Rule 36. Release of Documents for Judicial Proceedings

The arbitration organization shall, upon the written request of a party, furnish to the party, at its expense, certified copies of any documents in the arbitration organization's possession that may be required in judicial proceedings relating to the arbitration.

The arbitration organization shall not release documents that are privileged or otherwise protected by law from disclosure. This includes, but is not limited to, any notes, memoranda, or draft thereof prepared by the arbitrator or employee of the arbitrator that were used in the process of preparing the award, and any internal communications between members of the standing committee made as part of the committee's deliberative process.

(Amended effective August 5, 2003; amended effective March 1, 2016.)

Standing Committee Comments (2015)

The No-Fault Standing Committee concluded that some documents and communications are privileged and are therefore protected from disclosure. The language is based on Rule 45.03(c) of the Minnesota Rules of Civil Procedure, which limits the use of subpoenas to compel disclosure of privileged material, and upon Rule 4, subd. 1(c) of the Rules of Public Access to Records of the Judicial Branch, which provides that judicial work product is not accessible to the public.