



NEW JERSEY DEPARTMENT OF
BANKING AND INSURANCE
QUARTERLY REPORT

No Fault PIP Arbitration
2nd Quarter 2023



FORTHRIGHT

2ND QUARTER 2023 REPORT
TO THE
NEW JERSEY DEPARTMENT OF BANKING AND INSURANCE

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EXECUTIVE SUMMARY

In the second quarter of 2023, 11,798 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, 9,217 (78%) were initiated as In-Person and 2,581 (22%) as OTP.

The DRP panel consisted of 42 members. In this quarter 9,576 cases were assigned to DRPs.

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 two quarters of 2023, Forthright did not receive any requests for a non-video hearing.

Of the pending cases in the PIP arbitration program, 11,006 were concluded during the second quarter by means of an award or denial of award (including appeals), pre-hearing dismissal of the case, settlement, or withdrawal.

There were 428 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 \$6,219 comprised of \$5,392 for personal injury protection benefits and \$827 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.

Nine 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. Thirty-three 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 second quarter of 2023, 11,798 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, 9,217 (78%) were initiated as In-Person and 2,581 (22%) as OTP. See the table below for the monthly distribution.

	In-Person (IP)	On The Papers (OTP)	Total
April	2,903	748	3,651
May	3,104	903	4,007
June	3,210	930	4,140
Totals	9,217	2,581	11,798

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 second 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 second quarter and the reason.

Consolidation	Policy Issues	Change of Claim	Total
311	38	73	422

DISPOSITION OF CASES IN THE PIP ARBITRATION PROGRAM

Of the pending cases in the PIP arbitration program, 11,006 were concluded during the second 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.

Disposition Type	In-Person (IP)	On The Papers (OTP)	Total
Awarded/Denied	2,962	468	3,430
Dismissed Pre-Hearing	4	0*	4
Settled	5,081	1,520	6,601
Withdrawn	707	264	971
Total	8,754	2,252	11,006

* 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.**

Disposition Type	In-Person (IP)	On The Papers (OTP)
Awarded/Denied	34%	21%
Dismissed	<1%	N/A
Settled	58%	67%
Withdrawn	8%	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
376	52	428

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*	3,085	1,160	4,245

** 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 42 members. In this quarter 9,576 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 8,081 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 second 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.

Disposition	In-Person (IP)	On The Papers (OTP)
Awarded/Denied	3,178	471
Dismissed by DRP	6	0*
Settled	2,132	1,515
Withdrawn	516	263
Total	5,832	2,249

** 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 second 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.

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 second 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 amended amounts are captured within a total amount claimed and then compared to the total amount awarded.

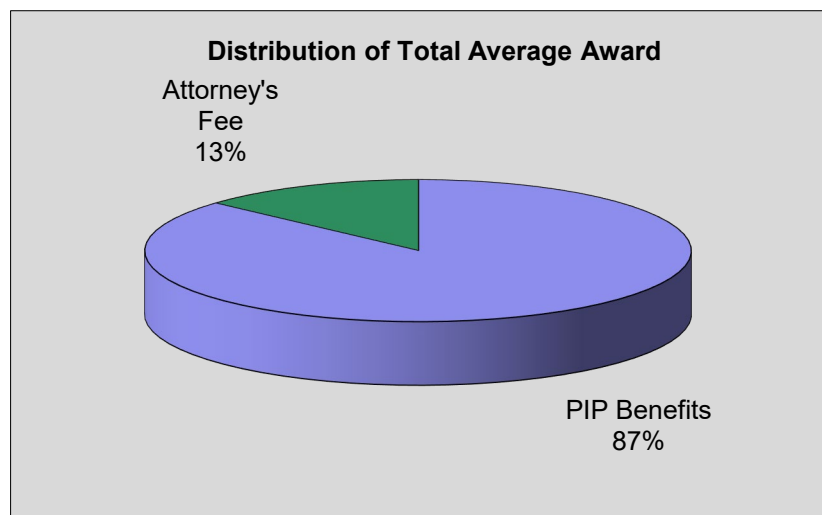
	Dismissed	Denied	1-33%	34-66%	67-100%	Total
IP	6	650	339	650	1,576	3,221
OTP	0*	217	4	12	239	472
Total	6	867	343	662	1,815	3,693

* 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 \$6,219 comprised of \$5,392 for personal injury protection benefits and \$827 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 \$5,392* per case. Awarded amounts ranged from \$0 to \$327,253. The median award during the reporting period was \$1,202. 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 \$827 per case. Awarded attorney's fees ranged from \$0 to \$4,555. 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	\$5,392	\$0 to \$327,253	\$1,202
Attorney's Fee Award	\$827	\$0 to \$4,555	\$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

Nine 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. Thirty-three percent of awards appealed were vacated or modified. The following table reports the results.

	IP	OTP	Total
Affirmed	6	0	6
Vacated & Corrected	3	0	3
Modified	0	0	0
Total	9	0	9

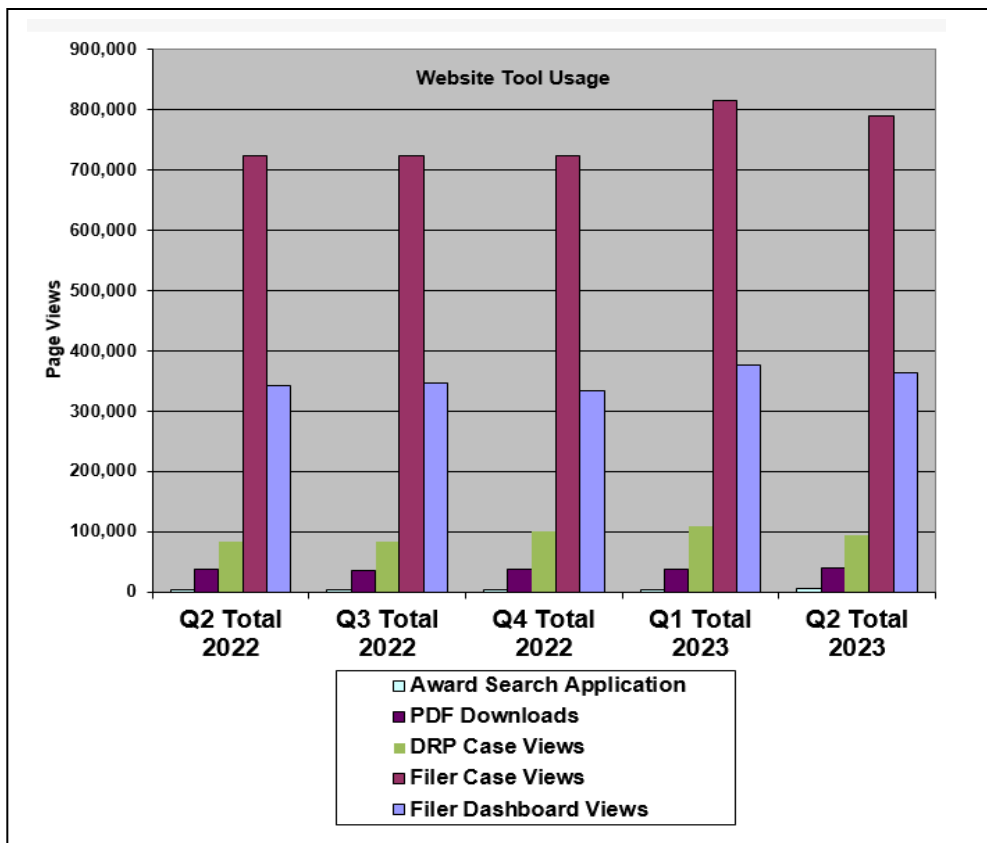
MEDICAL REVIEW ORGANIZATION REPORT

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	0	3	0
FMCO	2	0	2	0	2	0
Rising Medical	2	0	2	0	1	1
SCS	1	0	1	0	1	0
Total	8	0	8	0	7	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. 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	159	71	69	42	90	9	73
Andolino, Michael D.	NORTH	138	59	49	47	84	16	91
Campbell, Jennifer M.	CENTRAL	137	71	75	52	111	4	86
Carnelli, Christopher M.	SOUTH	195	68	68	51	79	14	78
Cassella, Deborah M.	NORTH	109	70	69	54	81	14	76
Croft, Douglas M.	NORTH	179	61	52	38	78	9	67
Daniskas, Maria I.	NORTH	176	58	74	40	73	17	78
Della Badia, Joseph	NORTH	152	59	68	51	83	10	81
DeMarco, Jodi L.	NORTH	204	61	60	44	87	10	78
Eisele-Grabowski, Karen	SOUTH	177	75	69	40	74	12	49
Fabiano, Edward	NORTH	148	71	51	40	80	15	93
Fannan, John J.	CENTRAL	132	32	41	33	35	5	11
Finiello, Susanne N.	SOUTH	164	64	70	46	67	15	65
Frankland, Suzanne J.	NORTH	187	71	74	44	97	15	107
Ganzhorn, Lisa A.	NORTH	201	71	65	47	83	12	87
Garrabrandt, James H.	NORTH	203	59	60	43	68	7	75
Grabowski, David A.	SOUTH	161	73	39	53	66	10	43
Hackett, Michael	NORTH	162	70	76	58	79	14	64
Hebron, Sylvia A	NORTH	179	55	82	32	78	13	69
Johnston, Maureen M.	NORTH	179	54	58	48	104	16	109
Kaiser, Brian K.	NORTH	220	72	93	48	65	15	82
Karbasian, Carolyn K.	SOUTH	208	60	90	42	85	17	83
Keller, Grant W.	SOUTH	237	73	49	53	87	13	63
La Salle, Robert C.	NORTH	218	70	89	53	91	14	79
LaPorta, David M.	NORTH	176	67	62	42	73	7	79
LaPorta, Phillip A.	NORTH	0	0	0	0	8	1	0
Lardiere, Andrea L	CENTRAL	160	61	64	47	97	7	87
Mundy, Lisa D.	NORTH	152	66	57	35	72	11	78
Nardella, George C.	NORTH	175	69	75	40	96	18	67
Noonan, Scott M.	NORTH	161	60	57	37	88	13	70
O'Donnel, Kenneth L.	NORTH	174	69	57	47	85	7	68
Patriaco, Andrew A.	NORTH	155	47	82	29	85	7	63
Reis, Karen M.	NORTH	138	64	52	38	89	17	110
Remington-Knodel, Jennifer	NORTH	164	69	59	44	69	10	69
Riva, Joseph J.	NORTH	72	44	30	22	36	10	42
Sacco, Russ	NORTH	198	69	78	57	54	8	74
Stampone, Vincenzo	NORTH	211	53	87	43	81	13	69
Suralik-Horvath, Michelle	NORTH	246	50	67	47	40	3	66
Tamburino, Joseph A.	NORTH	85	42	40	29	28	9	31
Tarrant, Tara D.	NORTH	149	65	55	37	97	16	72
Vanderhoef, Kimberly A.	CENTRAL	126	59	57	30	46	8	74
Voorhees, Gregory X.	SOUTH	236	71	74	55	111	10	102
Total		7003	2573	2643	1778	3180	471	3,008

APPENDIX B

	Region	IP Cases	IP Age (in days)	OTP Cases	OTP Age (in days)
Aloi, Anthony M.	CENTRAL	357	233.02	51	56.20
Andolino, Michael D.	NORTH	370	210.32	50	62.92
Campbell, Jennifer M.	CENTRAL	377	294.17	48	59.29
Carnelli, Christopher M.	SOUTH	381	177.08	50	61.30
Cassella, Deborah M.	NORTH	362	230.28	49	52.98
Croft, Douglas M.	NORTH	395	237.12	59	69.12
Daniskas, Maria I.	NORTH	365	225.88	56	78.64
Della Badia, Joseph	NORTH	371	206.10	47	60.55
DeMarco, Jodi L.	NORTH	442	246.05	43	50.33
Eisele-Grabowski, Karen	SOUTH	356	148.64	65	48.17
Fabiano, Edward	NORTH	350	231.01	51	47.51
Fannan, John J.	CENTRAL	182	213.58	16	28.25
Finiello, Susanne N.	SOUTH	348	168.05	54	72.11
Frankland, Suzanne J.	NORTH	382	210.76	66	65.62
Ganzhorn, Lisa A.	NORTH	442	229.29	58	65.53
Garrabrandt, James H.	NORTH	443	193.92	56	72.13
Grabowski, David A.	SOUTH	399	164.91	58	59.31
Hackett, Michael	NORTH	381	178.65	52	70.37
Hebron, Sylvia A	NORTH	401	205.53	54	63.19
Johnston, Maureen M.	NORTH	438	227.60	44	67.59
Kaiser, Brian K.	NORTH	437	166.83	61	62.92
Karbasian, Carolyn K.	SOUTH	429	187.75	46	53.65
Keller, Grant W.	SOUTH	417	144.84	62	70.03
La Salle, Robert C.	NORTH	477	177.14	59	65.17
LaPorta, David M.	NORTH	402	232.36	54	58.28
Lardiere, Andrea L	CENTRAL	433	216.04	68	79.03
Mundy, Lisa D.	NORTH	360	182.38	57	52.42
Nardella, George C.	NORTH	381	206.29	54	52.06
Noonan, Scott M.	NORTH	427	271.38	47	59.77
O'Donnel, Kenneth L.	NORTH	405	224.79	59	61.73
Patriaco, Andrew A.	NORTH	407	218.74	48	68.25
Reis, Karen M.	NORTH	358	239.81	59	60.59
Remington-Knodel, Jennifer	NORTH	406	199.26	52	63.44
Riva, Joseph J.	NORTH	206	245.32	28	29.86
Sacco, Russ	NORTH	427	215.95	48	52.50
Stampone, Vincenzo	NORTH	388	207.18	54	82.02
Suralik-Horvath, Michelle	NORTH	382	181.46	36	44.03
Tamburino, Joseph A.	NORTH	211	210.59	33	45.55
Tarrant, Tara D.	NORTH	438	229.11	55	63.22
Vanderhoef, Kimberly A.	CENTRAL	349	203.85	51	57.31
Voorhees, Gregory X.	SOUTH	411	156.48	52	54.35

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