



NY SUM/UM Frequently Asked Questions

How do I file for SUM/UM Arbitration?

Claimants should submit a Demand for Arbitration and the non-refundable filing fee for \$250.00 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 SUM/UM Arbitration?

The filing fee for SUM Arbitration 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 (Demand for Arbitration)?

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 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 *NY SUM Arbitration Form*.

Can a Claimant file online?

NYS SUM/UM 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 NY SUM/UM 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. You may discuss pending litigation with the assigned SUM/UM Arbitrator during the preliminary hearing conference call.

How is the Arbitrator selected? May I chose another?

The SUM/UM Team's Case Assistant assigns the SUM/UM arbitrators to hear claims. Pursuant to the NYS SUM/UM Rules, arbitrators assigned to a hearing must be located within a 100 mile radius of the Claimant's residence. If a party challenges the arbitrator assignment, the party must submit its written challenge describing the nature of and specific grounds for the challenge to the SUM/UM Team. AAA will request the opposing party to submit any comments in response to the challenge. Upon review of all parties' comments, the AAA will notify all parties as to whether the arbitrator will be removed from the case. This determination will be final and binding.

On what grounds may an arbitrator be recused or removed from a claim?

An arbitrator may be removed or recused where there is supported evidence of demonstrated personal or financial biases or conflicts. In addition, arbitrators may voluntarily remove or recuse themselves from a claim.



Is the filing fee refundable if the case settles, or if I choose to withdraw the claim for any reason?

Once the AAA has processed a claim and assigned a case number, Claimants are not entitled to a refund of the filing fee.

May I bring an interpreter to the hearing?

If a party to the arbitration intends to introduce an interpreter for the hearing, that party must disclose the identity of the interpreter to all other parties at least ten (10) days prior to the scheduled day of 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 rules for SUM/UM Arbitration?

You may visit <https://nysinsurance.adr.org/programs/sum-um> and click on *Rules for Arbitration of SUM Disputes in the State of New York*. If you experience difficulty locating the rules, you may contact AAA at NYSUMTeam@adr.org or by phone at (917) 438-1500 and ask for a member of the SUM/UM Team to assist you.

What happens if my claim is settled during the arbitration hearing?

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 filed it?

If a Claimant wishes to make a new file or different claim, the Claimant must submit a written request to the SUM/UM Team and provide a copy of the request to the other party. However, once an arbitrator has been appointed, any new or different claim is subject to the arbitrator's approval.

May I choose 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 AAA within 100 miles from the Claimant's residence to the extent practicable. The arbitrator will designate the time and date for each hearing. At least thirty (30) calendar days prior to the hearing, AAA will mail a Notice of Hearing to each party.

What are the grounds that may warrant changing the locale of the hearing?

Selecting an alternate hearing locale may be justified if the chosen hearing site is over 100 miles from the Claimant's residence or if a witness is physically unable to travel to the designated locale. Parties requesting a change should submit written requests to the AAA. AAA will request comments from the other party. Once all parties' comments are received, the AAA will review the request and make its determination.



May I communicate directly with the arbitrator?

Communication between the parties and the arbitrator is allowed only during the telephone conferences and evidentiary hearings. Any other communication from the parties to the arbitrator must be directed to the SUM/UM Team for transmission to the arbitrator.

Who can attend the hearing?

Any person having direct interest in entitled to attend the hearings. The arbitrator shall have discretion to determine the propriety of the attendance by any person.

May I submit any documents to the arbitrator?

The parties may not submit documents directly to the arbitrator. All documents intended for the arbitrator's consideration shall be simultaneously transmitted to the other party and the AAA at least fifteen (15) days prior to the hearing date.

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

The AAA does not provide a record of 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 a time and place determined by the arbitrator.

May I adjourn a hearing?

For good cause, an arbitrator may adjourn the hearing upon the request of a party, on consent of all parties, or upon the arbitrator's own initiative. Each party may request a first time adjournment without incurring a fee if the AAA receives the request more than two (2) business days prior to the scheduled arbitration. Each subsequent adjournment request made more than two (2) business days prior to the hearing date are subject to a \$50.00 fee payable to the AAA. Notwithstanding any other section of this rule, the AAA will charge a \$100.00 adjournment fee for requests received within two (2) business days prior to the scheduled hearing regardless of whether it is the party's first adjournment request or a subsequent request.

How may a party request an adjournment?

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



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

Awards may not be submitted electronically or verbally. Awards will be executed in the manner required by law. A true copy of the award shall be rendered in writing and mailed by the AAA to the parties or their designated representative at their last known addresses. The award or transmittal letter shall bear the date of mailing, and the AAA will keep a record of same award or letter.

What is the timeframe for an arbitrator to render a decision regarding my case?

Arbitrators are required to issue awards within 30 days from the date the hearing record is closed.

If I receive an award from the AAA, when can I expect compensation for my claim?

The AAA does not administer any process related to payments after a case is awarded. The satisfaction of or compliance with the terms of an award is strictly between the parties.

Is there an Appeals or Review process available, if I am not satisfied with my award?

The NY SUM/UM Department does not have an appeal process.

If more than one Claimant is involved in the accident, is a separate Demand for Arbitration form 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 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 thirty (30) days, the Claimant's attorney must file a new Demand and pay the filing fee.