

Kaiser Arbitration Oversight Board Comments on the Annual Report

The Kaiser Arbitration System aims to offer a fair, efficient, and cost-effective arbitration process while safeguarding the privacy of the parties involved. The Office of the Independent Administrator (OIA) has been managing this system since 1999 and publishes an Annual Report detailing its activities and outcomes. The Arbitration Oversight Board (AOB) supervises the OIA's handling of cases. In 2023, the OIA received a total of 619 arbitration demands, with 585 related to medical malpractice claims, 17 to premises liability, 14 to other torts, and 2 to benefits cases. *

During the administration of these cases, both the OIA and AOB reconvened the Rules Subcommittee, comprising three AOB members, to review proposed changes to Rules 9 and 39, which took effect on January 1, 2024. Temporary Rule 4, implemented in response to COVID-19, allowed neutrals to deliver decisions and orders electronically until Rule 39 came into effect in 2024. Temporary Rules can be found on page E-53 of the Annual Report.

The AOB and OIA are actively working to enhance the diversity of the Neutral Panel, which currently consists of 176 members. At the conclusion of each case, the OIA surveys the neutral arbitrators to gather their feedback on the OIA System and Rules. The arbitrators provided an average rating of 4.8 out of 5.0, indicating high satisfaction.

When asked whether the OIA experience was better, worse, or the same as a similar case tried in court, 48% of the arbitrators felt it was better, 51% said it was about the same, and 1% found it worse. Additionally, all parties involved, including the claimant's counsel, pro pers, and respondent's counsel, evaluated the OIA System, giving it an average score of 4.3, up from 3.7 in 2022 on a scale of 5.0.

In conclusion, the detailed analysis presented in this Annual Report offers a comprehensive and transparent account of the Kaiser Arbitration system's activities throughout the 2023 calendar year. The report underscores the steadfast commitment of both the system and the Office of the Independent Administrator (OIA) to upholding the core objectives of fairness, efficiency, and affordability in arbitration proceedings while also prioritizing the protection of the parties' privacy. With positive feedback from neutral arbitrators and all involved parties, as well as continuous efforts to enhance diversity within the Neutral Panel, it is evident that the Kaiser Arbitration System remains dedicated to delivering a high-quality dispute resolution process that consistently meets the expectations and needs of its stakeholders.

Richard Spinello
Chair Kaiser Arbitration Oversight Board

* All figures referenced in these comments can be found at <https://oia-kaiserarb.com/14>.