



NEW JERSEY DEPARTMENT OF
BANKING AND INSURANCE
QUARTERLY REPORT

No Fault PIP Arbitration
3rd Quarter 2017



FORTHRIGHT

3ND QUARTER 2017 REPORT

TO THE

NEW JERSEY DEPARTMENT OF BANKING AND INSURANCE

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EXECUTIVE SUMMARY

In the third quarter of 2017, 12,643 cases were initiated in the PIP dispute resolution program. Of these cases, 6,705 (53%) were initiated in the Northern region, 1,435 (11%) in the Central region, 2,345 (19%) in the Southern region, and 2,158 (17%) as OTP.

The DRP panel consisted of 62 members. The DRPs were regionally deployed as follows: 41 in the North, 10 in the Central, and 11 in the South. One DRP is currently on a leave of absence. In this quarter, 10,859 cases were assigned to DRPs.

Of the pending cases in the PIP arbitration program, 12,507 were concluded during the third quarter by means of an award or denial of award (including appeals), pre-hearing dismissal of the case, settlement, or withdrawal. There were 760 cases placed in abeyance by consent of the parties or by order of the court.

System-wide, the average amount awarded in arbitration (excluding filing fees) was \$5,255, comprised of \$4,423 for personal injury protection benefits and \$832 for attorney's fees per case. It is common practice for users to stipulate that amounts awarded by DRPs are subject to further reduction for deductibles, co-payments, prior payments, and/or medical fee schedule adjustments. In such cases, the final amount paid by the Respondent for PIP benefits may be less than the awarded amount.

Seventeen appeals to panels of three DRPs were concluded during the reporting period. Thirteen involved awards or dismissal orders rendered in the North Region, four in the Central Region, and none in the South Region. No OTP awards were appealed. Eighteen percent of awards were vacated, modified or remanded.

During the reporting period, parties requested MRO reviews applicable to sixteen cases. DRPs did not request any reviews. The requests were apportioned among the four certified MROs on a rotating basis.

This quarterly report contains a new analysis introduced in the last quarterly report for Aging of Cases by Type of Proceeding, In-Person or On-The-Papers, and by DRP, described at page 6 and attached as Appendix B.

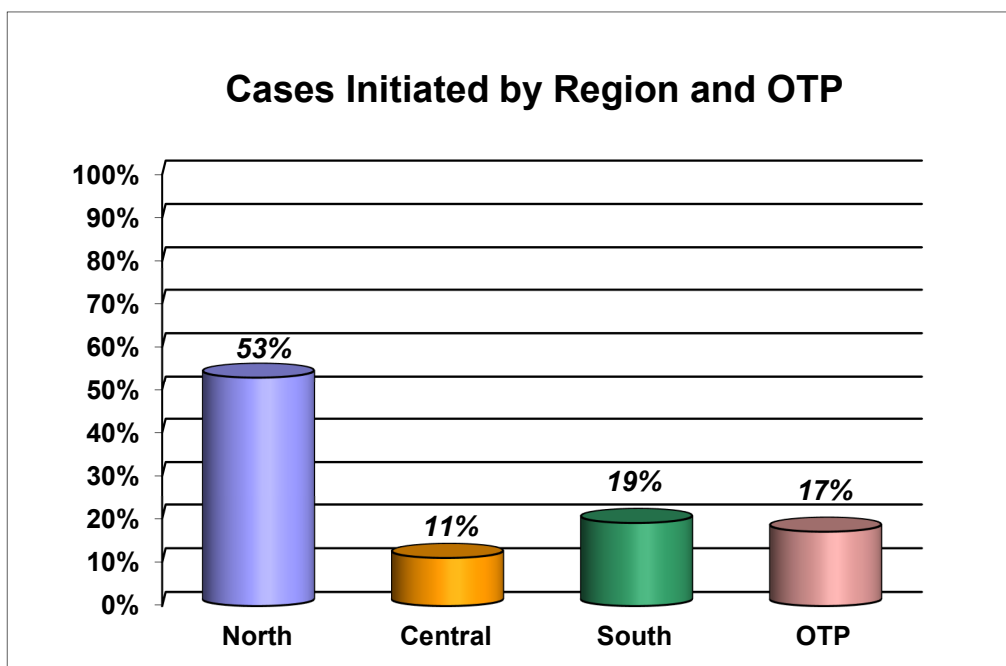
CASES INITIATED

Cases are considered “filed” as of the date a Demand for Arbitration is received by Forthright. Case “initiation” occurs when an initiation letter is transmitted to the parties.

Cases which qualify for “in-person” (“IP”) proceedings may be filed in one of the three regions – Central, North, or South. They are assigned to a DRP with an office within the geographic location. Cases that proceed “on-the-papers” (“OTP”) are not region-specific and may be assigned to any DRP. Throughout this report, data are reported as OTP or IP. Regional breakdowns of data describe IP cases only and will bear the designation of “IP - [region].”

In the third quarter of 2017, 12,643 cases were initiated in the PIP dispute resolution program. Of these cases, 6,705 (53%) were initiated in the Northern region, 1,435 (11%) in the Central region, 2,345 (19%) in the Southern region, and 2,158 (17%) as OTP. See the table below for the monthly distribution.

	IP - North	IP - Central	IP - South	OTP	Total
July	2,087	462	786	652	3,987
August	2,309	469	859	720	4,357
September	2,309	504	700	786	4,299
Totals	6,705	1,435	2,345	2,158	12,643



The following table summarizes the initiations for the quarters of 2017.

	IP - North	IP -Central	IP - South	OTP	Total
Q1 2017	7,631	1,797	1,776	2,407	13,611
Q2 2017	6,694	1,385	2,020	2,195	12,294
Q3 2017	6,705	1,435	2,345	2,158	12,643

TRANSFER OF CASES FROM OTP PROCEEDINGS TO IP PROCEEDINGS

Under certain circumstances, cases that were initially filed as OTP may be transferred to IP proceedings. The circumstances include consolidations (automatic, by consent, or by request), insurance policy issues identified by Respondent, change of claim, and cases voluntarily filed as OTP but the Respondent does not consent. Please consult arbitration Rules 6, 9, and 51 for a complete explanation of the circumstances for transfer. The table below shows the number of cases transferred in the third quarter and the reason.

Consolidation	Policy Issues	Change of Claim	Voluntary OTP Filings	Total
274	31	63	25	393

DISPOSITION OF CASES IN THE PIP ARBITRATION PROGRAM

Of the pending cases in the PIP arbitration program, 12,507 were concluded during the third quarter by means of an award or denial of award (including appeals), pre-hearing dismissal of the case, settlement, or withdrawal. The table below illustrates the manner in which cases were administered and concluded in the three IP geographic regions as well as the OTP category.

Disposition Type	IP - North	IP - Central	IP - South	OTP	Total
Awarded/Denied	3,124	705	636	738	5,203
Dismissed Pre-Hearing	8	4	4	0	16
Settled	3,221	808	969	1,173	6,171
Withdrawn	635	118	149	215	1,117
Total	6,988	1,635	1,758	2,126	12,507

* Pre-hearing dismissal is not an option for OTP cases.

DISPOSITION OF CASES BY PERCENTAGE

The table below presents the disposition of OTP cases and the regional disposition of IP cases as percentages of case dispositions during the reporting period.

Disposition Type	IP - North	IP - Central	IP - South	OTP
Awarded/Denied	44%	42%	36%	35%
Dismissed Pre-Hearing	(<1%)	(<1%)	(<1%)	N/A
Settled	47%	50%	56%	55%
Withdrawn	9%	7%	8%	10%

CASES IN ABEYANCE

Administration of certain cases is suspended by way of Court Order or consent of the parties. These cases are designated as in abeyance. Abeyances for the reporting period are shown in the table below.

IP - North	IP - Central	IP - South	OTP	Total
391	147	186	36	760

CASES SETTLED WITHIN 45 DAYS OF INITIATION

The Respondents are granted a conciliation period of 45 days from case initiation in which to settle claims without incurring the Respondent administration fee.

The following table expresses the distribution of settlements within 45 days of initiation.

	IP - North	IP - Central	IP - South	OTP	Total
Settlements*	1,526	347	430	767	3,070

** Note: This data is based only upon user communications describing cases as settled or resolved. There are likely cases that the parties communicated as “withdrawn” or otherwise concluded which were actually settled and would qualify for this category.*

DISPUTE RESOLUTION PROFESSIONAL CASELOAD

The DRP panel consisted of 62 members. The DRPs were regionally deployed as follows: 41 in the North, 10 in the Central, and 11 in the South. One DRP is currently on a leave of absence. In this quarter, 10,859 cases were assigned to DRPs.

Caseload activity of DRPs is represented in Appendix A. This table distinguishes IP cases from OTP cases. Note that the tally of awarded and settled cases displayed in the “Disposition of Cases After DRP Added” Section and Appendix A may vary slightly because of the method of collecting data for each. For example, an award rendered by a three DRP panel is reported for each DRP in Appendix A. A case that settles while in abeyance without an active DRP will not be counted in Appendix A.

DISPOSITION OF CASES AFTER DRP ASSIGNMENT

OTP cases are assigned to a DRP upon initiation. IP cases are assigned to DRPs following expiration of the 45-day conciliation period. After DRP appointment, a total of 10,163 cases were resolved during the quarter, resulting from a combination of DRP-issued awards (which includes denials and appeals), pre-hearing dismissals, settlements, and withdrawals.

The following table represents the distribution and outcomes of cases across the entire DRP panel during the third quarter of 2017 after the cases were assigned to DRPs. Note that the tally of awarded and settled cases displayed in the “Disposition of Cases After DRP Added” Section and Appendix A may vary slightly because of the method of collecting data for each. For example, an award rendered by a three DRP panel is reported for each DRP in Appendix A. A case that settles while in abeyance without an active DRP will not be counted in Appendix A.

Disposition	IP - North	IP - Central	IP - South	IP - Total	OTP
Awarded/Denied	3,228	736	655	4,619	739
Dismissed by DRP	8	4	4	16	0*
Settled	1,723	455	537	2,715	1,161
Withdrawn	467	106	127	700	213
Total	5,426	1,301	1,323	8,050	2,113

* Not applicable to OTP proceedings

AGING OF CASES BY TYPE OF PROCEEDING, IN-PERSON OR ON-THE-PAPERS, AND BY DRP

The average age (counted by calendar days) of active pending cases at the end of the third quarter of 2017 by DRP is represented in Appendix B but excludes cases that were put in abeyance by the parties or stayed by court action. Please note that consolidations, late MRO requests and postponements are factors that lengthen disposition timelines.

REGIONAL AWARDS PERCENTAGE

A total of 4,884 awards were issued by DRPs concerning requests for emergent relief, standard relief, and fee disputes in both IP and OTP proceedings. Of the awards issued for IP cases (4,273), 70% were in the North region, 16% in the Central region, and 14% in the South region.

An online database of these awards is located at www.nj-no-fault.com.

AWARDS AS A PERCENTAGE OF CLAIM AMOUNT

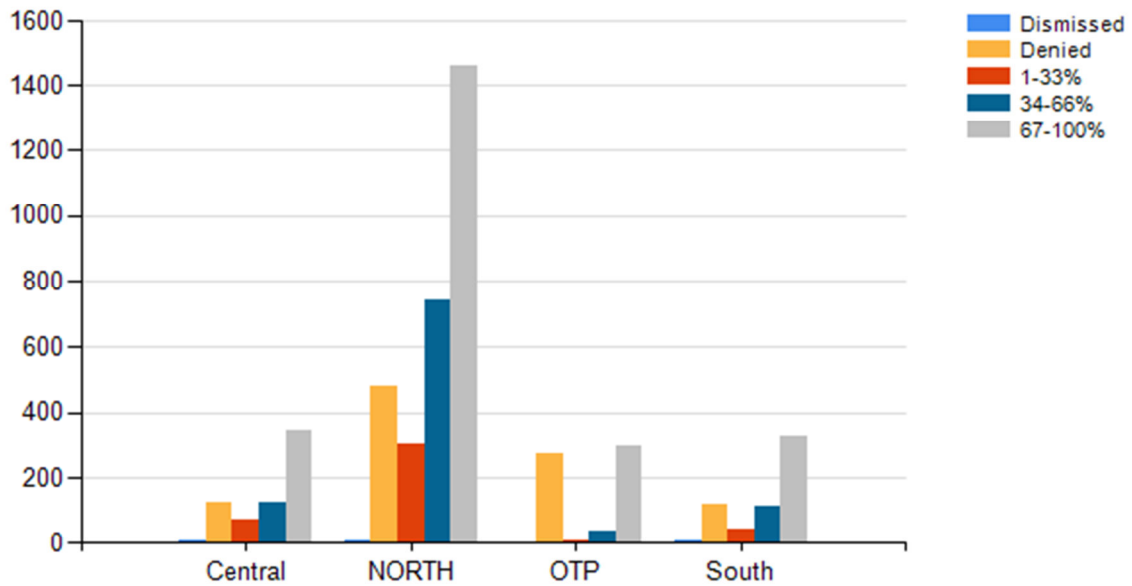
DRPs can deny a claim in its entirety or award all or part of an amount requested by a Claimant. For cases decided in the third quarter of 2017, the table and graph below indicate the distribution of DRP total awarded amounts, from 0% (denied/dismissed) to 100% of claimed amounts. Total awarded amounts include PIP benefits, legal fees, and costs.

For purposes of the data table and chart below, amended amounts are captured within a total amount claimed and then compared to the total amount awarded.

	Dismissed	Denied	1-33%	34-66%	67-100%	Total
IP - Central	4	125	69	125	346	669
IP - North	8	480	306	743	1,459	2,996
IP - South	4	119	41	114	330	608
OTP	0*	277	2	35	297	611
Total	16	1,001	418	1,017	2,432	4,884

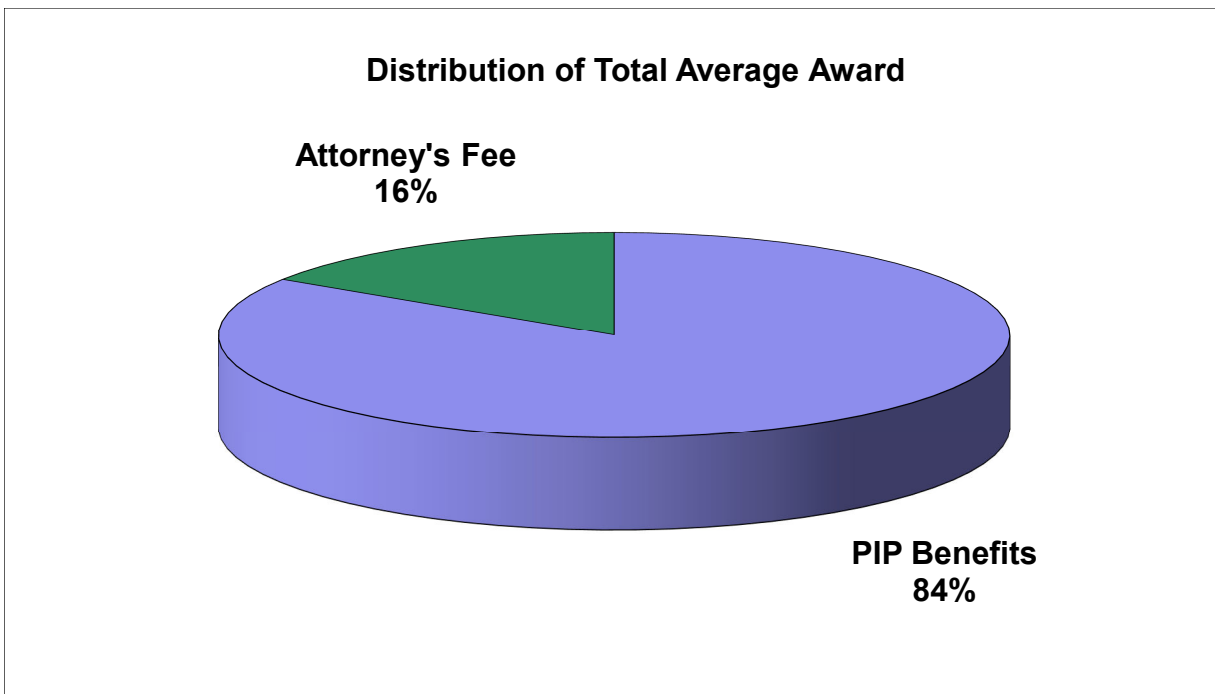
* Not applicable to OTP proceedings

Note: The award data in this section excludes appellate awards.



PIP BENEFITS AND ATTORNEY’S FEES COMPARISON

System-wide, the average amount awarded in arbitration (excluding filing fees) was \$5,255, comprised of \$4,423 for personal injury protection benefits and \$832 for attorney’s fees per case. The graphical representation compares the data as percentages.



AWARD AVERAGE, MEDIAN AND DOLLAR RANGE

The average amount awarded for claims other than attorney's fees and costs was \$4,423* per case. Awarded amounts ranged from \$0 to \$374,917. The median award during the reporting period was \$1,152. Note that the calculation of the average and median includes cases in which the amount awarded was \$0.

The average amount awarded for attorney's fees was \$832 per case. Awarded attorney's fees ranged from \$0 to \$4,400. The median attorney's fee award during the reporting period was \$1,000. Note that the calculation of the average and median attorney's fee includes cases in which the amount awarded was \$0.

	Average	Dollar Range	Median
PIP Benefits' Award	\$4,423*	\$0 to \$374,917	\$1,152
Attorney's Fee Award	\$832	\$0 to \$4,400	\$1,000

** Note: It is common practice for users to stipulate that amounts awarded by DRPs are subject to further reduction for policy deductibles, co-payments, prior payments, and/or medical fee schedule adjustments. In such cases, the final amount paid by the Respondent for PIP benefits may be less than the awarded amount.*

APPEALS

Seventeen appeals to panels of three DRPs were concluded during the reporting period. Thirteen involved awards or dismissal orders rendered in the North Region, four in the Central Region, and none in the South Region. Zero OTP awards were appealed. Eighteen percent of awards were vacated, modified or remanded. The following table reports the results.

	IP - North	IP - Central	IP- South	OTP	Total
Affirmed	10	4	0	0	14
Vacated & Corrected	3	0	0	0	3
Modified	0	0	0	0	0
Total	13	4	0	0	17

MEDICAL REVIEW ORGANIZATION REPORT

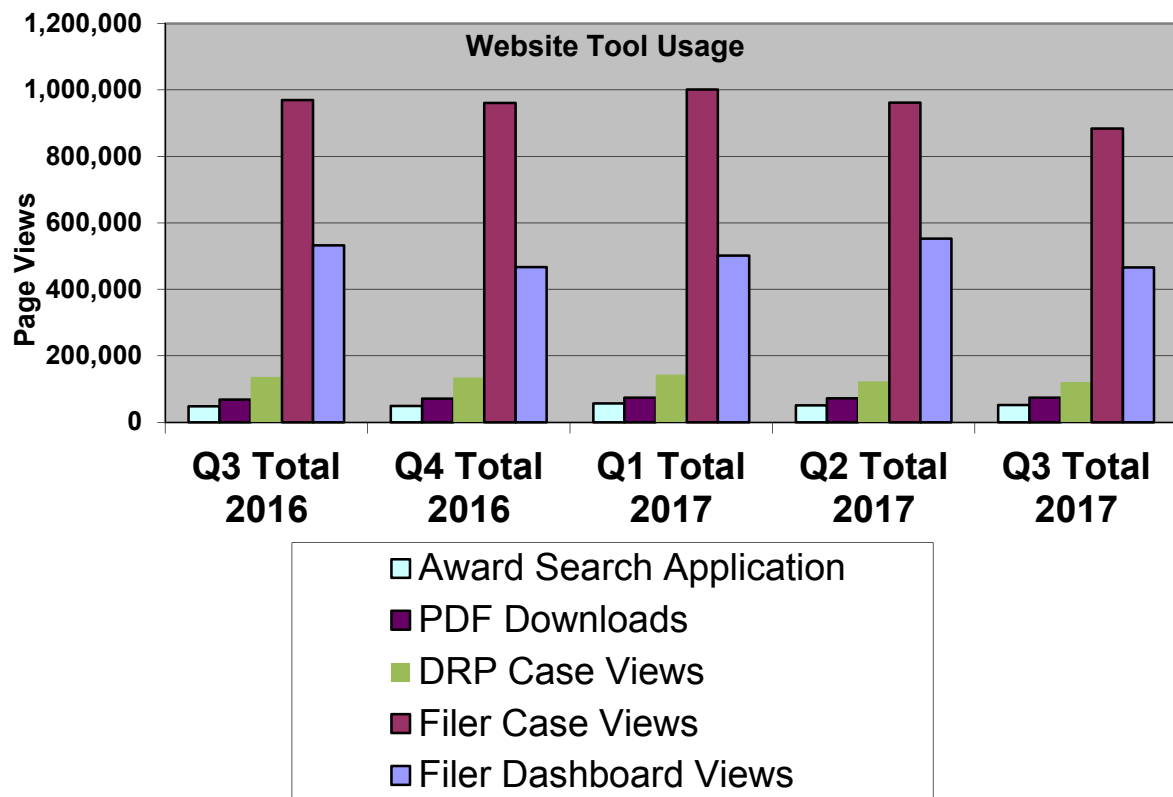
There are currently four Medical Review Organizations ("MRO") certified by the Department of Banking and Insurance. They are ExamWorks, formerly known as CFO Medical Services, First Managed Care Option ("FMCO"), Support Claim Services ("SCS"), and Rising Medical Solutions. Information relevant to MRO usage is outlined in the table below.

MRO	Request By Party	Request By DRP	Total Requests	Request for Information	Report in 20 Business Days	Report After 20 Business Days
ExamWorks	5	0	5	0	5	0
FMCO	6	0	6	0	5	1
Rising Medical	3	0	3	0	3	0
SCS	2	0	2	0	2	0
Total	16	0	16	0	15	1

Note that MRO requests are reported by case. If a request pertains to consolidated cases, it is counted for each case.

ONLINE CASE MANAGEMENT AND AWARD SEARCHING

This section of the report provides usage data for Forthright’s free web-based case management tools for PIP practitioners located online at www.nj-no-fault.com. Forthright completely redesigned and enhanced the functionality of the user web portals as a free customer service. PIP practitioners now access a “dashboard” from which they can navigate through their case information. They can retrieve and view both parties’ document submissions as well as access rules and forms, file and manage cases online, upload case documents, and search prior decisions. The chart below compares usage for the past five calendar quarters.



APPENDIX A

DRP	Region	IP Assigned	OTP Assigned	IP Settled/ Withdrawn	OTP Settled/ Withdrawn	IP Awarded/ Denied	OTP Awarded/ Denied	In Person Proceedings
Aloi, Anthony M.	CENTRAL	169	31	72	19	80	19	97
Andolino, Michael D.	NORTH	159	24	51	20	79	8	113
Annunziata, Maria	CENTRAL	98	36	58	17	79	14	90
Barry, Martin M.	CENTRAL	132	39	50	22	66	16	96
Campbell, Jennifer M.	NORTH	157	51	51	34	90	6	79
Carnelli, Christopher M.	SOUTH	136	52	62	29	62	15	89
Caserta, Patrick J.	NORTH	122	40	51	27	85	8	100
Cassella, Deborah M.	NORTH	95	56	53	31	64	12	77
Celentano, Cynthia J.	NORTH	132	31	45	28	66	13	99
Croft, Douglas M.	NORTH	132	24	54	10	89	9	96
Damiano, Robert S.	NORTH	96	28	69	17	111	20	101
Daniskas, Maria I.	NORTH	132	46	48	34	61	11	78
Della Badia, Joseph	NORTH	128	22	48	18	92	4	112
DeMarco, Jodi L.	NORTH	110	40	59	22	98	11	112
DeMarco, Joseph	NORTH	135	37	65	24	79	11	100
Ducey, John G.	CENTRAL	146	30	70	13	84	22	108
Eisele-Grabowski, Karen	SOUTH	157	58	57	38	59	18	79
Fabiano, Edward	NORTH	182	45	45	26	80	12	83
Fannan, John J.	CENTRAL	22	5	18	3	54	5	36
Fazio, Cataldo F.	NORTH	145	52	47	33	90	5	94
Finiello, Susanne N.	SOUTH	160	48	70	35	55	11	89
Foley, Patrick W.	CENTRAL	133	24	71	10	90	19	113
Frankland, Suzanne J.	NORTH	131	52	53	26	102	13	93
Ganzhorn, Lisa A.	NORTH	160	45	46	28	92	11	92
Garrabrandt, James H.	NORTH	135	27	55	16	99	11	111
Grabowski, David A.	SOUTH	205	15	70	14	56	15	104
Granato, S. Caroline	SOUTH	185	37	68	33	54	20	76
Hackett, Michael	NORTH	129	27	45	16	73	8	91
Hebron, Sylvia A	NORTH	136	44	59	23	93	9	108
Johnston, Maureen M.	NORTH	177	19	75	9	71	9	72
Kaczka, Thomas M.	NORTH	155	45	65	28	60	12	105
Kaiser, Brian K.	NORTH	167	39	56	29	90	12	93
Karbasian, Carolyn K.	SOUTH	154	29	41	15	59	17	69
Keller, Grant W.	SOUTH	171	41	52	26	52	21	93

Kincade, Kathleen D.	CENTRAL	172	22	66	16	82	18	91
La Salle, Robert C.	NORTH	148	36	51	17	66	5	74
LaPorta Esq., David M.	NORTH	138	34	46	29	92	9	85
LaPorta, Phillip A.	NORTH	128	25	53	15	53	5	81
Lardiere, Andrea L.	CENTRAL	172	41	68	29	64	13	113
McFadden, Michael K.	SOUTH	175	21	82	10	40	14	75
Miller, Matthew G.	NORTH	160	23	58	26	76	9	99
Mundy, Lisa D.	NORTH	136	31	57	18	81	12	76
Nardella, George C.	NORTH	139	50	61	30	66	10	81
Noonan, Scott M.	NORTH	160	41	52	24	80	14	80
O'Brien, Matthew J.	NORTH	137	45	61	26	103	14	120
O'Donnell, Kenneth L.	NORTH	145	25	53	15	85	10	81
Patriaco, Andrew A.	NORTH	151	38	50	26	90	10	93
Pettersen, Nina L.	SOUTH	138	35	66	11	68	12	81
Reis, Karen M.	NORTH	147	43	58	25	93	17	106
Remington-Knodel, Jennifer	NORTH	158	37	41	25	90	13	108
Reynolds, William E.	SOUTH	135	48	52	22	66	13	81
Riva, Joseph J.	NORTH	36	53	13	36	19	13	32
Rivera, Barbara Brosnan	NORTH	139	32	50	26	73	6	68
Sacco, Russ	NORTH	112	40	55	27	90	16	93
Sproviero, Scott G.	NORTH	153	24	46	15	69	8	88
Stampono, Vincenzo	NORTH	148	45	49	30	72	13	105
Stokes, Nanci G.	NORTH	124	50	46	24	72	13	93
Tamburino, Joseph A.	NORTH	154	44	63	21	48	13	51
Tarrant, Tara D.	NORTH	133	29	47	21	85	8	94
Voorhees, Gregory X.	CENTRAL	174	26	85	24	86	17	94
Wallen, Kate R.	SOUTH	170	17	67	13	96	7	105

APPENDIX B

DRP	Region	IP Cases	IP Age (in days)	OTP Cases	OTP Age (in days)
Aloi, Anthony	CENTRAL	288	145.24	24	51.71
Andolino, Michael	NORTH	245	120.37	17	60.53
Annunziata, Maria	CENTRAL	303	208.33	39	66.28
Barry, Martin	CENTRAL	314	167.11	43	85.12
Campbell, Jennifer	NORTH	278	180.24	48	61.42
Carnelli, Christopher	SOUTH	272	130.05	61	83.80
Caserta, Patrick	NORTH	278	139.89	39	95.56
Cassella, Deborah	NORTH	198	155.06	51	56.45
Celentano, Cynthia	NORTH	243	159.44	22	57.64
Croft, Douglas	NORTH	249	138.72	27	77.37
Damiano, Robert	NORTH	252	156.93	24	64.04
Daniskas, Maria	NORTH	254	174.83	44	62.50
Della Badia, Joseph	NORTH	255	121.70	15	61.00
DeMarco, Jodi	NORTH	209	159.22	36	63.50
DeMarco, Joseph	NORTH	237	167.41	36	76.58
Ducey, John	CENTRAL	285	145.66	34	75.50
Eisele-Grabowski, Karen	SOUTH	285	134.55	59	75.58
Fabiano, Edward	NORTH	239	131.08	42	53.81
Fannan, John	CENTRAL	75	283.56	2	107.00
Fazio, Cataldo	NORTH	215	130.34	55	66.24
Finiello, Susanne	SOUTH	280	121.24	48	77.44
Foley, Patrick	CENTRAL	290	152.80	27	68.70
Frankland, Suzanne	NORTH	228	147.84	57	66.04
Ganzhorn, Lisa	NORTH	257	127.28	40	65.50
Garrabrandt, James	NORTH	267	143.55	34	87.29
Grabowski, David	SOUTH	337	114.63	14	85.86
Granato, S. Caroline	SOUTH	318	159.81	29	76.17
Hackett, Michael	NORTH	253	138.13	31	92.42
Hebron, Sylvia	NORTH	244	132.91	46	79.33
Johnston, Maureen	NORTH	262	124.89	21	83.67
Kaczka, Thomas	NORTH	249	136.14	41	59.78
Kaiser, Brian	NORTH	262	121.00	34	77.50
Karbasian, Carolyn	SOUTH	314	98.09	25	62.00
Keller, Grant	SOUTH	272	134.12	52	93.15

Kincade, Kathleen	CENTRAL	328	151.92	25	111.88
La Salle, Robert	NORTH	236	136.98	40	70.88
LaPorta, Phillip	NORTH	243	160.88	26	85.54
LaPorta Esq., David	NORTH	223	129.48	33	82.39
Lardiere, Andrea	CENTRAL	325	171.15	53	82.30
McFadden, Michael	SOUTH	295	130.05	26	85.08
McFadden (LI), Michael	SOUTH	23	229.39	0	0
Miller, Matthew	NORTH	230	163.66	26	84.08
Mundy, Lisa	NORTH	232	131.66	36	67.61
Nardella, George	NORTH	234	163.47	45	67.20
Noonan, Scott	NORTH	246	133.24	29	50.28
O'Brien, Matthew	NORTH	231	161.55	48	66.65
O'Donnel, Kenneth	NORTH	265	126.19	17	66.82
Patriaco, Andrew	NORTH	265	158.06	34	47.59
Pettersen, Nina	SOUTH	261	136.15	43	93.91
Reis, Karen	NORTH	221	131.96	37	53.05
Remington-Knodel, Jennifer	NORTH	224	147.69	40	64.88
Reynolds, William	SOUTH	279	131.84	56	64.61
Riva, Joseph	NORTH	69	226.97	42	62.86
Rivera, Barbara	NORTH	234	129.01	25	76.92
Sacco, Russ	NORTH	236	146.08	32	61.19
Sproviero, Scott	NORTH	267	162.14	27	85.56
Stampone, Vincenzo	NORTH	253	133.42	40	71.10
Stokes, Nanci	NORTH	224	143.23	55	64.44
Tamburino, Joseph	NORTH	209	143.54	44	61.89
Tarrant, Tara	NORTH	272	149.98	21	52.38
Voorhees, Gregory	CENTRAL	295	141.98	24	72.88
Wallen, Kate	SOUTH	254	122.35	14	71.36
Wallen (NO), Kate	SOUTH	29	162.83	0	0

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