



NEW JERSEY DEPARTMENT OF  
BANKING AND INSURANCE  
**QUARTERLY REPORT**

No Fault PIP Arbitration  
1st Quarter 2020



FORTHRIGHT

**1ST QUARTER 2020 REPORT**

**TO THE**

**NEW JERSEY DEPARTMENT OF BANKING AND INSURANCE**

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## EXECUTIVE SUMMARY

In the first quarter of 2020, 10,947 cases were initiated in the PIP dispute resolution program. Of these cases, 5,511 (50%) were initiated in the Northern region, 1,287 (12%) in the Central region, 1,998 (18%) in the Southern region, and 2,151 (20%) as OTP.

The DRP panel consisted of 57 members. The DRPs were regionally deployed as follows: 37 in the North, 8 in the Central, and 12 in the South. In this quarter, 10,821 cases were assigned to DRPs.

Of the pending cases in the PIP arbitration program, 12,071 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 787 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 \$4,471, comprised of \$3,696 for personal injury protection benefits and \$775 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. Eight involved awards or dismissal orders rendered in the North Region, four in the Central Region, and five in the South Region. No OTP awards were appealed. Forty-one percent of awards appealed were vacated or modified.

During the reporting period, 28 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 fourth 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.

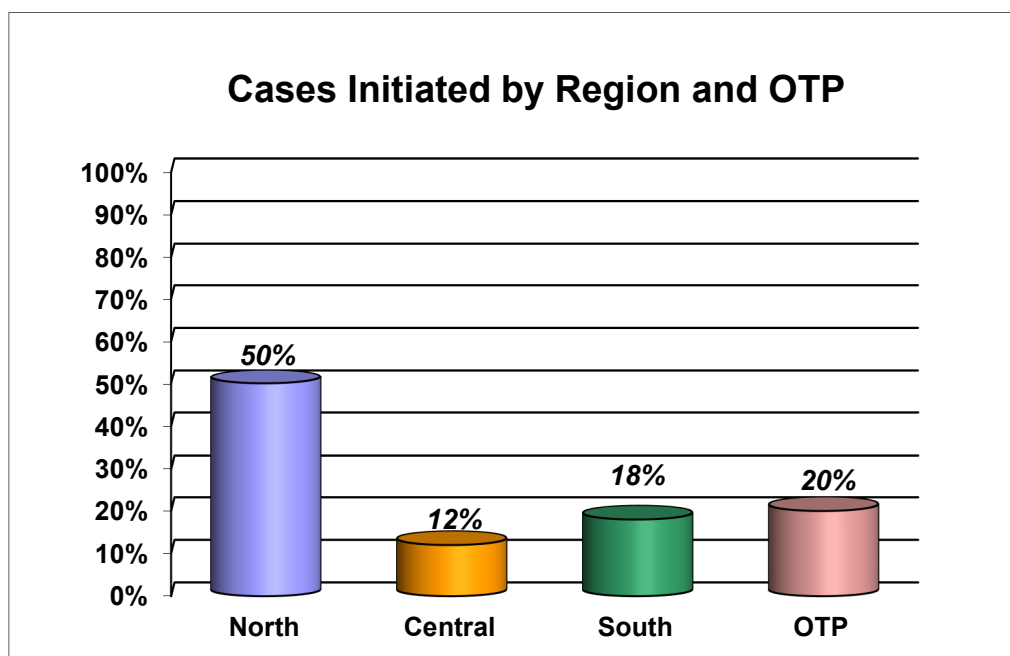
## CASES INITIATED

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 2020, 10,947 cases were initiated in the PIP dispute resolution program. Of these cases, 5,511 (50%) were initiated in the Northern region, 1,287 (12%) in the Central region, 1,998 (18%) in the Southern region, and 2,151 (20%) as OTP. See the table below for the monthly distribution.

	IP - North	IP - Central	IP - South	OTP	Total
January	1,985	432	642	759	3,818
February	1,608	406	615	651	3,280
March	1,918	449	741	741	3,849
Totals	5,511	1,287	1,998	2,151	10,947



## 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.

<b>Consolidation</b>	<b>Policy Issues</b>	<b>Change of Claim</b>	<b>Total</b>
358	24	64	446

## DISPOSITION OF CASES IN THE PIP ARBITRATION PROGRAM

Of the pending cases in the PIP arbitration program, 12,071 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.

<b>Disposition Type</b>	<b>IP - North</b>	<b>IP - Central</b>	<b>IP - South</b>	<b>OTP</b>	<b>Total</b>
Awarded/Denied	2,661	426	978	833	4,898
*Dismissed Pre-Hearing	2	0	0	0*	2
Settled	3,023	650	1,146	1,393	6,212
Withdrawn	529	92	87	251	959
Total	6,215	1,168	2,211	2,477	12,071

\* 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. **Percentages may not add to 100% due to rounding.**

<b>Disposition Type</b>	<b>IP - North</b>	<b>IP - Central</b>	<b>IP - South</b>	<b>OTP</b>
Awarded/Denied	43%	36%	44%	34%
Dismissed Pre-Hearing	(<1%)	(<1%)	(<1%)	N/A
Settled	49%	56%	52%	56%
Withdrawn	9%	8%	4%	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
539	79	118	51	787

## 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*	1,570	328	474	972	3,344

*\* 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 57 members. The DRPs were regionally deployed as follows: 37 in the North, 8 in the Central, and 12 in the South. In this quarter, 10,821 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 9,899 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 2020 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.

<b>Disposition</b>	<b>IP - North</b>	<b>IP - Central</b>	<b>IP - South</b>	<b>IP - Total</b>	<b>OTP</b>
Awarded/Denied	2,870	448	1,017	4,335	846
Dismissed by DRP	2	0	0	2	0
Settled	1,499	320	666	2,485	1,385
Withdrawn	438	77	80	595	251
<b>Total</b>	<b>4,809</b>	<b>845</b>	<b>1,763</b>	<b>7,417</b>	<b>2,482</b>

*\* 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 2020 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 4,582 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 (3,911), 66% were in the North region, 10% in the Central region, and 24% in the South region.

An online database of these awards is located at [www.nj-no-fault.com](http://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 2020, 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.

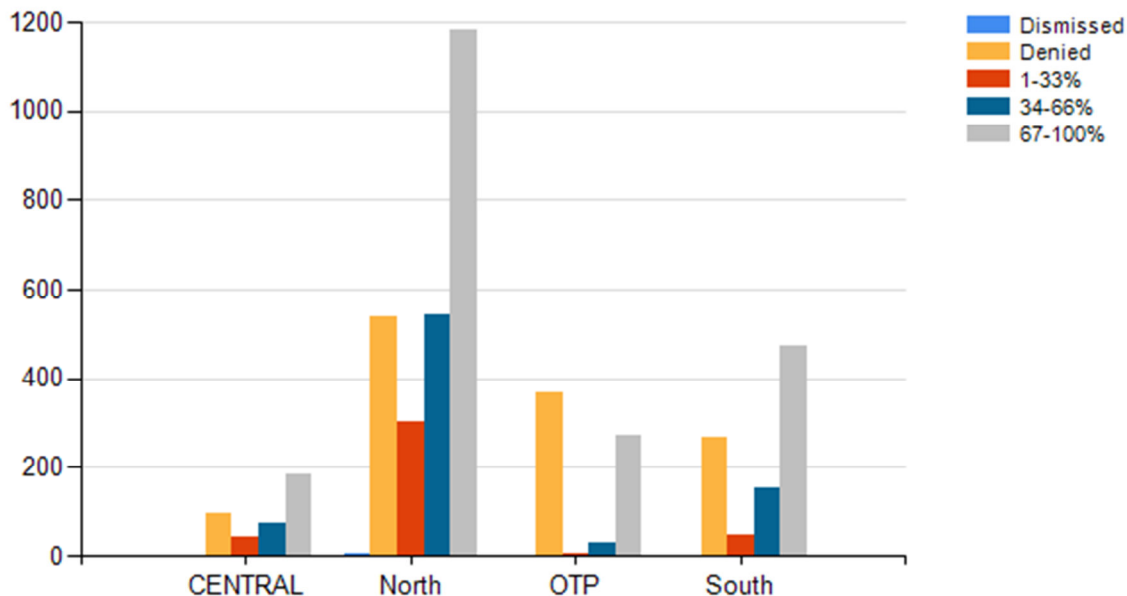
For purposes of the data table and chart below, amended amounts are captured within a total amount claimed and then compared to the total amount awarded.

	<b>Dismissed</b>	<b>Denied</b>	<b>1-33%</b>	<b>34-66%</b>	<b>67-100%</b>	<b>Total</b>
IP - Central	0	96	43	75	185	399
IP - North	2	538	302	545	1,182	2,569
IP - South	0	266	49	153	475	943
OTP	0*	369	2	29	271	671
<b>Total</b>	<b>2</b>	<b>1,269</b>	<b>396</b>	<b>802</b>	<b>2,113</b>	<b>4,582</b>

*\* Not applicable to OTP proceedings.*

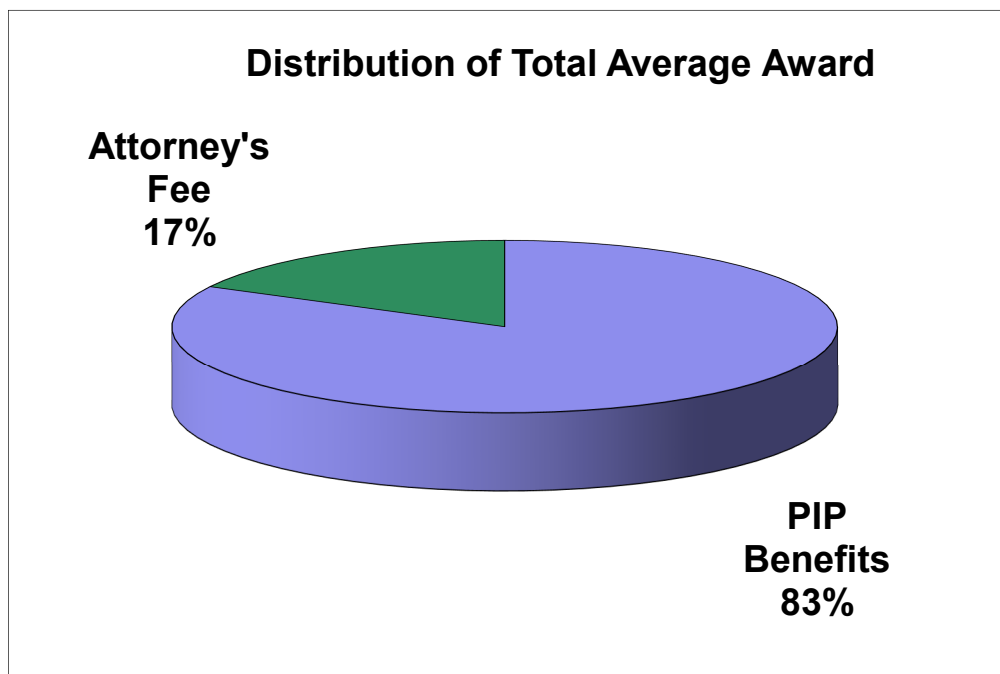
*Note: The award data in this section excludes appellate awards.*





#### PIP BENEFITS AND ATTORNEY'S FEES COMPARISON

System-wide, the average amount awarded in arbitration (excluding filing fees) was \$4,471, comprised of \$3,696 for personal injury protection benefits and \$775 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 \$3,696\* per case. Awarded amounts ranged from \$0 to \$403,682. The median award during the reporting period was \$879. 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 \$775 per case. Awarded attorney's fees ranged from \$0 to \$3,760. The median attorney's fee award during the reporting period was \$910. Note that the calculation of the average and median attorney's fee includes cases in which the amount awarded was \$0.

	<b>Average</b>	<b>Dollar Range</b>	<b>Median</b>
PIP Benefits' Award	\$3,696*	\$0 to \$403,682	\$879
Attorney's Fee Award	\$775	\$0 to \$3,760	\$910

*\* 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. Eight involved awards or dismissal orders rendered in the North Region, four in the Central Region, and five in the South Region. No OTP awards were appealed. Forty-one percent of awards appealed were vacated or modified. The following table reports the results.

	<b>IP - North</b>	<b>IP - Central</b>	<b>IP- South</b>	<b>OTP</b>	<b>Total</b>
Affirmed	4	3	3	0	10
Vacated & Corrected	1	0	1	0	2
Modified	3	1	1	0	5
Total	8	4	5	0	17

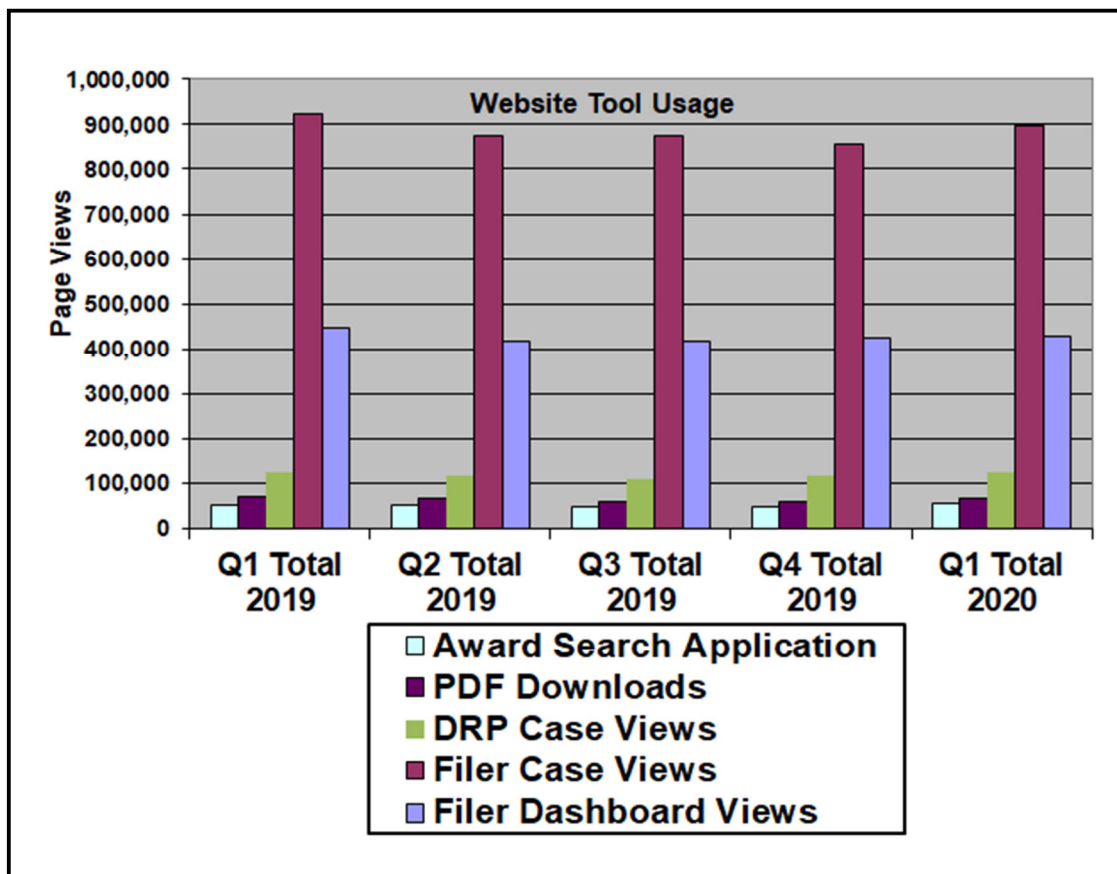
## MEDICAL REVIEW ORGANIZATION REPORT

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"), 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	8	0	8	1	8	0
FMCO	7	0	7	0	7	0
Rising Medical	6	0	6	0	5	1
SCS	7	0	7	2	7	0
Total	28	0	28	3	27	1

### 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](http://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	132	50	63	36	70	26	103
Andolino, Michael D.	NORTH	176	39	44	25	82	23	125
Annunziata, Maria	CENTRAL	128	48	48	35	73	12	104
Barry, Martin M.	CENTRAL	161	45	68	30	61	13	79
Campbell, Jennifer M.	CENTRAL	177	37	45	36	53	17	104
Carnelli, Christopher M.	SOUTH	146	63	65	38	57	14	74
Caserta, Patrick J.	NORTH	111	46	44	33	76	20	71
Cassella, Deborah M.	NORTH	178	44	53	41	96	14	107
Croft, Douglas M.	NORTH	194	40	40	31	72	11	125
Damiano, Robert S.	NORTH	93	27	11	12	37	9	42
Daniskas, Maria I.	NORTH	189	46	64	33	82	23	101
Della Badia, Joseph	NORTH	154	25	58	17	92	8	101
DeMarco, Jodi L.	NORTH	154	41	53	35	81	16	110
Ducey, John G.	CENTRAL	138	46	73	24	56	7	94
Eisele-Grabowski, Karen	SOUTH	133	56	68	39	82	18	111
Fabiano, Edward	NORTH	147	33	59	26	106	16	118
Fannan, John J.	CENTRAL	60	41	22	29	26	15	59
Fazio, Cataldo F.	NORTH	121	45	64	32	75	19	93
Finello, Susanne N.	SOUTH	131	54	72	34	74	13	73
Frankland, Suzanne J.	NORTH	172	41	48	31	80	17	98
Ganzhorn, Lisa A.	NORTH	127	47	50	27	87	9	113
Garrabrandt, James H.	NORTH	185	52	62	34	78	13	103
Grabowski, David A.	SOUTH	125	29	73	13	96	12	98
Granato, S. Caroline	SOUTH	120	38	69	26	84	13	109
Hackett, Michael	NORTH	158	27	55	28	76	12	103
Hebron, Sylvia A	NORTH	172	49	48	34	74	21	109
Johnston, Maureen M.	NORTH	193	41	64	40	58	18	96
Kaczka, Thomas M.	NORTH	114	26	53	17	67	18	96
Kaiser, Brian K.	NORTH	173	33	52	30	89	16	89
Karbasian, Carolyn K.	SOUTH	160	33	75	23	97	15	98
Keller, Grant W.	SOUTH	135	40	53	29	82	19	102
Kincade, Kathleen D.	CENTRAL	104	46	52	24	58	16	89
La Salle, Robert C.	NORTH	191	29	50	24	74	18	115
LaPorta Esq., David M.	NORTH	167	31	47	24	80	10	110
LaPorta, Phillip A.	NORTH	150	38	77	30	59	17	92
Lardiere, Andrea L	CENTRAL	155	61	42	33	73	7	108
McFadden (LI), Michael K.	SOUTH	10	0	5	0	3	0	5
McFadden, Michael K.	SOUTH	92	30	44	12	136	18	126
Miller, Matthew G.	NORTH	107	45	52	31	46	11	87

Mundy, Lisa D.	NORTH	173	37	37	32	104	10	119
Nardella, George C.	NORTH	176	44	55	30	98	19	126
Noonan, Scott M.	NORTH	182	34	55	25	86	12	96
O'Brien, Matthew J.	NORTH	112	30	47	26	70	15	100
O'Donnel, Kenneth L.	NORTH	182	27	52	17	86	12	106
Patriaco, Andrew A.	NORTH	162	48	58	36	65	16	110
Pettersen, Nina L.	SOUTH	145	52	75	27	70	12	114
Reis, Karen M.	NORTH	184	45	43	20	82	7	107
Remington-Knodel, Jennifer	NORTH	147	41	31	27	63	21	97
Reynolds, William E.	SOUTH	121	53	63	34	66	13	104
Riva, Joseph J.	NORTH	77	35	18	27	50	14	65
Rivera, Barbara Brosnan	NORTH	185	43	68	29	81	14	89
Sacco, Russ	NORTH	195	41	51	24	80	13	84
Sproviero, Scott G.	NORTH	167	43	41	32	83	16	130
Stampone, Vincenzo	NORTH	194	43	56	39	103	22	120
Tamburino, Joseph A.	NORTH	146	30	66	36	84	20	100
Tarrant, Tara D.	NORTH	203	25	64	14	66	13	105
Voorhees, Gregory X.	SOUTH	162	57	77	40	91	18	103
Wallen, Kate R.	SOUTH	49	36	31	22	58	5	47
<b>Total</b>		<b>8495</b>	<b>2326</b>	<b>3073</b>	<b>1633</b>	<b>4334</b>	<b>846</b>	<b>5662</b>

## APPENDIX B

DRP	Region	IP Cases	IP Age (in days)	OTP Cases	OTP Age (in days)
Aloi, Anthony	CENTRAL	176	120.99	43	73.26
Andolino, Michael	NORTH	282	124.12	33	76.73
Annunziata, Maria	CENTRAL	216	123.18	54	87.67
Barry, Martin	CENTRAL	229	137.75	54	75.35
Campbell, Jennifer	CENTRAL	274	126.74	42	88.14
Carnelli, Christopher	SOUTH	259	152.37	64	71.58
Caserta, Patrick	NORTH	15	261.53	2	163.00
Cassella, Deborah	NORTH	279	142.68	36	79.61
Croft, Douglas	NORTH	305	160.49	40	89.50
Damiano, Robert	NORTH	153	173.48	20	49.50
Daniskas, Maria	NORTH	298	157.10	45	71.47
Della Badia, Joseph	NORTH	273	146.62	32	70.28
DeMarco, Jodi	NORTH	256	137.89	39	79.90
Ducey, John	CENTRAL	213	103.29	32	63.72
Eisele-Grabowski, Karen	SOUTH	245	149.77	55	71.27
Fabiano, Edward	NORTH	237	147.98	43	71.49
Fannan, John	CENTRAL	123	150.44	39	66.54
Fazio, Cataldo	NORTH	21	230.10	6	174.33
Finello, Susanne	SOUTH	208	137.88	47	54.79
Frankland, Suzanne	NORTH	307	177.14	48	67.65
Ganzhorn, Lisa	NORTH	283	167.61	47	82.28
Garrabrandt, James	NORTH	293	143.87	57	66.33
Grabowski, David	SOUTH	226	145.37	35	60.97
Granato, S. Caroline	SOUTH	229	139.91	37	87.70
Hackett, Michael	NORTH	292	139.55	24	81.04
Hebron, Sylvia	NORTH	291	151.33	45	56.93
Johnston, Maureen	NORTH	273	129.10	35	79.54
Kaczka, Thomas	NORTH	20	238.85	3	161.67
Kaiser, Brian	NORTH	272	139.56	45	84.53
Karbasiyan, Carolyn	SOUTH	232	89.87	29	64.90
Keller, Grant	SOUTH	243	142.17	47	91.60
Kincade, Kathleen	CENTRAL	227	199.75	40	71.25
La Salle, Robert	NORTH	275	147.77	32	63.38
LaPorta, Phillip	NORTH	263	152.99	36	65.42
LaPorta Esq., David	NORTH	306	134.73	31	83.87
Lardiere, Andrea	CENTRAL	266	144.11	52	61.98
McFadden, Michael	SOUTH	193	164.76	28	50.04
McFadden (LI), Michael	SOUTH	34	167.97		
Miller, Matthew	NORTH	25	264.72	7	183.29
Mundy, Lisa	NORTH	276	136.61	38	82.45

Nardella, George	NORTH	284	126.62	51	74.22
Noonan, Scott	NORTH	303	148.76	41	89.54
O'Brien, Matthew	NORTH	39	203.54	12	180.17
O'Donnel, Kenneth	NORTH	303	132.29	23	76.91
Patriaco, Andrew	NORTH	287	164.72	42	76.62
Pettersen, Nina	SOUTH	242	112.50	57	77.81
Reis, Karen	NORTH	269	131.53	42	48.90
Remington-Knodel, Jennifer	NORTH	244	142.26	39	69.87
Reynolds, William	SOUTH	253	139.28	56	89.43
Riva, Joseph	NORTH	125	144.20	35	66.40
Rivera, Barbara	NORTH	309	141.50	39	64.79
Sacco, Russ	NORTH	272	110.94	40	61.68
Sproviero, Scott	NORTH	323	152.85	42	85.79
Stampone, Vincenzo	NORTH	291	132.76	37	56.92
Tamburino, Joseph	NORTH	265	120.65	29	80.55
Tarrant, Tara	NORTH	310	145.77	26	72.23
Voorhees, Gregory	SOUTH	258	123.66	60	74.90
Wallen, Kate	SOUTH	117	178.79	31	57.32

## Contact us

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