



NEW JERSEY DEPARTMENT OF
BANKING AND INSURANCE
QUARTERLY REPORT

No Fault PIP Arbitration
1st Quarter 2019



FORTHRIGHT

1ST QUARTER 2019 REPORT

TO THE

NEW JERSEY DEPARTMENT OF BANKING AND INSURANCE

Executive Summary	2
Cases Initiated	3
Transfer of Cases from OTP Proceedings to IP Proceedings	4
Disposition of Cases in the PIP Arbitration Program.....	4
Disposition of Cases by Percentage.....	4
Cases in Abeyance	5
Cases Settled within 45 Days of Initiation.....	5
Dispute Resolution Professional Caseload.....	5
Disposition of Cases after DRP Assignment.....	5
Aging Of Cases By Type of Proceeding, In-Person or On-The-Papers, and by DRP.....	6
Regional Awards Percentage	6
Awards as a Percentage of Claim Amount	6
PIP Benefits and Attorney's Fees Comparison	7
Award Average, Median, and Dollar Range.....	8
Appeals.....	8
Medical Review Organization Report	8
Online Case Management and Award Searching	9
Appendix A.....	
Appendix B	

EXECUTIVE SUMMARY

In the first quarter of 2019, 12,299 cases were initiated in the PIP dispute resolution program. Of these cases, 6,868 (56%) were initiated in the Northern region, 1,101 (9%) in the Central region, 1,875 (15%) in the Southern region, and 2,455 (20%) as OTP.

The DRP panel consisted of 59 members. The DRPs were regionally deployed as follows: 38 in the North, 9 in the Central, and 12 in the South. During the first quarter, one DRP commenced a leave of absence. In this quarter, 11,273 cases were assigned to DRPs.

Of the pending cases in the PIP arbitration program, 13,216 were concluded during the first quarter by means of an award or denial of award (including appeals), pre-hearing dismissal of the case, settlement, or withdrawal. There were 920 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 \$4,621, comprised of \$3,832 for personal injury protection benefits and \$789 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.

Nineteen appeals to panels of three DRPs were concluded during the reporting period. Seventeen involved awards or dismissal orders rendered in the North Region, two in the Central Region, and none in the South Region. No OTP awards were appealed. Twenty-one percent of awards appealed were vacated or modified.

During the reporting period, thirteen MRO reviews were provided at the request of a party. 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 third quarterly report of 2017 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.

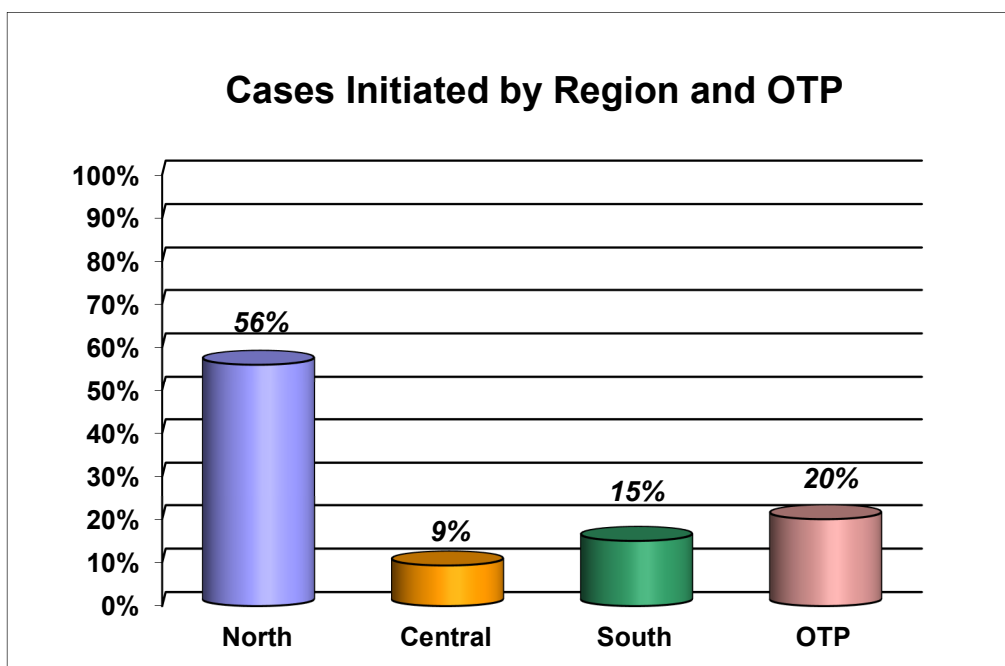
CASES INITIATED

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 first quarter of 2019, 12,299 cases were initiated in the PIP dispute resolution program. Of these cases, 6,868 (56%) were initiated in the Northern region, 1,101 (9%) in the Central region, 1,875 (15%) in the Southern region, and 2,455 (20%) as OTP. See the table below for the monthly distribution.

	IP - North	IP - Central	IP - South	OTP	Total
January	2,485	363	625	839	4,312
February	2,101	307	562	768	3,738
March	2,282	431	688	848	4,249
Totals	6,868	1,101	1,875	2,455	12,299



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 first quarter and the reason.

Consolidation	Policy Issues	Change of Claim	Total
326	34	84	444

DISPOSITION OF CASES IN THE PIP ARBITRATION PROGRAM

Of the pending cases in the PIP arbitration program, 13,216 were concluded during the first 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	2,610	543	912	639	4,704
Dismissed Pre-Hearing	6	3	2	0	11
Settled	3,841	660	1,349	1,535	7,385
Withdrawn	636	93	131	256	1,116
Total	7,093	1,299	2,394	2,430	13,216

* 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	37%	42%	38%	26%
Dismissed Pre-Hearing	(<1%)	(<1%)	(<1%)	N/A
Settled	54%	51%	56%	63%
Withdrawn	9%	7%	5%	11%

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
548	128	195	49	920

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*	2,022	291	547	1,052	3,912

** 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 59 members. The DRPs were regionally deployed as follows: 38 in the North, 9 in the Central, and 12 in the South. During the first quarter, one DRP commenced a leave of absence. In this quarter, 11,273 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 10,410 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 first quarter of 2019 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	2,721	570	943	4,234	646
Dismissed by DRP	6	3	2	11	0*
Settled	1,902	368	801	3,071	1,526
Withdrawn	487	78	103	668	254
Total	5,116	1,019	1,849	7,984	2,426

* 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 first quarter of 2019 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 4,482 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 (3,926), 64% were in the North region, 14% in the Central region, and 22% 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

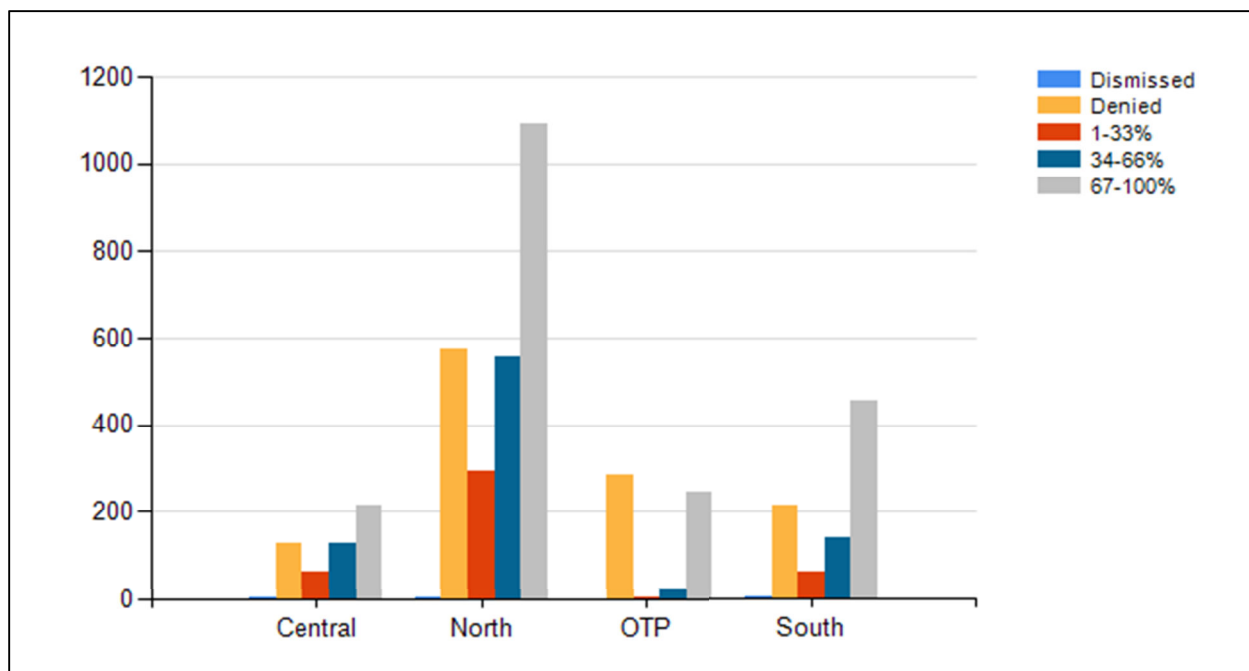
DRPs can deny a claim in its entirety or award all or part of an amount requested by a Claimant. For cases decided in the first quarter of 2019, the table and graph below indicate the distribution of DRP total awarded amounts, from 0% (denied/dismissed) to 100% of claimed amounts. Total awarded amounts 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	3	126	60	128	214	531
IP - North	6	572	295	558	1,091	2,522
IP - South	2	214	61	141	454	872
OTP	0*	287	2	23	245	557
Total	11	1,199	418	850	2,004	4,482

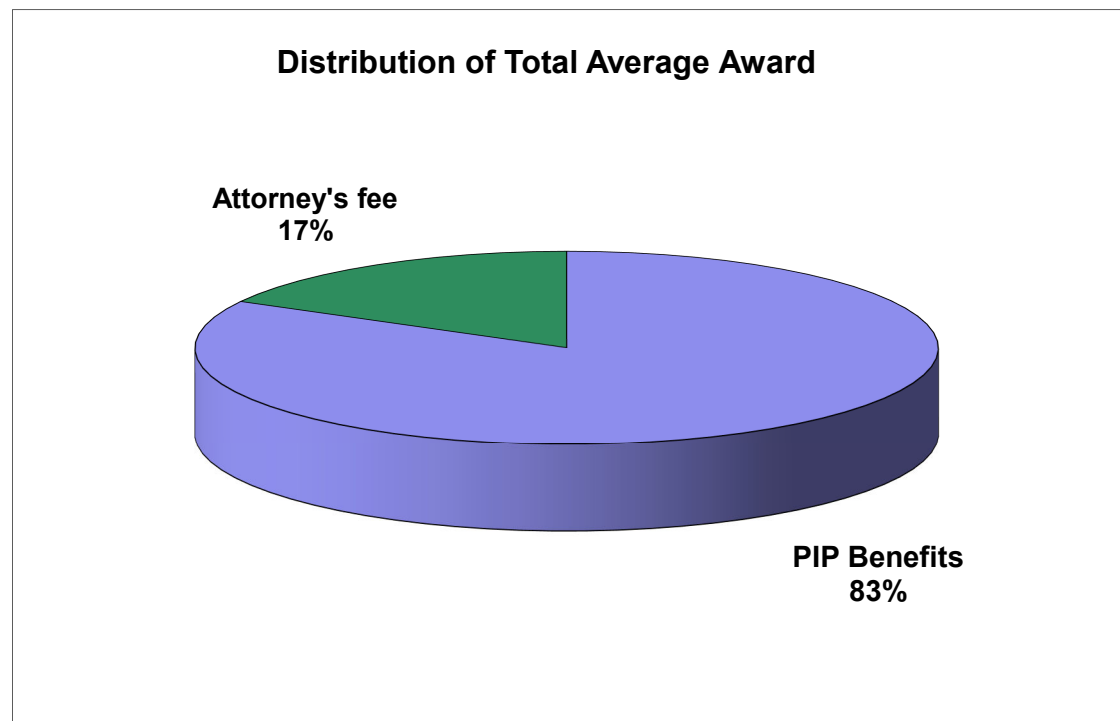
* Not applicable to OTP proceedings.

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 \$4,621, comprised of \$3,832 for personal injury protection benefits and \$789 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 \$3,832* per case. Awarded amounts ranged from \$0 to \$361,022. The median award during the reporting period was \$907. 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 \$789 per case. Awarded attorney's fees ranged from \$0 to \$12,250. The median attorney's fee award during the reporting period was \$950. 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	\$3,832*	\$0 to \$361,022	\$907
Attorney's Fee Award	\$789	\$0 to \$12,250	\$950

** 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

Nineteen appeals to panels of three DRPs were concluded during the reporting period. Seventeen involved awards or dismissal orders rendered in the North Region, two in the Central Region, and none in the South Region. No OTP awards were appealed. Twenty-one percent of awards appealed were vacated or modified. The following table reports the results.

	IP - North	IP - Central	IP- South	OTP	Total
Affirmed	13	2	0	0	15
Vacated & Corrected	3	0	0	0	3
Modified	1	0	0	0	1
Total	17	2	0	0	19

MEDICAL REVIEW ORGANIZATION REPORT

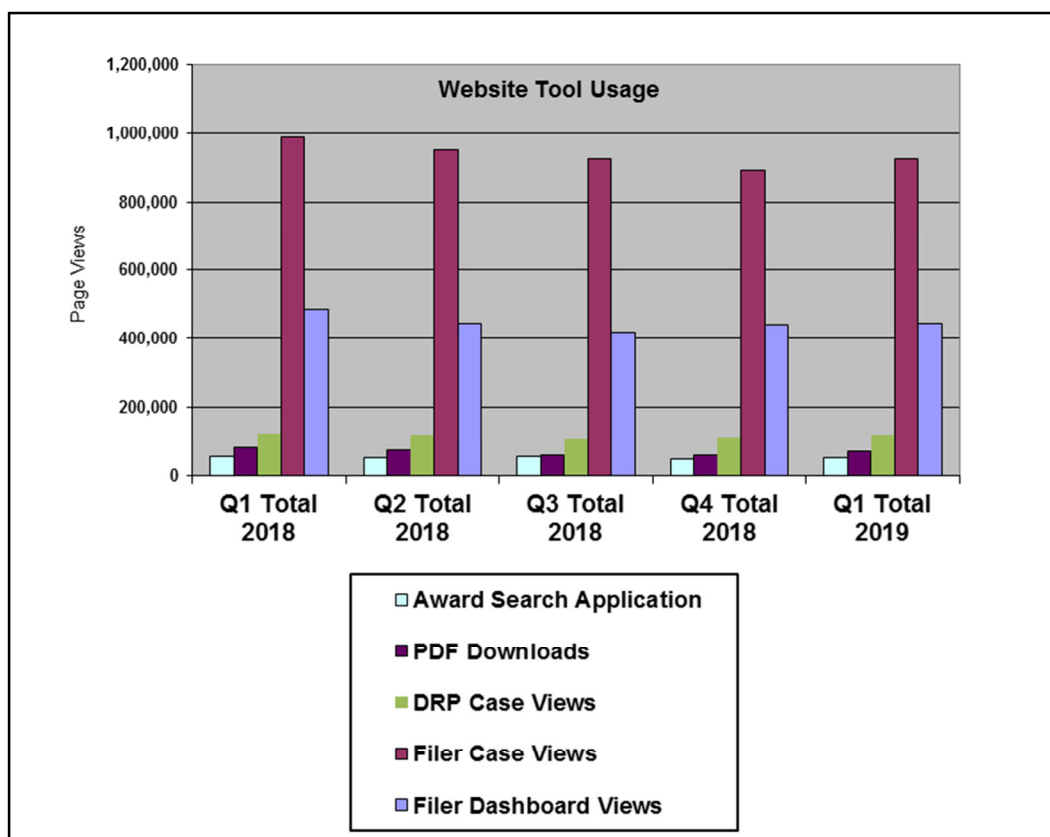
There are currently four Medical Review Organizations ("MRO") certified by the Department of Banking and Insurance. They are ExamWorks (formerly known as CFO Medical Services), First Managed Care Option ("FMCO"), Rising Medical Solutions and Support Claim Services ("SCS"). Information relevant to MRO 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	3	0	3	1	3	0
FMCO	3	0	3	0	2	1
Rising Medical	3	0	3	0	3	0
SCS	4	0	4	0	4	0
Total	13	0	13	1	12	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

	Region	IP Assigned	OTP Assigned	IP Settled/ Withdrawn	OTP Settled/ Withdrawn	IP Awarded/ Denied	OTP Awarded/ Denied	In Person Proceedings
Aloi, Anthony M.	CENTRAL	164	36	64	28	95	9	116
Andolino, Michael D.	NORTH	162	46	83	31	88	12	108
Annunziata, Maria	CENTRAL	130	42	63	27	71	16	110
Barry, Martin M.	CENTRAL	169	41	68	26	60	10	78
Campbell, Jennifer M.	CENTRAL	124	45	67	35	89	14	112
Carnelli, Christopher M.	SOUTH	139	52	64	40	77	16	89
Caserta, Patrick J.	NORTH	129	59	53	31	64	11	93
Cassella, Deborah M.	NORTH	144	48	45	39	105	13	112
Celentano, Cynthia J.	NORTH	6	0	1	0	19	0	10
Croft, Douglas M.	NORTH	161	46	75	32	74	10	92
Damiano, Robert S.	NORTH	140	51	66	22	67	9	95
Daniskas, Maria I.	NORTH	171	54	78	41	69	20	76
Della Badia, Joseph	NORTH	183	48	60	25	61	5	71
DeMarco, Jodi L.	NORTH	181	45	61	38	64	19	92
Ducey, John G.	CENTRAL	129	41	61	26	101	9	107
Eisele-Grabowski, Karen	SOUTH	107	38	70	33	90	14	101
Fabiano, Edward	NORTH	165	38	66	35	73	18	91
Fannan, John J.	CENTRAL	16	5	2	0	4	0	4
Fazio, Cataldo F.	NORTH	113	54	47	38	84	11	110
Finiello, Susanne N.	SOUTH	181	52	95	30	64	11	103
Foley, Patrick W.	CENTRAL	79	18	27	15	33	4	12
Frankland, Suzanne J.	NORTH	152	48	52	35	83	14	93
Ganzhorn, Lisa A.	NORTH	181	48	59	42	69	14	97
Garrabrandt, James H.	NORTH	112	60	55	25	61	11	82
Grabowski, David A.	SOUTH	144	29	91	15	92	10	126
Granato, S. Caroline	SOUTH	155	36	104	23	84	8	105
Hackett, Michael	NORTH	168	48	73	27	97	3	113
Hebron, Sylvia A	NORTH	137	50	73	45	68	13	84
Johnston, Maureen M.	NORTH	193	45	71	39	64	9	91
Kaczka, Thomas M.	NORTH	161	38	57	19	74	10	115
Kaiser, Brian K.	NORTH	167	46	75	36	79	12	118
Karbasian, Carolyn K.	SOUTH	155	37	82	37	100	11	105
Keller, Grant W.	SOUTH	166	38	82	38	78	5	108
Kincade, Kathleen D.	CENTRAL	138	49	43	22	78	13	101

La Salle, Robert C.	NORTH	134	41	60	22	93	13	105
LaPorta Esq., David M.	NORTH	202	41	58	29	64	10	87
LaPorta, Phillip A.	NORTH	177	40	62	33	62	17	103
Lardiere, Andrea L.	CENTRAL	155	44	66	28	74	12	94
McFadden (LI), Michael K.	SOUTH	0	0	1	0	1	0	2
McFadden, Michael K.	SOUTH	101	33	46	20	50	11	86
Miller, Matthew G.	NORTH	157	48	70	33	39	6	89
Mundy, Lisa D.	NORTH	150	39	71	35	73	9	92
Nardella, George C.	NORTH	139	54	54	37	89	10	117
Noonan, Scott M.	NORTH	138	43	62	37	67	7	99
O'Brien, Matthew J.	NORTH	152	50	69	35	59	9	74
O'Donnel, Kenneth L.	NORTH	177	38	70	27	68	12	88
Patriaco, Andrew A.	NORTH	179	44	59	31	79	12	93
Pettersen, Nina L.	SOUTH	136	58	74	25	76	12	128
Reis, Karen M.	NORTH	148	59	45	30	51	14	60
Remington-Knodel, Jennifer	NORTH	138	51	43	24	83	16	119
Reynolds, William E.	SOUTH	124	44	77	30	68	7	100
Riva, Joseph J.	NORTH	29	32	13	30	12	16	28
Rivera, Barbara Brosnan	NORTH	168	48	49	35	68	10	104
Sacco, Russ	NORTH	153	56	67	25	56	4	88
Sproviero, Scott G.	NORTH	190	41	83	28	56	9	65
Stampone, Vincenzo	NORTH	183	49	74	43	71	12	78
Stokes, Nanci G.	NORTH	148	51	68	29	65	15	96
Tamburino, Joseph A.	NORTH	136	46	66	41	78	15	98
Tarrant, Tara D.	NORTH	182	37	57	23	84	12	125
Voorhees, Gregory X.	SOUTH	137	50	72	37	91	9	101
Wallen (NO), Kate R.	SOUTH	1	0	3	0	5	0	6
Wallen, Kate R.	SOUTH	108	41	66	18	75	3	80

APPENDIX B

DRP	Region	IP Cases	IP Age (in Days)	OTP Cases	OTP Age (in Days)
Aloi, Anthony M.	CENTRAL	175	159.09	33	65.39
Andolino, Michael D.	NORTH	174	119.97	32	56.25
Annunziata, Maria	CENTRAL	235	200.87	32	66.34
Barry, Martin M.	CENTRAL	229	166.64	40	77.55
Campbell, Jennifer M.	CENTRAL	219	238.45	43	91.88
Carnelli, Christopher M.	SOUTH	239	175.69	53	72.74
Caserta, Patrick J.	NORTH	188	150.84	58	70.83
Cassella, Deborah M.	NORTH	172	118.02	43	78.74
Croft, Douglas M.	NORTH	227	147.01	37	55.68
Damiano, Robert S.	NORTH	180	129.72	47	58.15
Daniskas, Maria I.	NORTH	212	124.82	52	62.90
Della Badia, Joseph	NORTH	236	142.93	36	44.39
DeMarco, Jodi L.	NORTH	208	127.86	43	59.47
Ducey, John G.	CENTRAL	168	159.20	39	63.18
Eisele-Grabowski, Karen	SOUTH	208	169.01	42	80.02
Fabiano, Edward	NORTH	173	142.45	31	60.97
Fannan, John J.	CENTRAL	17	187.65	6	85.50
Fazio, Cataldo F.	NORTH	203	148.16	46	70.35
Finiello, Susanne N.	SOUTH	225	148.11	48	61.71
Frankland, Suzanne J.	NORTH	205	143.80	46	72.72
Ganzhorn, Lisa A.	NORTH	261	148.82	50	74.34
Garrabrandt, James H.	NORTH	209	170.41	56	59.61
Grabowski, David A.	SOUTH	213	154.47	28	64.07
Granato, S. Caroline	SOUTH	244	165.44	35	73.20
Hackett, Michael	NORTH	227	148.65	38	57.45
Hebron, Sylvia A	NORTH	194	134.25	46	74.28
Johnston, Maureen M.	NORTH	215	132.50	29	59.86
Kaczka, Thomas M.	NORTH	203	155.47	45	59.02
Kaiser, Brian K.	NORTH	234	133.75	42	75.71
Karbasian, Carolyn K.	SOUTH	209	140.23	22	68.55
Keller, Grant W.	SOUTH	242	149.62	37	119.32
Kincade, Kathleen D.	CENTRAL	221	212.43	45	48.98
La Salle, Robert C.	NORTH	170	124.02	38	56.32
LaPorta Esq., David M.	NORTH	256	168.24	39	70.64
LaPorta, Phillip A.	NORTH	249	165.33	21	44.57
Lardiere, Andrea L	CENTRAL	228	196.54	48	65.42

McFadden (LI), Michael K.	SOUTH	193	206.65	37	60.30
McFadden, Michael K.	SOUTH	3	185.33		
Miller, Matthew G.	NORTH	209	157.12	41	73.54
Mundy, Lisa D.	NORTH	188	118.90	32	78.44
Nardella, George C.	NORTH	195	232.39	48	70.00
Noonan, Scott M.	NORTH	241	156.31	40	90.05
O'Brien, Matthew J.	NORTH	207	147.94	48	72.56
O'Donnel, Kenneth L.	NORTH	229	133.19	38	87.55
Patriaco, Andrew A.	NORTH	255	142.42	46	80.93
Pettersen, Nina L.	SOUTH	223	158.11	46	56.37
Reis, Karen M.	NORTH	201	132.38	47	58.79
Remington-Knodel, Jennifer	NORTH	174	115.47	55	66.58
Reynolds, William E.	SOUTH	244	184.34	48	81.46
Riva, Joseph J.	NORTH	37	138.59	29	79.17
Rivera, Barbara Brosnan	NORTH	224	159.04	40	70.55
Sacco, Russ	CENTRAL	194	121.96	59	64.44
Sproviero, Scott G.	NORTH	240	168.91	36	63.03
Stampone, Vincenzo	NORTH	238	139.21	50	76.58
Stokes, Nanci G.	NORTH	205	148.13	3	165.00
Tamburino, Joseph A.	NORTH	198	152.28	39	60.77
Tarrant, Tara D.	NORTH	259	141.36	26	51.88
Voorhees, Gregory X.	SOUTH	222	148.82	56	67.71
Wallen (NO), Kate R.	SOUTH	179	168.85	41	56.93
Wallen, Kate R.	SOUTH	4	193.75		

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