PROGRAM GUIDELINES

Voluntary Binding Arbitration of Verbal Threshold & Lemon Law Cases

1. This program is for verbal threshold and lemon law cases only. If a vicinage wishes to include other case types in the program, it must obtain the prior authorization of the Administrative Director and if necessary, the Supreme Court.

2. A consent order dismissing the matter with prejudice must be filed before the case can be submitted to the program.

3. A consent form signed by all parties and their attorneys, acknowledging their understanding of the binding and non-appealable nature of the program, must be submitted before arbitration can be scheduled.

4. The attorneys involved will choose one plaintiff's arbitrator, one defense arbitrator, and the judge, who will form the arbitration panel.

5. Payment to the non-judge arbitrators shall be as agreed on by the parties and the arbitrators and shall be made directly by the parties on the day of arbitration, unless otherwise agreed by the parties and arbitrators.

6. At the hearing, the designated judge should review the binding, non-appealable nature of the hearing on the record, and obtain the oral consent to the hearing of every attorney and party.

7. The hearing shall be conducted off the record.

8. The judge is to become involved only if, and to the extent that, the arbitrators cannot agree.

9. No award by the panel in verbal threshold cases may exceed available policy limits.

10. At the conclusion of the hearing, the judge may sign an Order for Judgment at the prevailing party's request.

NOTE: In lemon law cases only, if the parties fail to submit the completed VBA materials to the court within 30 days, the case will be referred to mediation.