



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

No Fault PIP Arbitration  
3rd Quarter 2020



FORTHRIGHT

**3RD QUARTER 2020 REPORT**

**TO THE**

**NEW JERSEY DEPARTMENT OF BANKING AND INSURANCE**

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## EXECUTIVE SUMMARY

In the third quarter of 2020, 11,019 cases were initiated in the PIP dispute resolution program. Of these cases, 5,692 (52%) were initiated in the Northern region, 1,057 (10%) in the Central region, 1,806 (16%) in the Southern region, and 2,464 (22%) as OTP.

The DRP panel consisted of 52 members. The DRPs were regionally deployed as follows: 32 in the North, 8 in the Central, and 12 in the South. In this quarter, 9,925 cases were assigned to DRPs.

Of the pending cases in the PIP arbitration program, 9,816 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 457 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 \$5,179, comprised of \$4,394 for personal injury protection benefits and \$785 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.

Twenty-three appeals to panels of three DRPs were concluded during the reporting period. Seventeen involved awards or dismissal orders rendered in the North Region, three in the Central Region, and three in the South Region. No OTP awards were appealed. Seventeen percent of awards appealed were vacated or modified.

During the reporting period, 9 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.

## CASES INITIATED

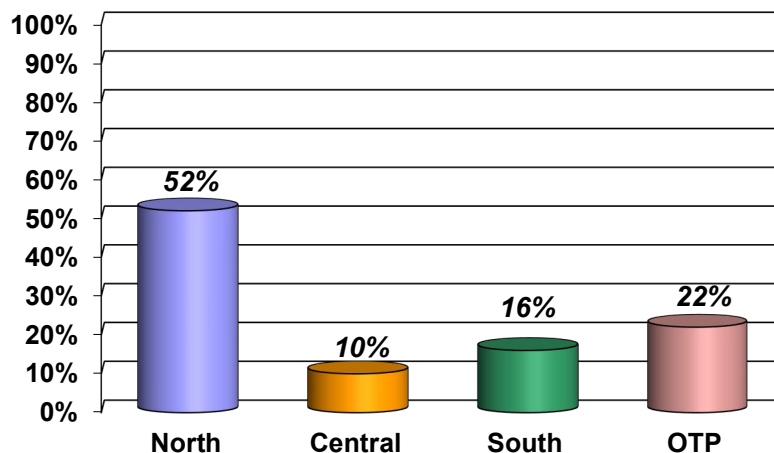
Cases are considered “filed” as of the date a Demand for Arbitration is received by Forthright. Case “initiation” occurs when an initiation letter is transmitted to the parties.

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 2020, 11,019 cases were initiated in the PIP dispute resolution program. Of these cases, 5,692 (52%) were initiated in the Northern region, 1,057 (10%) in the Central region, 1,806 (16%) in the Southern region, and 2,464 (22%) as OTP. See the table below for the monthly distribution.

	<b>IP - North</b>	<b>IP - Central</b>	<b>IP - South</b>	<b>OTP</b>	<b>Total</b>
July	2,067	415	754	878	4,114
August	1,879	371	551	805	3,606
September	1,746	271	501	781	3,299
<b>Totals</b>	<b>5,692</b>	<b>1,057</b>	<b>1,806</b>	<b>2,464</b>	<b>11,019</b>

**Cases Initiated by Region and OTP**



The following table summarizes the initiations for the quarters of 2020.

	<b>IP - North</b>	<b>IP -Central</b>	<b>IP - South</b>	<b>OTP</b>	<b>Total</b>
Q1 2020	5,511	1,287	1,998	2,151	10,947
Q2 2020	5,557	1,170	1,902	2,253	10,882
Q3 2020	5,692	1,057	1,806	2,464	11,019

## 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.

<b>Consolidation</b>	<b>Policy Issues</b>	<b>Change of Claim</b>	<b>Total</b>
407	18	54	479

## DISPOSITION OF CASES IN THE PIP ARBITRATION PROGRAM

Of the pending cases in the PIP arbitration program, 9,816 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.

<b>Disposition Type</b>	<b>IP - North</b>	<b>IP - Central</b>	<b>IP - South</b>	<b>OTP</b>	<b>Total</b>
Awarded/Denied	1,914	447	580	630	3,571
*Dismissed Pre-Hearing	2	1	1	0*	4
Settled	2,508	552	999	1,454	5,513
Withdrawn	348	69	93	218	728
Total	4,772	1,069	1,673	2,302	9,816

\* 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	40%	42%	35%	27%
Dismissed Pre-Hearing	(<1%)	(<1%)	(<1%)	N/A
Settled	53%	52%	60%	63%
Withdrawn	7%	6%	6%	9%

## 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
280	54	87	36	457

## 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*	1,586	326	550	1,145	3,607

*\* 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 52 members. The DRPs were regionally deployed as follows: 32 in the North, 8 in the Central, and 12 in the South. In this quarter, 9,925 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 7,482 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 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	2,083	473	601	3,157	636
Dismissed by DRP	2	1	1	4	0
Settled	951	234	442	1,627	1,452
Withdrawn	264	51	74	389	217
<b>Total</b>	<b>3,300</b>	<b>759</b>	<b>1,118</b>	<b>5,177</b>	<b>2,305</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 third 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 3,340 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 (2,825), 66% were in the North region, 15% in the Central region, and 19% 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 third 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.

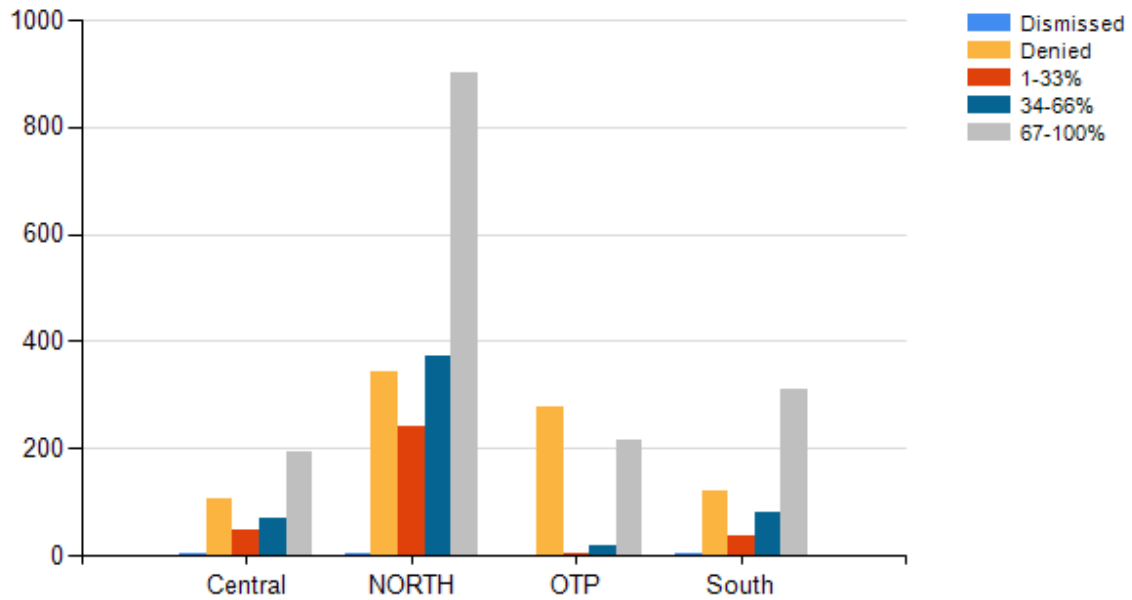
For purposes of the data table and chart below, amended amounts are captured within a total amount claimed and then compared to the total amount awarded.

	<b>Dismissed</b>	<b>Denied</b>	<b>1-33%</b>	<b>34-66%</b>	<b>67-100%</b>	<b>Total</b>
IP - Central	1	107	48	68	192	416
IP - North	2	343	240	371	903	1,859
IP - South	1	122	36	79	312	550
OTP	0*	277	3	20	215	515
<b>Total</b>	<b>4</b>	<b>849</b>	<b>327</b>	<b>538</b>	<b>1,622</b>	<b>3,340</b>

*\* Not applicable to OTP proceedings.*

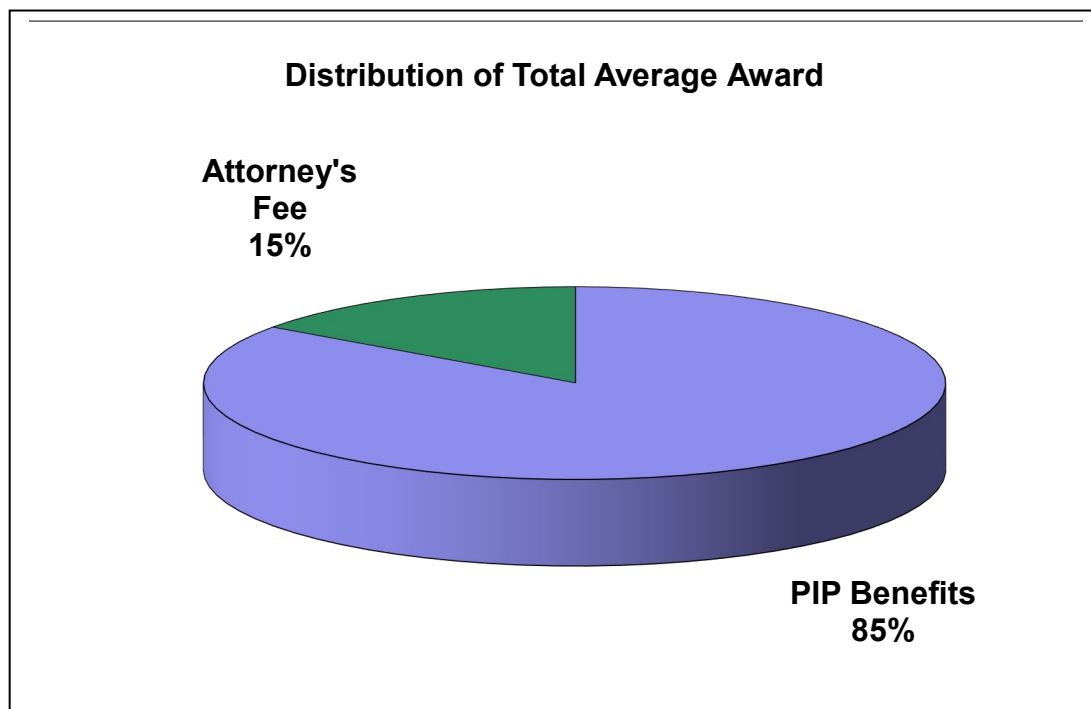
*Note: The award data in this section excludes appellate awards.*





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

System-wide, the average amount awarded in arbitration (excluding filing fees) was \$5,179, comprised of \$4,394 for personal injury protection benefits and \$785 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 \$4,394\* per case. Awarded amounts ranged from \$0 to \$303,680. The median award during the reporting period was \$932. 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 \$785 per case. Awarded attorney's fees ranged from \$0 to \$4,500. 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.

	<b>Average</b>	<b>Dollar Range</b>	<b>Median</b>
PIP Benefits' Award	\$4,394*	\$0 to \$303,680	\$932
Attorney's Fee Award	\$785	\$0 to \$4,500	\$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

Twenty-three appeals to panels of three DRPs were concluded during the reporting period. Seventeen involved awards or dismissal orders rendered in the North Region, three in the Central Region, and three in the South Region. No OTP awards were appealed. Seventeen 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	15	2	2	0	19
Vacated & Corrected	1	1	1	0	3
Modified	1	0	0	0	1
Total	17	3	3	0	23

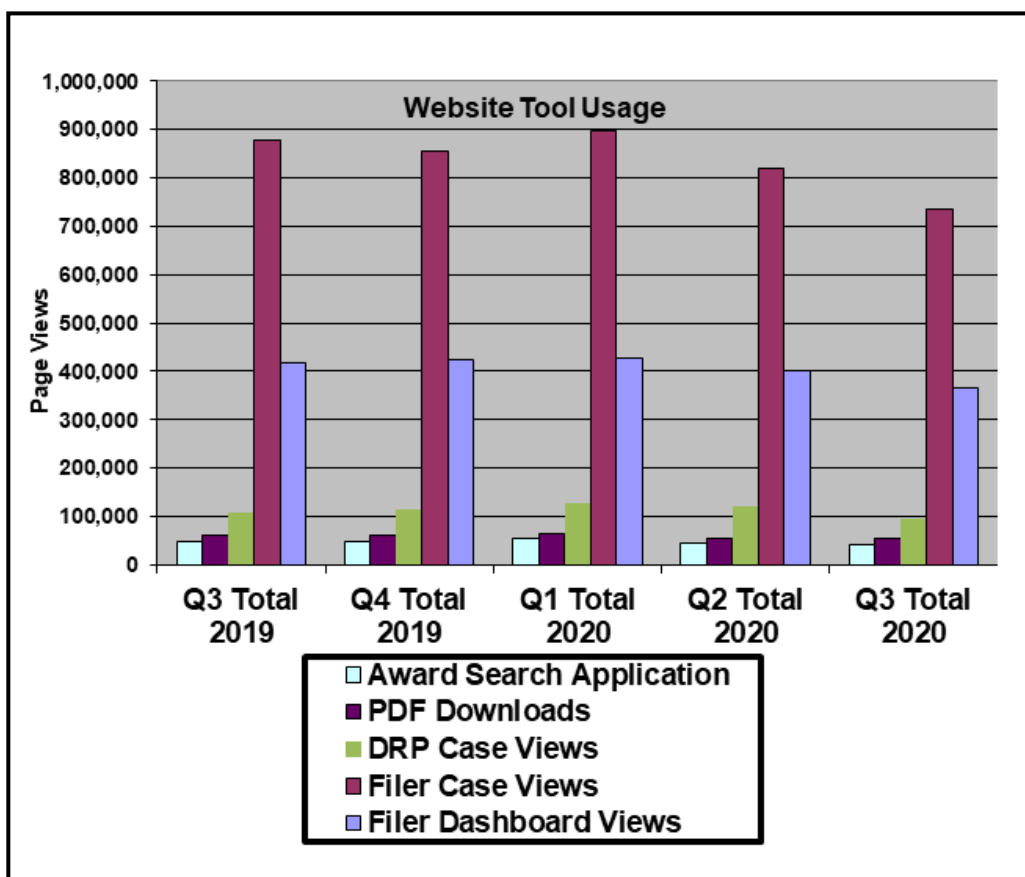
## MEDICAL REVIEW ORGANIZATION REPORT

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	4	0	4	1	3	1
FMCO	2	0	2	0	2	0
Rising Medical	1	0	1	0	1	0
SCS	2	0	2	0	2	0
Total	9	0	9	1	8	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	172	59	50	34	77	12	93
Andolino, Michael D.	NORTH	195	57	59	36	66	9	86
Annunziata, Maria	CENTRAL	86	57	20	39	52	14	72
Barry, Martin M.	CENTRAL	123	52	34	37	43	17	63
Campbell, Jennifer M.	CENTRAL	174	61	49	40	85	11	104
Carnelli, Christopher M.	SOUTH	179	64	75	42	61	22	105
Cassella, Deborah M.	NORTH	257	57	59	34	111	8	126
Croft, Douglas M.	NORTH	224	57	46	36	54	4	90
Damiano, Robert S.	NORTH	141	46	36	33	67	7	66
Daniskas, Maria I.	NORTH	65	12	21	15	42	12	21
Della Badia, Joseph	NORTH	195	51	75	30	87	7	97
DeMarco, Jodi L.	NORTH	235	60	55	40	78	15	101
Ducey, John G.	CENTRAL	146	62	53	31	68	11	91
Eisele-Grabowski, Karen	SOUTH	94	48	35	22	38	16	49
Fabiano, Edward	NORTH	277	60	62	37	73	12	85
Fannan, John J.	CENTRAL	70	60	22	38	35	10	34
Finiello, Susanne N.	SOUTH	176	60	79	42	74	14	101
Frankland, Suzanne J.	NORTH	235	61	47	37	130	17	125
Ganzhorn, Lisa A.	NORTH	114	11	23	16	53	19	71
Garrabrandt, James H.	NORTH	94	31	30	22	75	17	78
Grabowski, David A.	SOUTH	97	47	32	33	26	5	70
Granato, S. Caroline	SOUTH	85	54	33	37	46	12	51
Hackett, Michael	NORTH	76	12	27	11	46	10	57
Hebron, Sylvia A	NORTH	104	31	28	28	60	11	58
Johnston, Maureen M.	NORTH	109	9	21	11	56	14	62
Kaiser, Brian K.	NORTH	104	13	25	12	49	12	62
Karbasian, Carolyn K.	SOUTH	212	65	62	40	41	10	71
Keller, Grant W.	SOUTH	207	66	37	49	86	18	67
Kincade, Kathleen D.	CENTRAL	63	65	19	47	40	14	49
La Salle, Robert C.	NORTH	103	51	24	33	52	12	59
LaPorta Esq., David M.	NORTH	198	54	40	36	70	14	103
LaPorta, Phillip A.	NORTH	95	62	36	53	32	11	47
Lardiere, Andrea L	CENTRAL	170	54	59	29	70	17	98
McFadden, Michael K.	SOUTH	76	49	28	35	27	8	40
Mundy, Lisa D.	NORTH	118	61	19	38	82	12	66
Nardella, George C.	NORTH	222	61	49	47	60	12	101
Noonan, Scott M.	NORTH	83	14	25	14	45	12	69
O'Donnel, Kenneth L.	NORTH	51	10	15	7	54	7	49
Patriaco, Andrew A.	NORTH	108	32	18	18	63	11	61
Pettersen, Nina L.	SOUTH	84	58	35	35	47	16	63
Reis, Karen M.	NORTH	183	58	50	40	65	13	104
Remington-Knodel, Jennifer	NORTH	204	64	38	50	92	20	101

Reynolds, William E.	SOUTH	94	74	31	53	38	20	73
Riva, Joseph J.	NORTH	120	65	21	46	24	10	38
Rivera, Barbara Brosnan	NORTH	85	10	23	8	31	13	40
Sacco, Russ	NORTH	215	47	53	38	91	13	112
Sproviero, Scott G.	NORTH	117	23	25	16	51	15	65
Stampone, Vincenzo	NORTH	219	59	44	42	75	6	89
Tamburino, Joseph A.	NORTH	86	21	32	13	46	7	58
Tarrant, Tara D.	NORTH	240	52	34	26	102	6	120
Voorhees, Gregory X.	SOUTH	192	54	67	33	83	15	100
Wallen, Kate R.	SOUTH	82	50	30	30	37	6	44
<b>Total</b>		7454	2471	2010	1669	3156	636	3,905

## APPENDIX B

DRP	Region	IP Cases	IP Age (in days)	OTP Cases	OTP Age (in days)
Aloi, Anthony M.	CENTRAL	243	132.63	52	62.06
Andolino, Michael D.	NORTH	319	130.41	49	65.47
Annunziata, Maria	CENTRAL	205	170.38	38	59.21
Barry, Martin M.	CENTRAL	182	159.01	39	70.23
Campbell, Jennifer M.	CENTRAL	304	134.79	57	73.18
Carnelli, Christopher M.	SOUTH	303	151.91	62	77.56
Cassella, Deborah M.	NORTH	396	127.27	51	64.86
Croft, Douglas M.	NORTH	405	151.68	52	76.21
Damiano, Robert S.	NORTH	213	152.45	32	55.47
Daniskas, Maria I.	NORTH	192	223.80	14	104.50
Della Badia, Joseph	NORTH	366	134.48	37	49.81
DeMarco, Jodi L.	NORTH	396	140.94	50	69.06
Ducey, John G.	CENTRAL	264	118.44	48	54.92
Eisele-Grabowski, Karen	SOUTH	187	169.78	47	69.89
Fabiano, Edward	NORTH	383	113.49	55	64.60
Fannan, John J.	CENTRAL	144	147.99	48	58.79
Finiello, Susanne N.	SOUTH	276	130.82	54	75.87
Frankland, Suzanne J.	NORTH	369	137.72	50	60.26
Ganzhorn, Lisa A.	NORTH	238	183.07	23	111.17
Garrabrandt, James H.	NORTH	232	186.05	31	94.84
Grabowski, David A.	SOUTH	213	158.56	36	77.06
Granato, S. Caroline	SOUTH	178	167.61	48	67.83
Hackett, Michael	NORTH	208	208.26	11	61.73
Hebron, Sylvia A	NORTH	226	177.35	32	80.19
Johnston, Maureen M.	NORTH	230	169.50	14	108.14
Kaiser, Brian K.	NORTH	258	177.53	23	96.09
Karbasian, Carolyn K.	SOUTH	298	110.80	56	61.71
Keller, Grant W.	SOUTH	324	132.06	54	69.69
Kincade, Kathleen D.	CENTRAL	157	153.97	36	58.44
La Salle, Robert C.	NORTH	251	188.31	35	49.43
LaPorta, Phillip A.	NORTH	217	185.34	40	66.38
LaPorta Esq., David M.	NORTH	372	134.17	36	51.00
Lardiere, Andrea L	CENTRAL	289	166.91	57	81.26
McFadden, Michael K.	SOUTH	157	202.04	36	58.64
Mundy, Lisa D.	NORTH	244	166.47	49	72.43
Nardella, George C.	NORTH	406	125.81	45	74.29
Noonan, Scott M.	NORTH	249	198.29	8	96.25
O'Donnel, Kenneth L.	NORTH	206	223.77	12	82.67
Patriaco, Andrew A.	NORTH	233	191.38	44	78.91
Pettersen, Nina L.	SOUTH	164	160.16	46	67.26
Reis, Karen M.	NORTH	371	153.93	44	58.20
Remington-Knodel, Jennifer	NORTH	366	136.45	50	80.06
Reynolds, William E.	SOUTH	184	161.84	55	72.20
Riva, Joseph J.	NORTH	210	149.40	45	58.00
Rivera, Barbara Brosnan	NORTH	222	220.49	11	75.73
Sacco, Russ	NORTH	340	153.70	34	65.06
Sproviero, Scott G.	NORTH	260	190.22	20	93.85
Stampone, Vincenzo	NORTH	381	135.40	51	77.39
Tamburino, Joseph A.	NORTH	209	155.01	17	62.18

Tarrant, Tara D.	NORTH	399	146.77	44	65.09
Voorhees, Gregory X.	SOUTH	304	137.90	59	81.17
Wallen, Kate R.	SOUTH	149	155.28	41	47.98

## Contact us

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