



AUTOMOBILES

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

No Fault PIP Arbitration  
**1st Quarter 2023**



**FORTHRIGHT**

**1ST QUARTER 2023 REPORT**  
**TO THE**  
**NEW JERSEY DEPARTMENT OF BANKING AND INSURANCE**

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## EXECUTIVE SUMMARY

In the first quarter of 2023, 11,027 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, 8,729 (79%) were initiated as In-Person and 2,298 (21%) as OTP.

The DRP panel consisted of 41 members. In this quarter 9,462 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. The report for the fourth quarter of 2022 was 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 and the first quarter of 2023, Forthright did not receive any requests for a non-video hearing.**

Of the pending cases in the PIP arbitration program, 11,128 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 541 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 \$6,224 comprised of \$5,280 for personal injury protection benefits and \$844 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.

Eleven appeals to panels of three DRPs were concluded during the reporting period. All involved awards or dismissal orders rendered in In Person matters. No OTP awards were appealed. Forty-five percent of awards appealed were vacated or modified.

During the reporting period, 8 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.

In the first quarter of 2023, 11,027 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, 8,729 (79%) were initiated as In-Person and 2,298 (21%) as OTP. See the table below for the monthly distribution.

	<b>In-Person (IP)</b>	<b>On The Papers (OTP)</b>	<b>Total</b>
January	2,937	757	3,694
February	2,665	711	3,376
March	3,127	830	3,957
Totals	8,729	2,298	11,027

**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.**

**Also, the amended rules prioritized videoconference “in-person” hearings, with a procedure to request a non-video hearing. During the first quarter of 2023, Forthright did not receive any requests for a non-video hearing.**

## 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>
279	27	88	394

**DISPOSITION OF CASES IN THE PIP ARBITRATION PROGRAM**

Of the pending cases in the PIP arbitration program, 11,128 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 IP as well as the OTP category.

<b>Disposition Type</b>	<b>In-Person (IP)</b>	<b>On The Papers (OTP)</b>	<b>Total</b>
Awarded/Denied	3,103	455	3,558
Dismissed Pre-Hearing	6	0*	6
Settled	4,955	1,487	6,442
Withdrawn	877	246	1,123
<b>Total</b>	<b>8,940</b>	<b>2,188</b>	<b>11,128</b>

\* 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 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>In-Person (IP)</b>	<b>On The Papers (OTP)</b>
Awarded/Denied	35%	21%
Dismissed	<1%	N/A
Settled	55%	68%
Withdrawn	10%	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.

<b>In-Person (IP)</b>	<b>On The Papers (OTP)</b>	<b>Total</b>
504	37	541

## 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.

	<b>In-Person (IP)</b>	<b>On The Papers (OTP)</b>	<b>Total</b>
Settlements*	2,891	1,099	3,990

*\* 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. In this quarter 9,462 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 8,311 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 2023 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>In-Person (IP)</b>	<b>On The Papers (OTP)</b>
Awarded/Denied	3,293	453
Dismissed by DRP	6	0*
Settled	2,181	1,481
Withdrawn	650	247
<b>Total</b>	<b>6,130</b>	<b>2,181</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 2023 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**

**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.**

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**

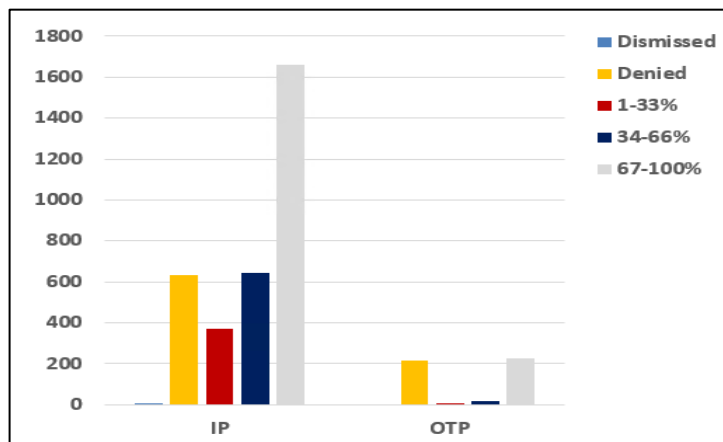
DRPs can deny a claim in its entirety or award all or part of an amount requested by a Claimant. For cases decided in the first quarter of 2023, the table and graph below indicate the distribution of DRP total awarded amounts, from 0% (denied/dismissed) to 100% of claimed amounts. Total awarded amounts 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	6	631	370	642	1,661	3,310
OTP	0*	215	4	15	226	460
Total	6	846	374	657	1,887	3,770

\* Not applicable to OTP proceedings.

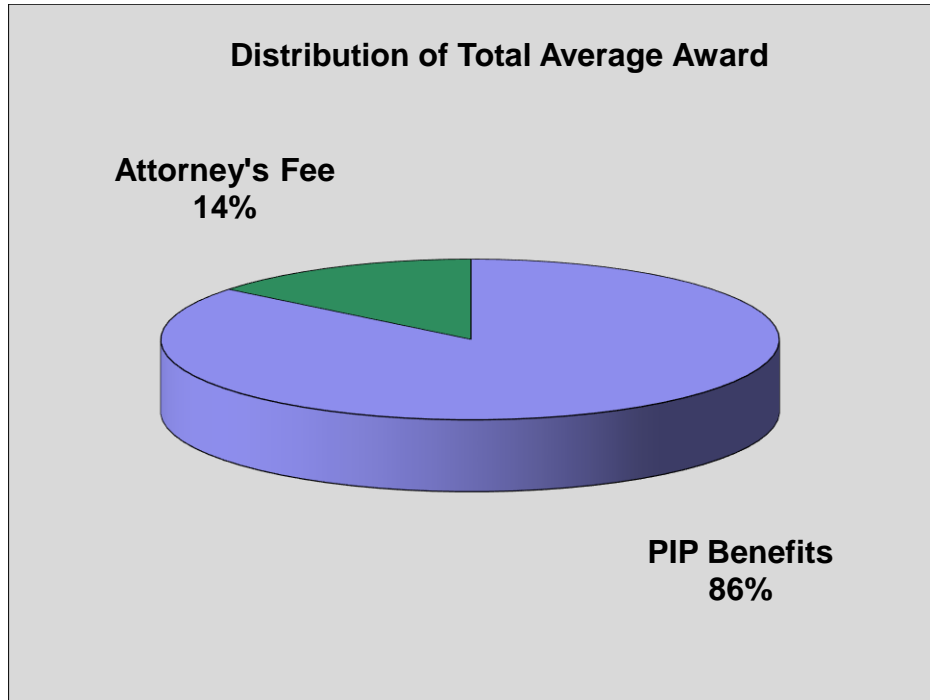
Note: The award data in this section excludes appellate awards.





**PIP BENEFITS AND ATTORNEY’S FEES COMPARISON**

System-wide, the average amount awarded in arbitration (excluding filing fees) was \$6,224 comprised of \$5,280 for personal injury protection benefits and \$844 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 \$5,380\* per case. Awarded amounts ranged from \$0 to \$447,490. The median award during the reporting period was \$985. 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 \$844 per case. Awarded attorney’s fees ranged from \$0 to \$4,340. 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.

	<b>Average</b>	<b>Dollar Range</b>	<b>Median</b>
PIP Benefits’ Award	\$5,380	\$0 to \$427,490	\$985
Attorney’s Fee Award	\$844	\$0 to \$4,340	\$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**

Eleven appeals to panels of three DRPs were concluded during the reporting period. All involved awards or dismissal orders rendered in In Person matters. No OTP awards were appealed. Forty-five percent of awards appealed were vacated or modified. The following table reports the results.

	<b>IP</b>	<b>OTP</b>	<b>Total</b>
Affirmed	6	0	6
Vacated & Corrected	1	0	1
Vacated & Remanded	2	0	2
Modified	2	0	2
<b>Total</b>	<b>11</b>	<b>0</b>	<b>11</b>

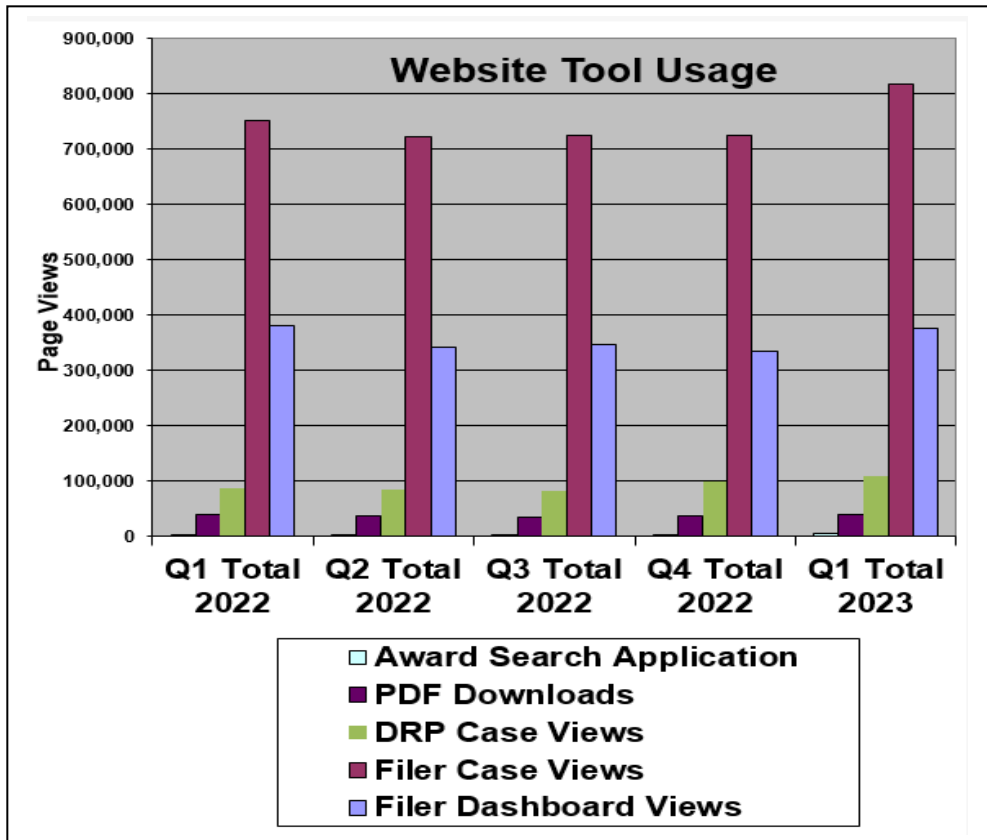
**MEDICAL REVIEW ORGANIZATION REPORT**

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.

<b>MRO</b>	<b>Request By Party</b>	<b>Request By DRP</b>	<b>Total Requests</b>	<b>Request for Information</b>	<b>Report in 20 Business Days</b>	<b>Report After 20 Business Days</b>
ExamWorks	2	0	2	0	2	0
FMCO	2	0	2	0	2	0
Rising Medical	2	0	2	0	1	1
SCS	2	0	2	0	2	0
<b>Total</b>	<b>8</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>7</b>	<b>1</b>

### 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	142	47	84	41	97	11	121
Andolino, Michael D.	NORTH	182	59	66	44	71	11	84
Campbell, Jennifer M.	CENTRAL	157	49	59	30	98	10	123
Carnelli, Christopher M.	SOUTH	188	63	96	47	85	7	83
Cassella, Deborah M.	NORTH	194	64	74	45	94	16	99
Croft, Douglas M.	NORTH	138	60	64	40	61	11	64
Daniskas, Maria I.	NORTH	146	69	66	55	84	14	73
Della Badia, Joseph	NORTH	165	58	63	36	62	3	79
DeMarco, Jodi L.	NORTH	164	47	59	35	81	6	111
Ducey, John G.	CENTRAL	75	37	36	28	70	8	69
Eisele-Grabowski, Karen	SOUTH	121	59	66	46	91	18	100
Fabiano, Edward	NORTH	172	46	64	44	90	9	85
Fannan, John J.	CENTRAL	87	55	55	38	54	4	46
Finiello, Susanne N.	SOUTH	161	59	69	43	84	12	79
Frankland, Suzanne J.	NORTH	169	59	53	44	109	10	88
Ganzhorn, Lisa A.	NORTH	190	64	71	44	71	15	67
Garrabrandt, James H.	NORTH	140	64	62	44	68	12	89
Grabowski, David A.	SOUTH	93	66	68	42	85	16	97
Hackett, Michael	NORTH	164	54	73	38	78	6	96
Hebron, Sylvia A	NORTH	178	51	86	39	85	7	90
Johnston, Maureen M.	NORTH	205	56	93	38	91	16	96
Kaiser, Brian K.	NORTH	184	57	73	42	73	8	69
Karbasian, Carolyn K.	SOUTH	189	58	99	44	97	18	95
Keller, Grant W.	SOUTH	110	64	64	41	78	11	94
La Salle, Robert C.	NORTH	234	76	78	57	89	17	117
LaPorta, David M.	NORTH	141	61	59	50	80	15	75
LaPorta, Phillip A.	NORTH	149	29	65	36	78	8	65
Lardiere, Andrea L	CENTRAL	157	68	68	40	85	13	102
Mundy, Lisa D.	NORTH	170	51	78	41	97	13	88

Nardella, George C.	NORTH	128	54	78	47	96	15	113
Noonan, Scott M.	NORTH	172	34	75	36	79	7	99
O'Donnel, Kenneth L.	NORTH	191	55	64	38	84	13	96
Patriaco, Andrew A.	NORTH	192	57	68	51	73	18	85
Reis, Karen M.	NORTH	158	59	61	37	74	10	79
Remington-Knodel, Jennifer	NORTH	160	56	54	48	76	16	89
Riva, Joseph J.	NORTH	97	21	54	23	62	0	62
Sacco, Russ	NORTH	183	74	56	49	98	15	76
Stampone, Vincenzo	NORTH	182	80	66	52	74	7	93
Suralik-Horvath, Michelle	NORTH	252	40	2	3	0	0	0
Tamburino, Joseph A.	NORTH	120	34	56	35	34	0	35
Tarrant, Tara D.	NORTH	175	53	71	39	90	10	107
Vanderhoef, Kimberly A.	CENTRAL	387	45	11	14	0	0	0
Voorhees, Gregory X.	SOUTH	133	55	101	44	69	17	93
<b>Total</b>		<b>7095</b>	<b>2367</b>	<b>2828</b>	<b>1728</b>	<b>3295</b>	<b>453</b>	<b>3571</b>

## APPENDIX B

	Region	IP Cases	IP Age (in Days)	OTP Cases	OTP Age (in Days)
Aloi, Anthony M.	CENTRAL	363	258.30	35	62.80
Andolino, Michael D.	NORTH	363	209.38	45	77.67
Campbell, Jennifer M.	CENTRAL	418	312.22	36	60.25
Carnelli, Christopher M.	SOUTH	365	183.97	51	67.67
Cassella, Deborah M.	NORTH	377	212.32	45	59.16
Croft, Douglas M.	NORTH	385	292.96	47	72.51
Daniskas, Maria I.	NORTH	362	210.17	46	90.93
Della Badia, Joseph	NORTH	372	211.08	44	65.73
DeMarco, Jodi L.	NORTH	405	262.08	37	55.22
Eisele-Grabowski, Karen	SOUTH	301	177.76	42	53.57
Fabiano, Edward	NORTH	335	220.65	38	63.76
Fannan, John J.	CENTRAL	230	239.04	38	60.45
Finiello, Susanne N.	SOUTH	338	167.55	58	73.53
Frankland, Suzanne J.	NORTH	394	226.94	45	58.93
Ganzhorn, Lisa A.	NORTH	409	235.56	51	57.73
Garrabrandt, James H.	NORTH	392	221.47	52	61.31
Grabowski, David A.	SOUTH	273	197.37	53	59.13
Hackett, Michael	NORTH	371	189.04	59	69.81
Hebron, Sylvia A	NORTH	399	202.50	48	78.44
Johnston, Maureen M.	NORTH	414	250.61	59	77.27
Kaiser, Brian K.	NORTH	376	194.19	56	78.64
Karbasian, Carolyn K.	SOUTH	400	196.30	47	66.79
Keller, Grant W.	SOUTH	304	176.14	56	68.93
La Salle, Robert C.	NORTH	453	173.47	57	75.96
LaPorta, David M.	NORTH	374	236.89	45	52.60
Lardiere, Andrea L	CENTRAL	426	246.99	57	63.54
Mundy, Lisa D.	NORTH	341	191.07	40	62.88
Nardella, George C.	NORTH	336	241.31	44	69.09
Noonan, Scott M.	NORTH	435	252.64	37	91.14
O'Donnel, Kenneth L.	NORTH	424	224.18	43	58.19
Patriaco, Andrew A.	NORTH	442	196.12	38	52.18

Reis, Karen M.	NORTH	382	232.58	48	61.92
Remington-Knodel, Jennifer	NORTH	366	212.92	43	58.26
Riva, Joseph J.	NORTH	213	222.00	13	98.08
Sacco, Russ	NORTH	349	219.86	48	56.23
Stampone, Vincenzo	NORTH	369	213.61	58	70.03
Suralik-Horvath, Michelle	NORTH	350	165.65	40	46.65
Tamburino, Joseph A.	NORTH	198	199.27	28	75.32
Tarrant, Tara D.	NORTH	388	252.00	47	80.51
Vanderhoef, Kimberly A.	CENTRAL	346	210.96	36	54.97
Voorhees, Gregory X.	SOUTH	344	206.65	46	61.41

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