AAA has managed automobile insurance disputes in New York State. Much has changed in those four-plus decades, but AAA's commitment to customer service, continuous improvement, quality, and time/cost management have been the pillars upon which we've built strong relationships with the New York State Department of Financial Services (DFS) and the insurance user-community.

In many respects, 2016 was a year that focused on **stability**. After launching a new technology platform in late 2014 (**ADR Center**) and working through numerous improvements and enhancements, much of the technology focus in 2016 involved fixing minor

bugs and bringing the platform to the high level of performance and stability that existed prior to the software transition. Once we returned to customer-survey response rates of 90% satisfaction with the platform, we turned our attention to developing new functionality to support the Consolidated Claims Enhancement that allows for the consolidation of certain claims involving multiple injured parties at the time of filing. The enhancement launched in March 2017.

AAA also worked diligently to keep costs stable. Despite another year of significant growth in case filings—18% growth and a new high of 248,117 filings with a total value of more than \$609 million, the cost per case grew only modestly and overall program costs were below the budget that had been created with no growth in volume projected.

Although costs will begin to rise in the coming year, it is notable that in the past decade, costs have risen only 67% while the case volumes have more than quadrupled—a testament to the speed and cost effectiveness of alternative dispute resolution (ADR).

In 2017, we will expand to an additional office in Buffalo. This will allow us to support continued growth in case filings while containing costs and also allow AAA staff to be closer to a growing community of system users in that area.

Much of the executive management team at AAA remained stable in 2016. However, the retirement of one executive, coupled with the growth in case volume, afforded us the opportunity to bring on two former No-Fault arbitrators as vice presidents.

Their direct experience in arbitrating cases and recent exposure to case issues brings a new perspective to the AAA team. Late in the year, we also added a new executive to manage technology initiatives and business intelligence (BI). The BI/analytics effort allows AAA to deliver more insightful reporting, robust data models with drill-down capabilities, and data-visualization techniques that bring information to life more vividly than rows and columns of information. Our objective is to drive better decision making by DFS, AAA, and ultimately users of our services as well, by relying on better reporting and predictive analytics. More to follow throughout 2017!

Of course, we couldn't manage the insurance programs on behalf of DFS by ourselves—arbitrators are a critical component of this successful process. Throughout 2016, AAA staff engaged with arbitrators more frequently, via webinars, the annual CLE program delivered by several arbitrator volunteers, and staff visits to arbitrator hearings. Late in the year, following approval by DFS, AAA staff also worked with the volunteer screening committee to recruit 24 additional

arbitrators for the No-Fault Panel; those arbitrators began hearing cases in 2017.

One area where we did *not* seek to remain *status quo* in 2016 was our engagement with the user community. At the start of the year, the executive management team made a conscious effort to return to greater levels of engagement with arbitrators, applicants, and insurance-carrier representatives. As part of those efforts, AAA organized various focus groups, user groups, expanded surveys, town hall meetings, arbitrator hearing observations, and site visits—not only by executives but by managers and staff as well. The staff returned from these visits more energized and engaged, better able to make a connection between their specific work responsibilities and the needs of the user community. Feedback from the community also has been positive, as customers and arbitrators appreciated being able to “put a face to the name” of the person with whom they’ve interacted in the past.

The outlook for 2017 remains positive, and we will continue efforts on all of these fronts to elevate the quality of our staff, expand our geographical presence, increase interactions and information exchange with the users of our services, and integrate improved technology to make the management of cases easier and better. We appreciate the continued support given by DFS, the user community, and the arbitrator panel, and we look forward to being of service for many years to come.



Francesco Rossi

Chief Financial Officer and Treasurer,
Senior Vice President

EXECUTIVE SUMMARY

The American Arbitration Association (AAA) partners with the New York State Department of Financial Services (“Department” or “DFS”) to administer the conciliation or arbitration of disputed claims in certain automobile insurance programs on behalf of the Department.

This relationship has flourished for 40+ years, and in late 1999, at the request of the Department, the AAA also undertook the conciliation function in No-Fault insurance cases.

Programs include No-Fault insurance, uninsured motorist (UM) insurance and supplemental underinsured motorist (SUM) insurance.

No-Fault Insurance

No-Fault Filing

New York's No-Fault law and the Department regulations provide for reimbursement from one's own automobile insurer for "basic economic loss," including costs of medical and other health services and recoupment of lost earnings within certain limits, without regard to who was at fault in an automobile accident.

Conciliation

Conciliation is a requirement under the regulation. When No-Fault cases are filed, the AAA is authorized by the Superintendent of the DFS "to receive, attempt to conciliate and forward to arbitration all requests for arbitration that it cannot conciliate" within 30 days. This prepares the case for arbitration

and also provides a period in which the parties, seeing each other's evidence and arguments, may settle the case through this conciliation process.

THE PROPORTION OF CASES THAT SETTLE OR ARE WITHDRAWN IN CONCILIATION IS KNOWN AS THE

"CONCILIATION RATE."

No-Fault Arbitration

Cases that are not resolved in conciliation proceed to arbitration.

The SUM Program: SUM and UM Arbitration

New York's SUM and UM laws provide for reimbursement from one's own insurer for "serious injury," under certain circumstances. Both types of cases are handled in the SUM arbitration program.

SUM and UM claims are typically for substantially larger amounts than the average No-Fault case, reflecting the impact of a "serious injury."



NO-FAULT INSURANCE: FILINGS

In 2016, there were 248,117 No-Fault cases filed with the AAA--a record number! This represents an 18% increase, or 38,204 more filings, over 2015--and a 171% increase over 2011, as the program size has more than doubled in five years.

The total value of claims at issue in the No-Fault program in 2016 was more than

\$ 609,000,000.



248,117 FILINGS WITH
AN AVERAGE CLAIM
AMOUNT OF \$2,455 PER CASE

248,117 NO-FAULT CASE FILINGS IN 2016

Regions Represented

The growth in filing volume was most notable in the three adjacent geographic regions of Queens County, Nassau County, and Suffolk County, which together represented 82% of the total annual filings (Nassau County filings 57%; Suffolk filers 17%, and Queens filers 8%). In 2016, Queens filings increased by 60%, or 7,075 filings, as compared with 2015. Nassau County filings increased by 30,580, or 28%, from 2015

to 2016. Manhattan filings grew by 24%, with an increase of 6,848 filings from 2015 to 2016.

Scheduling for parties in those regions often cross geographic regions. For example, if a filer is represented by an attorney located in Nassau County, that filer’s cases can be scheduled in any of the three geographic locations: Nassau, Suffolk, or Queens.

The growth in filing volume was most notable in the three adjacent geographic regions of Queens County, Nassau County, and Suffolk County, which together represented 82% of the total annual filings.

**QUEENS
FILINGS
INCREASED
BY**

60% ▲

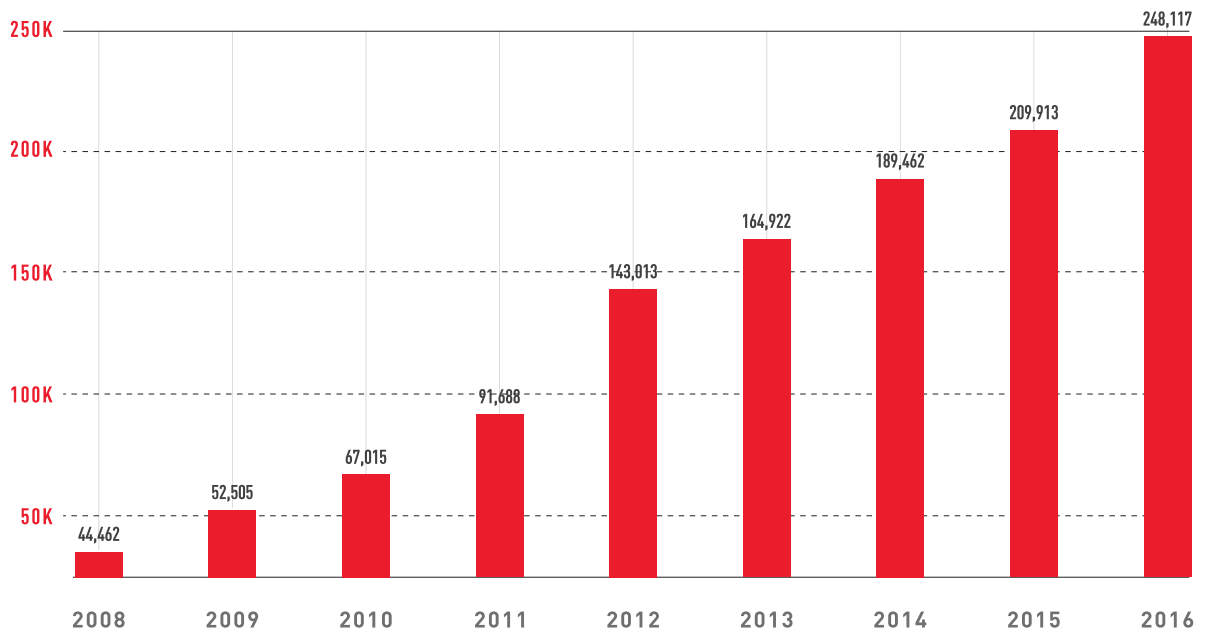
**NASSAU
COUNTY
FILINGS
INCREASED BY**

28% ▲

**MANHATTAN
FILINGS
INCREASED
BY**

24% ▲

Table 1: No-Fault Case Filings By Year



Total No-Fault filings reached 248,117 - a new record!

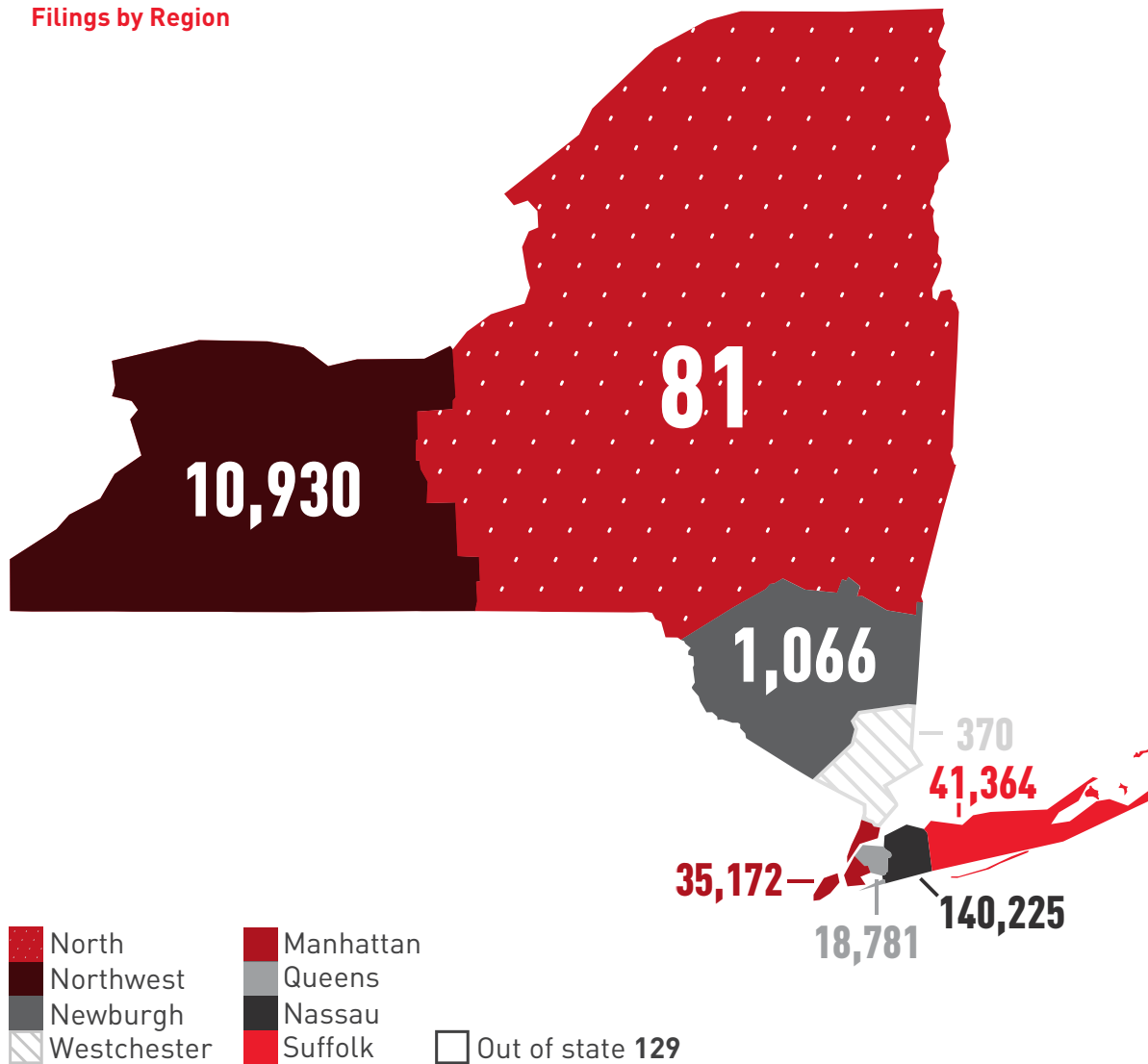
Average Claim Amount at Filing

The average claim amount at filing for a 2016 No-Fault case was \$2,455, an increase of \$27 per case from \$2,428 in 2015 and an increase of \$383 from 2014. The increase in claim amount in 2016 appears related

to a regulatory change concerning attorney fees that took effect in February 2015, with the net effect of greater consolidation of claims into fewer individual cases than may otherwise have been filed.

Table 2: 2016 No-Fault Case Filings by Applicant and Applicant Attorney's Geographic Location

Filings by Region



NO-FAULT INSURANCE: CONCILIATION

Conciliation Resolutions

The total number of conciliated cases in 2016 set a record at 104,695, an 8% increase over 2015 and a 153% increase over 2011.

THE 2016
CONCILIATION RATE WAS

45% (INCLUDING 97,391
SETTLEMENTS AND
7,304 WITHDRAWALS).

This represents a 200% increase from the 1999 conciliation rate of 15% when AAA inherited the caseload.

The average age of a case resolved in conciliation was less than two months from the filing date to settlement in 2016. The cost to the parties for a conciliated case in 2016 was a \$40 filing fee plus a \$15 case assessment.

Conciliation Reports Innovations

We have introduced a Business Intelligence Unit, or BI unit, which generates system reports that the conciliators utilize when they review cases. (The BI unit will be further discussed later in this document.) These reports contain important information about customers' cases that we share with them, and customers have reported that the reports are very helpful to them in making informed business decisions.

➤ **“Win/Loss Data”**

This is a popular technological innovation that continues to support our resolution efforts. Since many parties have reported that historically they have not tracked their win/loss data, in 2016 we began to share a summary of our customers' win/loss information. These reports feature the prevailing party and the amount awarded as compared to amount claimed.

➤ **Bulk Settlement Reports**

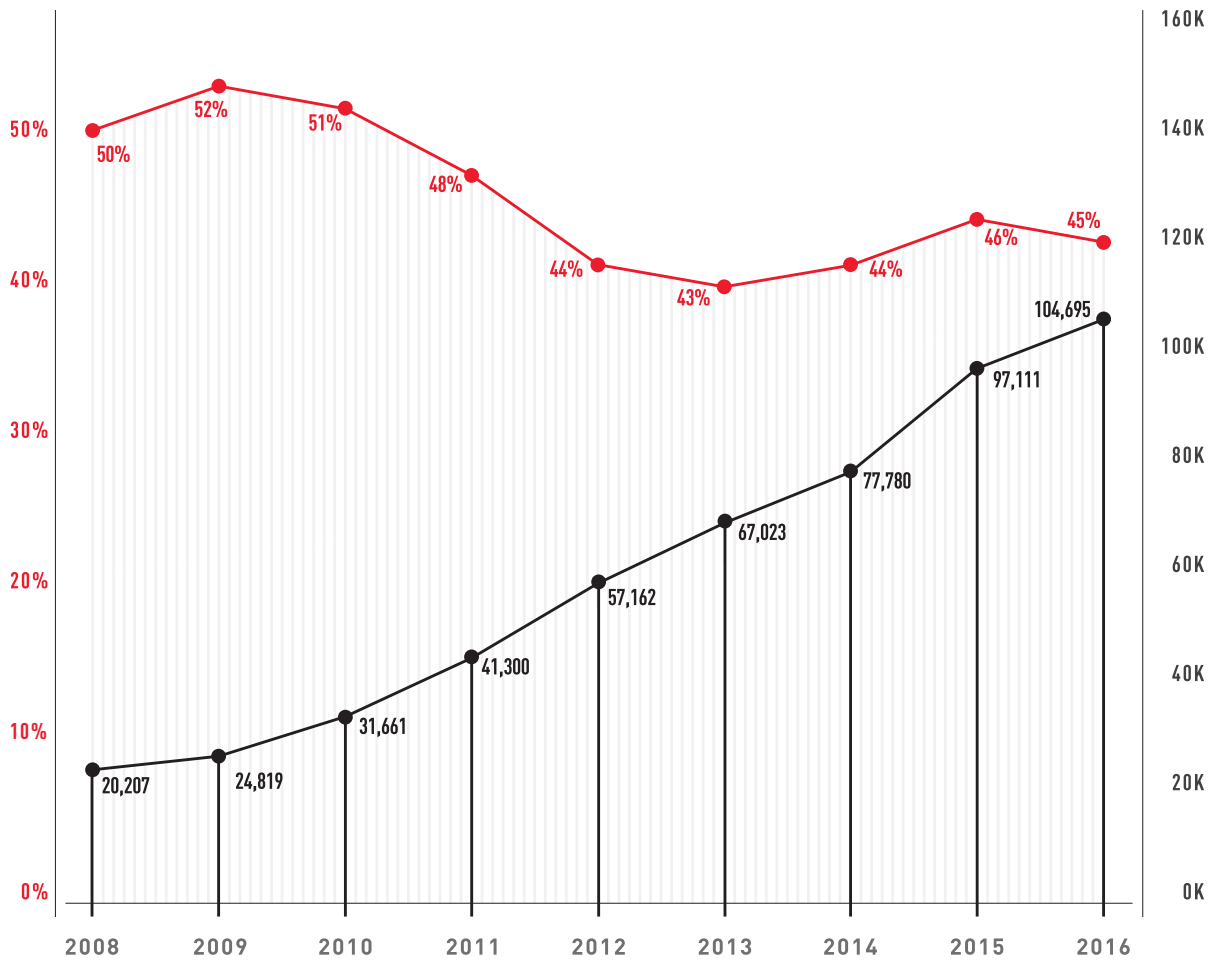
Our BI unit now can provide the ability to view pertinent information of multiple disputes in one snapshot. Since launching this initiative, we have seen a rise in customers' interest in bulk discussions. To date our greatest success consisted of :

5,500 CASES SETTLED
BETWEEN TWO
PARTIES

TOTALING APPROXIMATELY

\$3,000,000.

Table 3: Yearly Conciliation Rate & Number of Conciliation Dispositions



Red: Concil Rate
Black: Conciliated

NO-FAULT INSURANCE: ARBITRATION

Cases that are not conciliated proceed to arbitration, of which there were 130,368 in 2016. Arbitrators conduct hearings and issue reasoned awards. They are appointed by the Superintendent with the advice of the No-Fault Screening Committee of industry representatives.

No-Fault Arbitrators

At the start of 2016, there were 132 No-Fault arbitrators on the panel. As a result of resignations and retirements, the panel size decreased to 127 arbitrators during 2016. At the recommendation of the screening committee, the DFS approved the appointment of 25 additional arbitrators—10 in November 2016, with hearings scheduled to start in January 2017, and 12 in February 2017 for hearings to be scheduled in spring 2017.

Arbitration resolutions (or dispositions) increased 2% in 2016, for a total of 97,586 arbitration case resolutions.

The average age of a case in arbitration from filing to first hearing date in 2016 was 10 months, and the average age from filing date to disposition in arbitration was 11 months.

An additional three arbitrators will be appointed in spring 2017 with hearings scheduled to begin in summer 2017. That will bring the number of No-Fault arbitrators on the panel to 152 in 2017—the largest number yet!

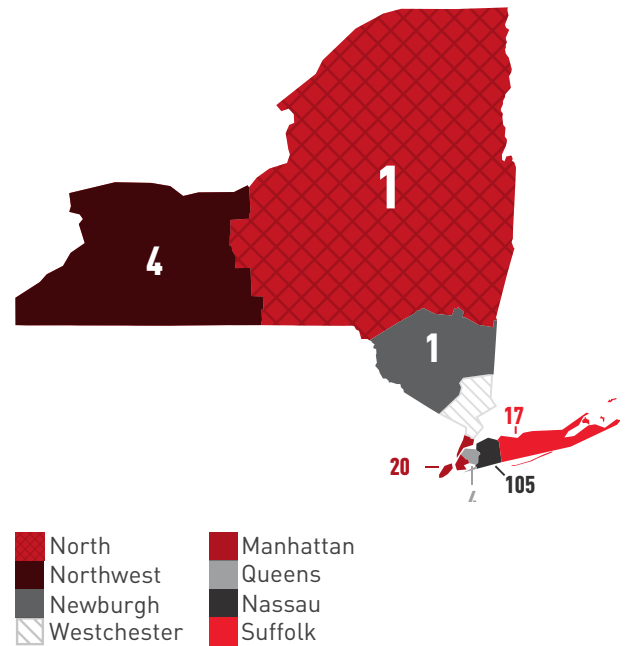
► Regions Represented

The arbitrator region distribution is in line with the regions in which the cases are filed; i.e., there are more

arbitrators in Nassau County because there are more Nassau filers. The three adjacent regions of Nassau, Suffolk, and Queens Counties account for 83% of the panel of arbitrators: Nassau with 105 arbitrators, or 69%; Suffolk and Queens add another 21, or 14%. New York City arbitrators represent 13% of the overall panel, with 20 arbitrators, including two arbitrators who hold hearings in Brooklyn and one arbitrator who holds hearings in the Bronx. Six arbitrators, or 4% of the overall panel, hold hearings in upstate regions, including four arbitrators that sit in the Northwest (Buffalo).

There are several the arbitrator “hubs” in Nassau County providing ease of travel and allowing users to maximize their hearing calendars by going from one arbitrator to another with minimal travel time. Many of the arbitrator “hub” locations in Nassau County are located in Garden City and Mineola.

Arbitrators By Region



No-Fault Arbitration Disposition

In 2016, there were a total of 97,586 dispositions in No-Fault arbitration, a 2% increase from the prior year. Dispositions in 2016 consisted of 70,355 reasoned awards, representing 72% of arbitrator dispositions.

Other disposition types include 17,823 consent awards, representing 18% of arbitrator dispositions. Other arbitration disposition types included withdrawals and administrative closings.



70,355

Reasoned Awards

Representing 72% of arbitrator dispositions

NO-FAULT INSURANCE: TOTAL CASE RESOLUTIONS

There were 202,281 total No-Fault case resolutions in 2016, an increase of 9,249 total resolutions, or 5%, from the prior year, and an increase of 121,700 total resolutions, or 151%, in just five years.

Conciliation resolutions increased by 7,584 or 8%.

Arbitration resolutions (or dispositions) increased by 1,665 dispositions or 2%.

8% CONCILIATION
RESOLUTIONS
▲ INCREASED

2% ARBITRATION
RESOLUTIONS
▲ INCREASED

NO-FAULT INSURANCE: MASTER ARBITRATION

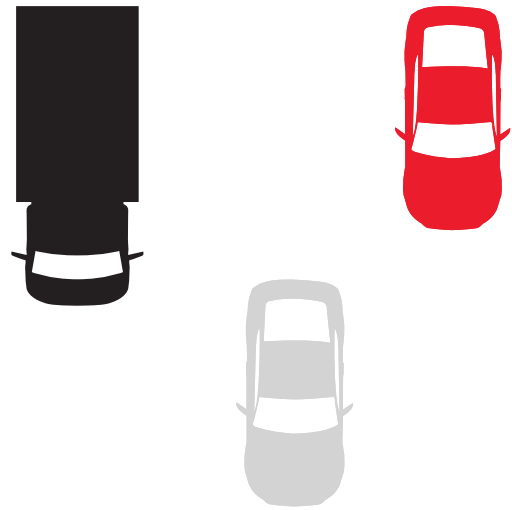
The DFS regulations include a provision that allows for an appeal to a master arbitrator. Master arbitrators are appointed by the Superintendent. There are 13 active master arbitrators.

Only a small percentage of No-Fault awards are appealed. In 2016, there were 1,932 filings for a master appeal, which represents 3% of cases that resulted in a reasoned award. There were 1,455 master award decisions issued in 2016, and of those awards, 92% were affirmed by the master arbitrator. The other 8% were modified, vacated, denied, or remanded.

SUM PROGRAM

The AAA’s SUM program provides arbitration for disputed claims in both Uninsured Motorist (UM) cases and Supplementary Uninsured/Underinsured Motorist (SUM) insurance.

These programs provide recourse for reimbursement from one’s own insurer for a “serious injury,” as defined by law, involving another vehicle, when that other vehicle is insured for less than one’s own insurance coverage, uninsured, or unidentified, and its operator is at fault. The SUM program has a much smaller volume than No-Fault, but the cases are for substantially larger claims than most No-Fault cases.



Sum Filings

In the SUM program, there were a total of 2,288 cases filed in 2016, a decrease of nine cases from the previous year’s filings. The SUM program has continued at approximately that same level for the past seven years.



2,288 Total cases filed

Sum Resolutions

There were 2,051 case resolutions in 2016. Of those dispositions, settlements represented 63.8%, with 1,309 cases.

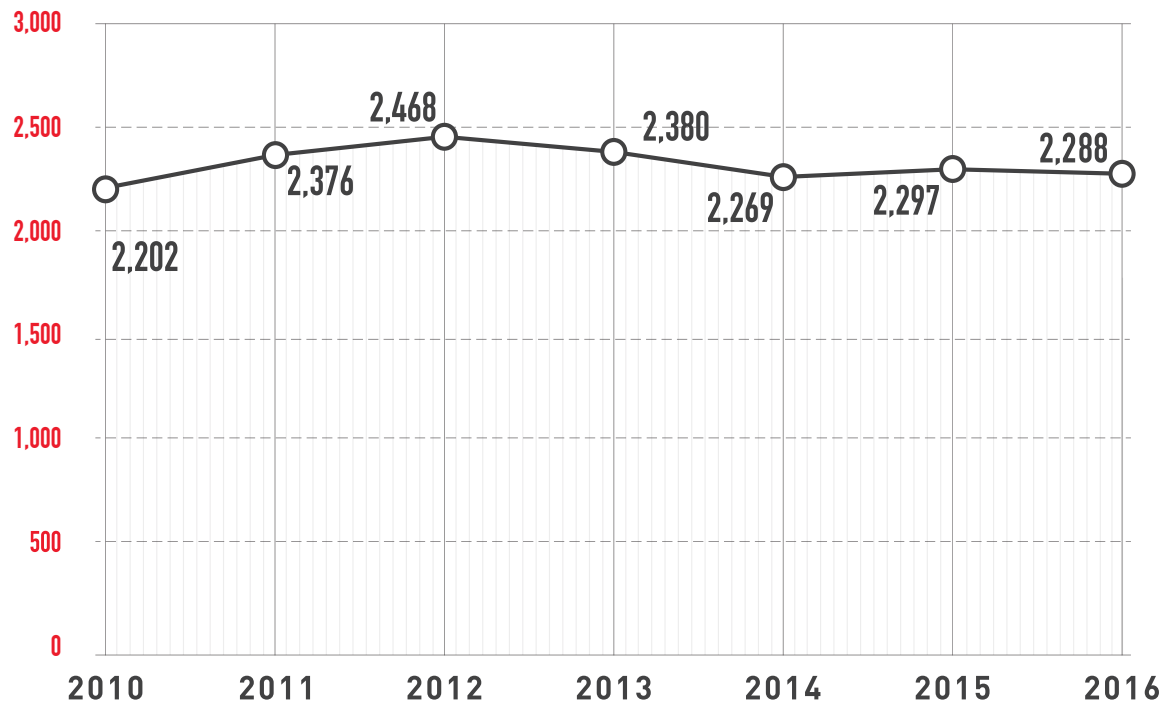
There were 633 reasoned awards issued by SUM arbitrators in 2016, representing 31% of the total dispositions for the year.

The remaining dispositions included withdrawals.

Sum Arbitrators

Currently there are 14 active arbitrators in SUM, dispersed as follows: Seven arbitrators serve the New York City region, including three arbitrators in Queens, three in Manhattan, and one in Brooklyn. Three arbitrators cover the Long Island region, which includes Nassau and Suffolk. Two arbitrators sit in the Hudson Valley region, and two arbitrators cover Buffalo and the Northern territories of New York.

Table 5: SUM Case Filings By Year



CHANGE IN ATTORNEY FEE REGULATION

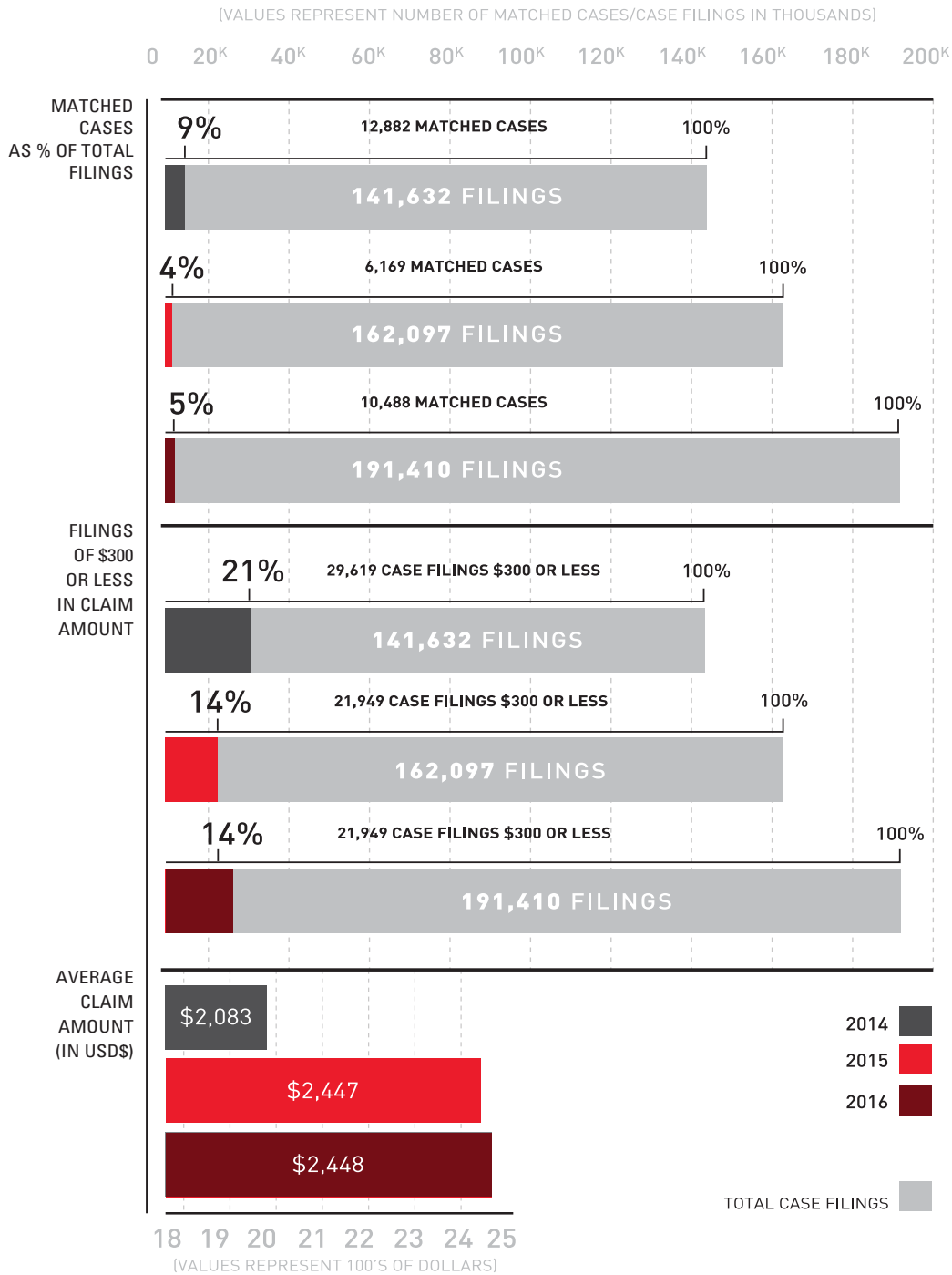
The DFS adopted new regulations in February 2015, which raised the maximum attorney fee and eliminated the minimum attorney fee that could be earned by attorneys on each case, as well as eliminated provisions for lower attorneys' fees for cases that were conciliated.

As a result of this change in regulation, filings for cases of \$300 or less in claim value have decreased from 21% to just 14% of overall filings over the last two years. The average claim amount at filing has increased to \$2,488 a case, an increase of \$405 from just two years ago. The percentage of matched cases (see next paragraph) has also decreased from 9% of filings to 5% of overall filings in the two years since the change was enacted. The change in attorney fee has resulted in cases with a higher claim value that involve more consolidation of claims.

Cases that are filed for separate bills as separate case filings for matters that arose out of the same accident and have the same medical provider, injured person, and applicant attorney can be "matched" to be heard by the same arbitrator on the same hearing calendar. The respondent carrier is charged only one case assessment covering all the cases in the matched set. To qualify for matching, cases must be in the conciliation phase at the same time. As a result of more consolidated cases, the percentage of matched cases has decreased.

The chart on the following page provides comparative data that indicates the number of filings of matched cases, the number of case filings of cases \$300 or less in claim amount, and the average claim amount of all filings for April 1 through December 31 for each year indicated. That time span was selected to provide data on cases that were filed subsequent to the effective date of the new regulation and the change of the attorney fee.

Table 6: Matched Cases as Percent of Total Filings



ENHANCEMENTS

In 2016 we continued to provide new improvements to internal and external users.

NYSI in the Cloud: The ADR Center and Prism

ADR CENTER

The ADR Center, a cloud-based platform for No-Fault users, was launched in late 2014.

In 2015, we concentrated on system stability and improvements to the user interface, which included comprehensive calendars, party dashboards, and DFS requests.

In 2016, we continued to work on further system stability and, more importantly, focused on data mining.

We concentrated on building our Business Intelligence Unit.

We committed to further developing our data analytics in order to provide high-level reports to system users and DFS.

In a third-quarter survey in 2016, 95% of our customers found that the technology provided by the AAA met their business needs, 14% coming from the third quarter of 2015.

PRISM

In February 2016, we transitioned our SUM and UM caseloads into PRISM, an online cloud-based platform.

The platform, with a new look and layout, allows arbitrators access to Panelists eCenter® and provides SUM arbitrators with an online award template.

Business Intelligence Unit

The purpose of this business intelligence, or BI, unit is to utilize a variety of software applications to review and understand trends within our organization’s data. These software applications allow us to visualize raw data by using analytical processing to run queries and reporting. We are able to convert data to create visual analytics and reports as well as to create dashboards to help us understand trends, including changes and growth

within the caseload. This allows us to be flexible to change process and reallocate resources in order to keep up with the volume increases. In addition, we are able to provide valuable reports to our customers that assist them in making business decisions.

Below is a snapshot from the BI tool.

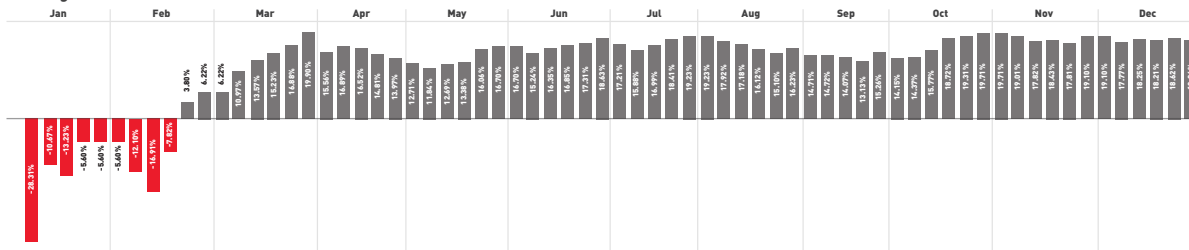
INTAKE DASHBOARD

Cases Filed By Month

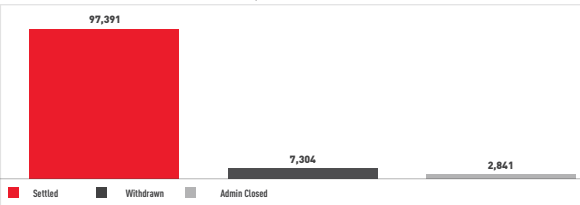
	January	February	March	April	May	June	July	August	September	October	November	December	Total
2015	18,640	13,900	15,765	20,230	15,594	16,280	16,194	22,003	16,499	17,916	17,247	19,580	209,848
2016	17,597	16,967	23,355	20,192	20,068	20,932	19,916	22,078	17,670	28,344	19,498	21,500	248,117

29	30	31	Total
144	3,447	680	4,271

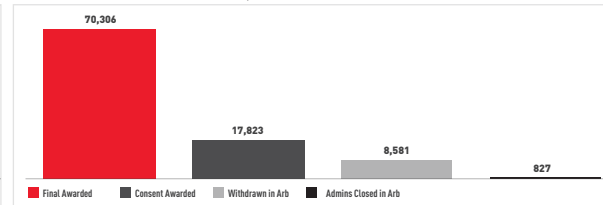
% Change From Previous Year



Total Conciliation Resolutions - 104,695



Total Arbitration Resolutions - 97,537



Consolidated Claims

In partnership with the DFS, the AAA announced that in the first quarter of 2017, it would accept No-Fault cases involving multiple applicants and injured parties, allowing for further consolidation of claims for parties and therefore further increases in total claim value at filing.

This new feature is designed to provide greater administrative efficiency and transparency for arbitrators and parties. Applicants will be able to file multiple claims for multiple injured parties across various providers on one Arbitration Request Form, or AR-1. To qualify, all injured parties must share a claim arising from the same motor vehicle accident.

BUFFALO EXPANSION

The New York State Insurance Program (NYSI) has continued to receive record-setting numbers of requests for No-Fault arbitration. In particular, NYSI has recognized the need to service a growing client base in regions of northern New York State. Although historically most No-Fault claims arose from the downstate New York areas, in recent years upstate filings have increased and in 2015 spiked. Applicant filers included hospitals that had not previously filed cases in our forum.

Market research has shown that the job market and economy in the Buffalo area offer an ideal mix of commercial real estate opportunities and a vibrant market of employee prospects. With that in mind, NYSI will open a satellite office in Buffalo to replicate the success of our New York City operations. The satellite office will include a variety of positions and will most importantly provide local support to parties and arbitrators located in the northwest region of New York State.

The table below indicates the total number of filings by year in the Buffalo region. There has been a 68% growth rate from 2012 to 2016.

BUFFALO FILINGS	
YEAR	#FILINGS
2016	10,930
2015	12,336
2014	7,302
2013	3,379
2012	3,552

COMMUNICATION

2016 PROVIDED OPPORTUNITIES FOR THE AAA TO ENHANCE OUR APPROACH TO COMMUNICATION WITH ALL PARTICIPANTS.

User Community

In 2016, we focused on bringing greater visibility to our insurance programs and collaboration with the user community on several important initiatives.

- Held focus groups with users aimed at bringing greater efficiency to the arbitration process
- Sent quarterly surveys to the system participants
- Emailed updates to parties and arbitrators regarding system changes
- Facilitated webinars, conference calls, and town hall meetings for system participants
- Created an arbitrator-to-arbitrator CLE
- Regularly observed No-Fault and SUM arbitration hearings
- Published “Update on No-Fault and SUM Arbitration and Storm Sandy Mediation,” *New York Law Journal*, October 2016.

Arbitrator Dialogues

The consolidation of claims, discussed earlier in this report, improved the efficiency of the process in the long run, but in the short run has complicated the arbitrators’ tasks in handling such consolidated cases. To meet those challenges, we had both discussions with individual arbitrators and focus groups of arbitrators to determine how to improve the organization of the case document file. We also expanded that inquiry and discussion to the parties.

A major result was a best-practices guide drafted by the arbitrator focus group with recommendations of how parties can aid arbitrators in the organization of their document submissions. This guide can be found on our website at <http://info.adr.org/nysinsurance/>

The AAA Insurance Reporter

Beginning in 2017, we reintroduced a quarterly newsletter providing updates and communications for our No-Fault customers. We have partnered with arbitrators to author a special section highlighting their selections of No-Fault awards on topics of interest.

STAFF

We continue to invest in staff training and development and have ramped up our onboarding process to ensure that every employee understands the entire process from filing to disposition. We also implemented cross-training of staff so that as the need arises, employees can assist other departments if needed. Employees have also been encouraged to observe arbitrator hearings, allowing them to see how their work impacts the overall process.

We have maintained the same level of service—keeping up with the growth in the volume of cases—with only a slight increase in staffing. (While the volume has increased by 71% from 2011-2016, the number of staff has increased by 21% in the same span of years.) We have been able to accomplish this by shifting priorities, utilizing technology, and implementing team-based staffing models. We are always following caseload trending and identifying ways in which we can improve our process flows.

Users were asked the following question in a third-quarter 2016 survey: “Please rate the quality of service our staff provides your organization with resolving your disputes.” Of 131 participants, 76% responded with an “excellent rating”; 19% were neutral; and only 5% of users were dissatisfied.



Of 131 users surveyed, 76% responded with an "excellent" rating regarding quality of staff service.

PROGRAM COSTS

The costs of administrating the conciliation, arbitration, and SUM programs, less the filing fees of \$40 in No-Fault and \$250 in SUM, are paid by the insurers and self-insurers through quarterly assessments for cases on which they are named as the respondent.

The No-Fault and SUM Optional Arbitration Advisory Committees (the “Budget Committee”), consisting of insurance company and self-insurer representatives appointed by the Superintendent of the Department, review and approve a projected annual budget prepared by the AAA for the current year to fund program costs. The AAA also submits final cost reconciliation for the actual assessment of each program once the year has ended. If there are adjustments from the projected amounts billed during the previous year to the actual costs as calculated precisely after the end of the year, the insurer is credited in the first quarter-billing of the current year or billed for any shortages.

The next three charts display the annual insurance carrier costs per case in all three programs since 2008. There is a direct correlation between the cost per case decline and the increase in total case volume.

Table 7: Total Cost Per Case In Conciliation

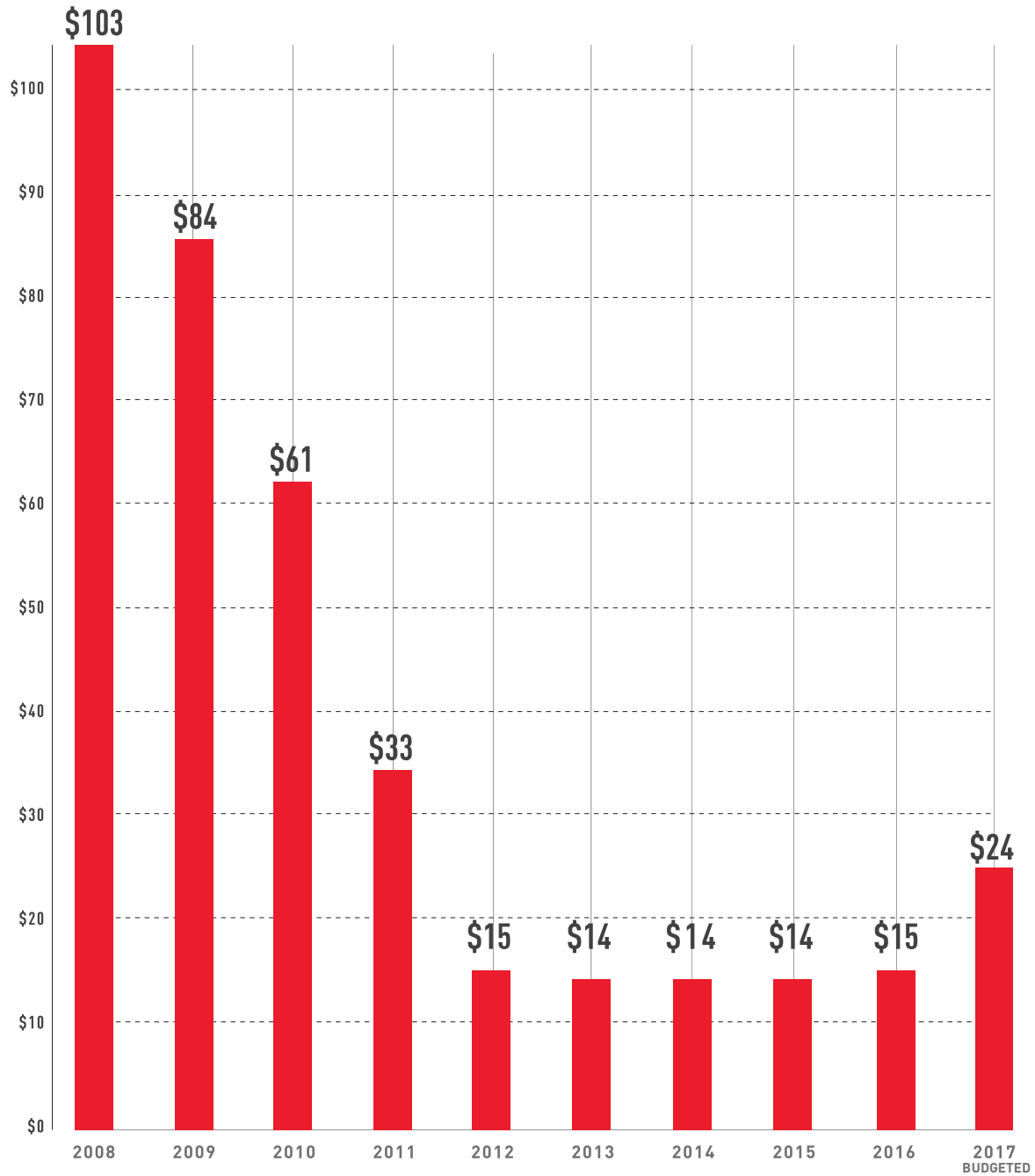
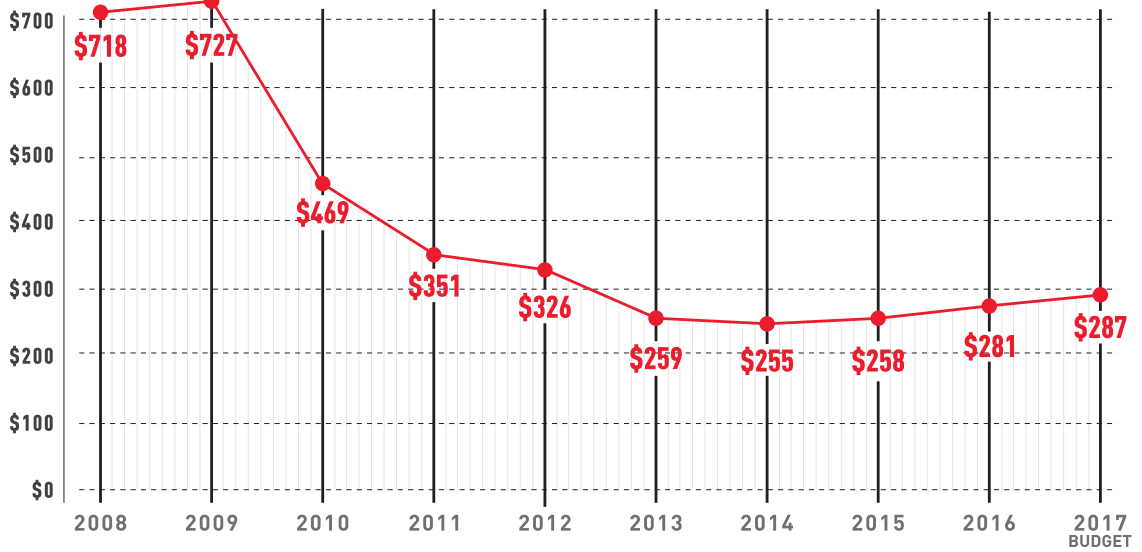
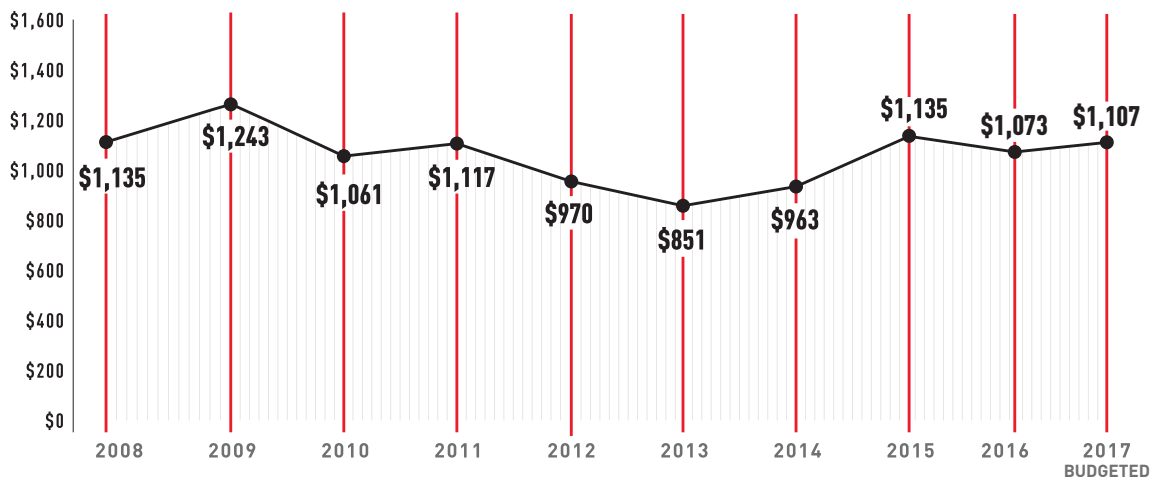


Table 8: Cost Per Case In No-Fault Arbitration



The total cost includes the AAA cost as well as the arbitrator cost.

Table 9: Cost Per Case in SUM Arbitration.



Total cost includes the AAA cost as well as the arbitrator cost.

CONTACT US

Please feel free to contact us with any questions or concerns.

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AMERICAN ARBITRATION ASSOCIATION®

2016 ANNUAL REPORT

to the New York State Department
of Financial Services

A Report to New York State Department of Financial
Services Superintendent Maria T. Vullo

NEW YORK, NY