



AUTOMOBILES

NEW JERSEY DEPARTMENT OF
BANKING AND INSURANCE
QUARTERLY REPORT

No Fault PIP Arbitration
4th Quarter 2022



FORTHRIGHT

4TH QUARTER 2022 REPORT
TO THE
NEW JERSEY DEPARTMENT OF BANKING AND INSURANCE

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EXECUTIVE SUMMARY

In the fourth quarter of 2022, 10,264 cases were initiated in the PIP dispute resolution program. As of August 1, 2022, regions were eliminated by rule amendment and, accordingly, initiations will no longer be reported by region. Of these cases initiated, 7,965 (78%) were initiated as In-Person and 2,299 (22%) as OTP.

The DRP panel consisted of 41 members. For disposition of case data, the DRPs were designated as follows: 29 in the North, 5 in the Central, and 7 in the South. In this quarter 9,049 cases were assigned to DRP.

On August 1, 2022, the amended rules went into effect eliminating regions, allowing cases filed after that date to be assigned to DRPs throughout the state without regard to region. This report for the fourth quarter of 2022 will be the last report to the Department with regional breakdowns.

The amended rules prioritized videoconference “in-person” hearings, with a procedure to request a non-video hearing. During the third and fourth quarter of 2022, Forthright did not receive any requests for a non-video hearing.

Of the pending cases in the PIP arbitration program, 11,090 were concluded during the fourth quarter by means of an award or denial of award (including appeals), pre-hearing dismissal of the case, settlement, or withdrawal. There were 498 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 \$5,748 comprised of \$4,927 for personal injury protection benefits and \$821 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.

Ten appeals to panels of three DRPs were concluded during the reporting period. Seven involved awards or dismissal orders rendered in the North Region, one in the Central Region, and one in the South Region. One OTP award was appealed. Thirty percent of awards appealed were vacated or modified.

During the reporting period, 12 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.

As of August 1, 2022, cases which qualify for “in-person” (“IP”) proceedings are no longer region-specific and are assigned to any DRP throughout the state without regard to region. Cases that proceed “on-the-papers” (“OTP”) are also not region-specific and may be assigned to any DRP. Throughout this report, data are reported as OTP or IP. Regional breakdowns of disposition data continues to describe IP cases only and will bear the designation of “IP - [region].”

In the fourth quarter of 2022, 10,264 cases were initiated in the PIP dispute resolution program. As of August 1, 2022, regions were eliminated by rule amendment and, accordingly, initiations will no longer be reported by region. Of these cases initiated, 7,965 (78%) were initiated as In-Person and 2,299 (22%) as OTP. See the table below for the monthly distribution.

	IP	OTP	Total
October	2,825	786	3,611
November	2,684	842	3,526
December	2,456	671	3,127
Totals	7,965	2,299	10,264

On August 1, 2022, the amended rules went into effect eliminating regions, allowing cases filed after that date to be assigned to DRPs throughout the state without regard to region. This report for the fourth quarter of 2022 will be the last report to the Department with regional breakdowns.

Also, the amended rules prioritized videoconference “in-person” hearings, with a procedure to request a non-video hearing. During the fourth quarter of 2022, Forthright did not receive any requests for a non-video hearing.

The following table summarizes the initiations for the quarters of 2022.

	IP - North	IP - Central	IP - South	Total IP	OTP	Total
Q1 2022	5,489	1,255	1,538	8,282	2,293	10,575
Q2 2022	5,909	1,259	1,464	8,632	2,368	11,000
Q3 2022	-	-	-	8,102	2,262	10,364
Q4 2022	-	-	-	7,965	2,299	10,264

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 fourth quarter and the reason.

Consolidation	Policy Issues	Change of Claim	Total
290	31	88	409

DISPOSITION OF CASES IN THE PIP ARBITRATION PROGRAM

Of the pending cases in the PIP arbitration program, 11,090 were concluded during the fourth 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	No Region	OTP	Total
Awarded/Denied	2,166	425	681	8	559	3,839
Dismissed Pre-Hearing	1	0	0	8	0*	9
Settled	816	155	217	3367	1,532	6,087
Withdrawn	365	65	63	384	278	1,155
Total	3,348	645	961	3767	2,369	11,090

* 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.**

Disposition Type	IP - North	IP - Central	IP - South	No Region	OTP
Awarded/Denied	65%	66%	71%	<1%	24%
Dismissed	<1%	<1%	<1%	<1%	<1%
Settled	24%	24%	23%	89%	65%
Withdrawn	11%	10%	7%	10%	12%

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.

In-Person (IP)	On The Papers (OTP)	Total
447	51	498

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.

	In-Person (IP)	On The Papers (OTP)	Total
Settlements*	2,672	1,155	3,827

** 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 41 members. For disposition data, the DRPs were designated as follows: 29 in the North, 5 in the Central, and 7 in the South. In this quarter 9,049 cases were assigned to DRP.

On August 1, 2022, the amended rules went into effect eliminating regions, allowing cases filed after that date to be assigned to DRPs throughout the state without regard to region.

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 8,475 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 fourth quarter of 2022 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	2,297	441	699	3,437	569
Dismissed by DRP	10	1	0	11	0*
Settled	1,424	207	347	1,978	1,523
Withdrawn	508	82	89	679	278
Total	4,239	731	1,135	6,105	2,370

* 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 fourth quarter of 2022 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 3,987 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 (3,428), 67% were in the North region, 13% in the Central region, and 20% 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

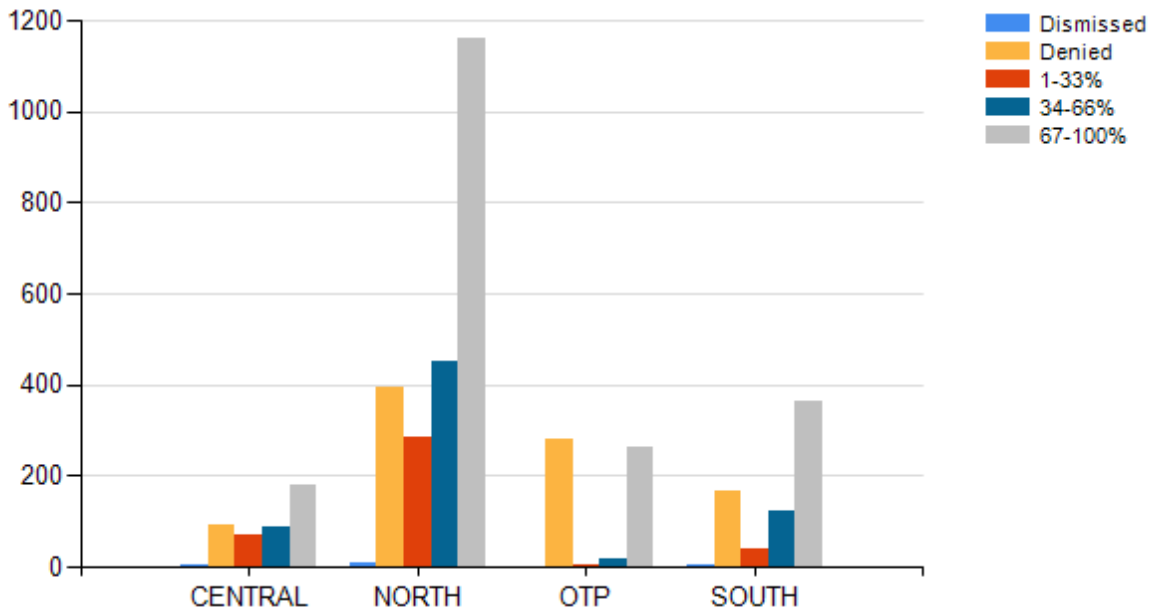
DRPs can deny a claim in its entirety or award all or part of an amount requested by a Claimant. For cases decided in the fourth quarter of 2022, the table and graph below indicate the distribution of DRP total awarded amounts, from 0% (denied/dismissed) to 100% of claimed amounts. Total awarded amounts 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 - North	10	394	284	451	1,160	2,299
IP - Central	1	93	71	86	181	432
IP - South	1	167	41	124	364	697
OTP	0*	279	2	16	262	559
Total	12	933	398	677	1,967	3,987

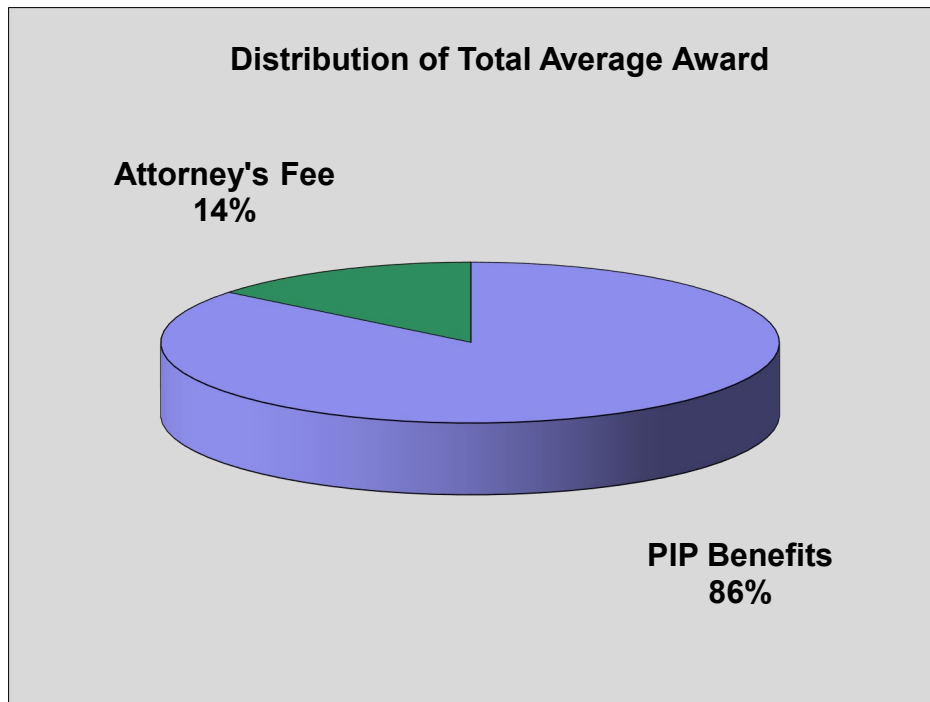
* Not applicable to OTP proceedings.

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 \$5,748 comprised of \$4,927 for personal injury protection benefits and \$821 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 \$4,927* per case. Awarded amounts ranged from \$0 to \$449,230. The median award during the reporting period was \$936. 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 \$821 per case. Awarded attorney's fees ranged from \$0 to \$4,000. 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	\$4,927	\$0 to \$449,230	\$936
Attorney's Fee Award	\$821	\$0 to \$4,000	\$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

Ten appeals to panels of three DRPs were concluded during the reporting period. Seven involved awards or dismissal orders rendered in the North Region, one in the Central Region, and one in the South Region. One OTP award was appealed. Thirty percent of awards appealed were vacated or modified. The following table reports the results.

	IP - North	IP - Central	IP- South	OTP	Total
Affirmed	5	0	1	1	7
Vacated & Corrected	1	0	0	0	1
Modified	1	1	0	0	2
Total	7	1	1	1	10

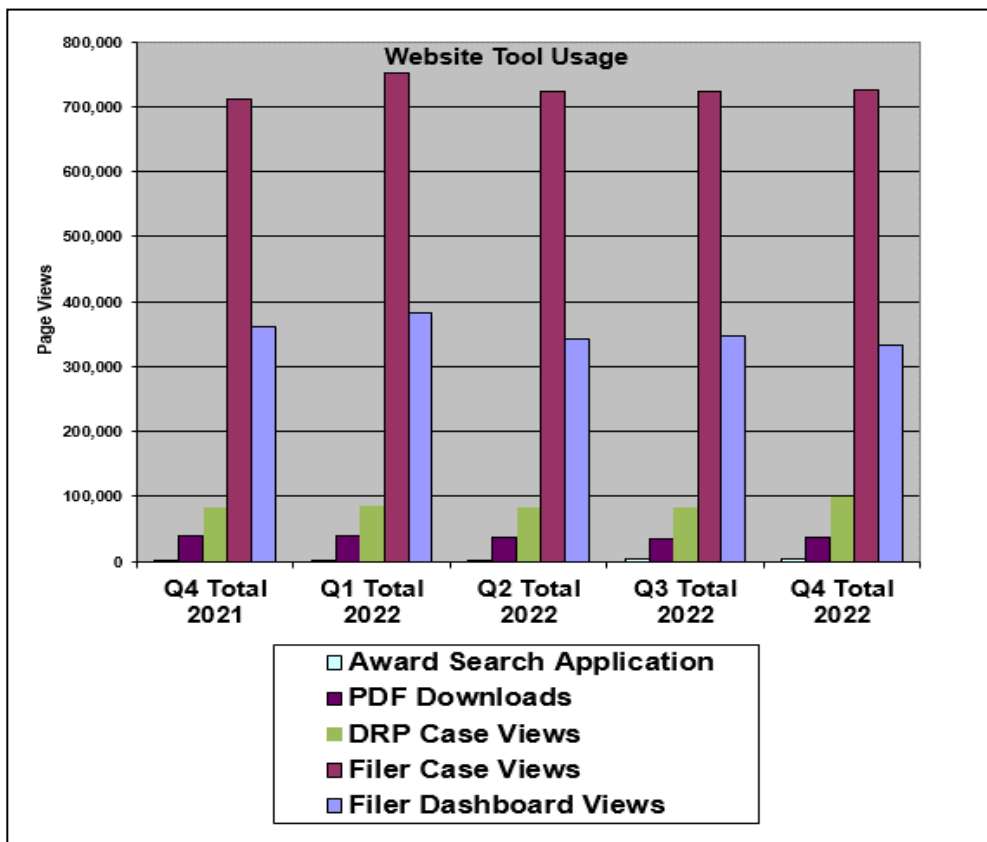
MEDICAL REVIEW ORGANIZATION REPORT

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	2	1
FMCO	4	0	4	2	4	0
Rising Medical	2	0	2	0	1	1
SCS	3	0	3	0	3	0
Total	12	0	12	3	10	2

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	140	57	72	35	83	14	73
Andolino, Michael D.	NORTH	162	60	62	46	71	13	61
Campbell, Jennifer M.	CENTRAL	133	35	51	32	95	15	85
Carnelli, Christopher M.	SOUTH	129	63	51	58	96	14	78
Cassella, Deborah M.	NORTH	182	60	78	55	67	18	67
Croft, Douglas M.	NORTH	149	43	56	41	92	17	73
Daniskas, Maria I.	NORTH	177	70	80	56	62	17	79
Della Badia, Joseph	NORTH	170	57	72	36	82	14	67
DeMarco, Jodi L.	NORTH	150	52	53	51	90	12	74
Ducey, John G.	CENTRAL	105	48	57	31	127	20	86
Eisele-Grabowski, Karen	SOUTH	173	52	71	43	120	21	102
Fabiano, Edward	NORTH	154	68	63	58	80	17	83
Fannan, John J.	CENTRAL	125	34	37	10	42	3	49
Finiello, Susanne N.	SOUTH	124	64	56	45	104	9	80
Frankland, Suzanne J.	NORTH	141	58	52	43	59	17	80
Ganzhorn, Lisa A.	NORTH	135	52	57	40	87	19	93
Garrabrandt, James H.	NORTH	127	52	58	47	85	18	63
Grabowski, David A.	SOUTH	204	55	71	59	115	21	107
Hackett, Michael	NORTH	221	64	95	51	74	15	67
Hebron, Sylvia A	NORTH	190	58	72	43	92	13	88
Johnston, Maureen M.	NORTH	200	63	80	42	75	9	82
Kaiser, Brian K.	NORTH	149	71	83	47	86	20	78
Karbasian, Carolyn K.	SOUTH	223	62	53	51	68	8	70
Keller, Grant W.	SOUTH	145	64	67	66	114	20	100
La Salle, Robert C.	NORTH	193	66	78	54	95	16	84
LaPorta, David M.	NORTH	185	50	46	38	81	20	77
LaPorta, Phillip A.	NORTH	195	69	84	51	62	9	56
Lardiere, Andrea L	CENTRAL	111	40	50	24	83	9	83
Mundy, Lisa D.	NORTH	179	59	96	45	78	11	73
Nardella, George C.	NORTH	179	56	70	38	82	14	87
Noonan, Scott M.	NORTH	216	74	84	53	107	19	79

O'Donnel, Kenneth L.	NORTH	179	58	69	53	80	14	86
Patriaco, Andrew A.	NORTH	224	60	55	57	85	16	82
Reis, Karen M.	NORTH	199	56	65	50	85	14	69
Remington-Knodel, Jennifer	NORTH	193	54	61	40	100	6	90
Riva, Joseph J.	NORTH	144	28	38	10	43	0	41
Sacco, Russ	NORTH	102	47	95	40	102	16	81
Stampono, Vincenzo	NORTH	148	59	53	47	79	19	78
Tamburino, Joseph A.	NORTH	97	39	38	12	41	0	40
Tarrant, Tara D.	NORTH	156	60	51	46	81	18	83
Voorhees, Gregory X.	SOUTH	234	70	75	57	87	4	66
Total		6742	2307	2655	1801	3437	569	3140

APPENDIX B

	Region	IP Cases	IP Age (in Days)	OTP Cases	OTP Age (in Days)
Aloi, Anthony M.	CENTRAL	433	230.88	41	59.27
Andolino, Michael D.	NORTH	399	205.74	51	64.22
Campbell, Jennifer M.	CENTRAL	471	265.54	28	79.29
Carnelli, Christopher M.	SOUTH	382	226.63	45	66.44
Cassella, Deborah M.	NORTH	381	200.82	47	65.28
Croft, Douglas M.	NORTH	388	274.05	40	84.58
Daniskas, Maria I.	NORTH	424	195.47	58	77.47
Della Badia, Joseph	NORTH	367	217.3	40	47.83
DeMarco, Jodi L.	NORTH	440	240.98	36	69.97
Ducey, John G.	CENTRAL	444	237.6	41	57.54
Eisele-Grabowski, Karen	SOUTH	365	190.56	48	81.56
Fabiano, Edward	NORTH	389	212.48	50	58.34
Fannan, John J.	CENTRAL	247	240.31	29	33.52
Finiello, Susanne N.	SOUTH	332	197.76	53	65.85
Frankland, Suzanne J.	NORTH	380	241.02	50	58.16
Ganzhorn, Lisa A.	NORTH	428	248.55	45	85.69
Garrabrandt, James H.	NORTH	393	218.59	43	69.47
Grabowski, David A.	SOUTH	379	182.78	44	82.64
Hackett, Michael	NORTH	400	173.51	46	60.96
Hebron, Sylvia A	NORTH	403	203.53	48	55.15
Johnston, Maureen M.	NORTH	457	243.66	52	70.37
Kaiser, Brian K.	NORTH	386	187.68	50	67.1
Karbasian, Carolyn K.	SOUTH	433	199.22	55	74.89
Keller, Grant W.	SOUTH	338	211.33	45	77.4
La Salle, Robert C.	NORTH	412	178.01	57	77.07
LaPorta, David M.	NORTH	418	169.13	52	61.62
LaPorta, Phillip A.	NORTH	405	214.7	46	72.85
Lardiere, Andrea L	CENTRAL	449	234	47	69.87
Mundy, Lisa D.	NORTH	398	163.52	47	64.53
Nardella, George C.	NORTH	400	236.86	55	81
Noonan, Scott M.	NORTH	446	238.36	48	63.88

O'Donnel, Kenneth L.	NORTH	423	214.49	38	81.24
Patriaco, Andrew A.	NORTH	439	174.23	55	80.49
Reis, Karen M.	NORTH	369	224.99	42	59.81
Remington-Knodel, Jennifer	NORTH	390	211.99	48	69.81
Riva, Joseph J.	NORTH	247	199.66	20	14.95
Sacco, Russ	NORTH	336	258.93	40	63.45
Stampone, Vincenzo	NORTH	381	233.82	49	69.24
Tamburino, Joseph A.	NORTH	215	225.05	32	28.03
Tarrant, Tara D.	NORTH	410	241.99	45	67.27
Voorhees, Gregory X.	SOUTH	399	181.24	53	80.81

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