



NEW JERSEY DEPARTMENT OF
BANKING AND INSURANCE
QUARTERLY REPORT

No Fault PIP Arbitration
2nd Quarter 2018



FORTHRIGHT

2ND QUARTER 2018 REPORT

TO THE

NEW JERSEY DEPARTMENT OF BANKING AND INSURANCE

Executive Summary	2
Cases Initiated	3
Transfer of Cases from OTP Proceedings to IP Proceedings	4
Disposition of Cases in the PIP Arbitration Program.....	4
Disposition of Cases by Percentage.....	4
Cases in Abeyance	5
Cases Settled within 45 Days of Initiation.....	5
Dispute Resolution Professional Caseload.....	5
Disposition of Cases after DRP Assignment.....	5
Aging Of Cases By Type of Proceeding, In-Person or On-The-Papers, and by DRP.....	6
Regional Awards Percentage	6
Awards as a Percentage of Claim Amount	6
PIP Benefits and Attorney's Fees Comparison	7
Award Average, Median, and Dollar Range.....	8
Appeals.....	8
Medical Review Organization Report	8
Online Case Management and Award Searching	9
Appendix A.....	
Appendix B	

EXECUTIVE SUMMARY

In the second quarter of 2018, 13,591 cases were initiated in the PIP dispute resolution program. Of these cases, 7,211 (53%) were initiated in the Northern region, 1,573 (9%) in the Central region, 2,063 (17%) in the Southern region, and 2,744 (21%) as OTP.

The DRP panel consisted of 62 members. The DRPs were regionally deployed as follows: 41 in the North, 10 in the Central, and 11 in the South. One DRP is currently on a leave of absence. In this quarter, 11,829 cases were assigned to DRPs.

Of the pending cases in the PIP arbitration program, 13,570 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 827 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 \$5,043, comprised of \$4,213 for personal injury protection benefits and \$830 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-nine appeals to panels of three DRPs were concluded during the reporting period. Twenty involved awards or dismissal orders rendered in the North Region, eight in the Central Region, and one in the South Region. No OTP awards were appealed. Twenty-one percent of awards appealed were vacated or modified.

During the reporting period, twelve 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 second 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.

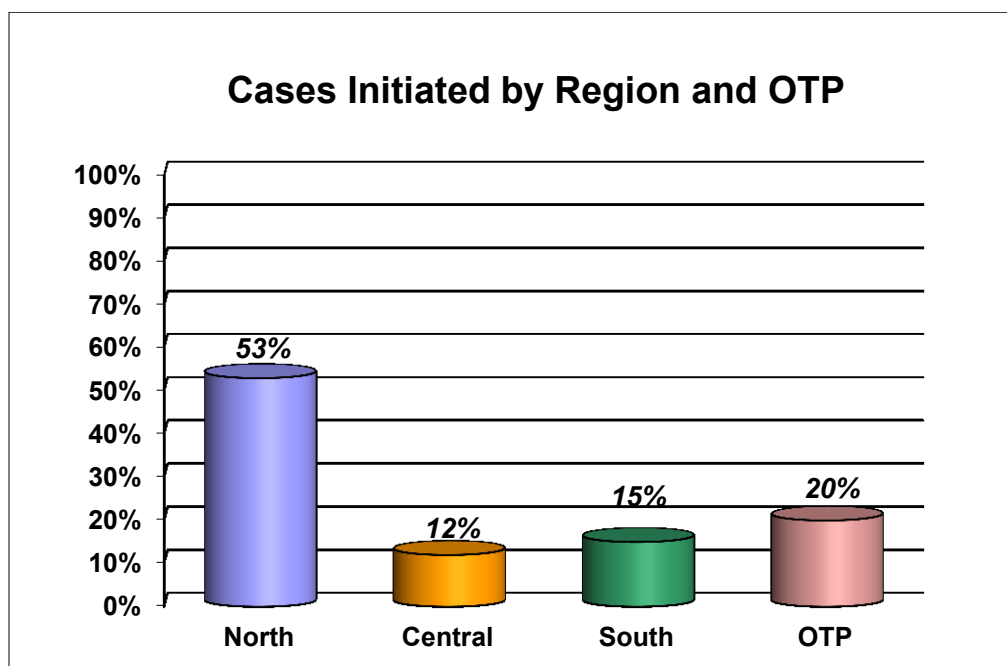
CASES INITIATED

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 second quarter of 2018, 13,591 cases were initiated in the PIP dispute resolution program. Of these cases, 7,211 (53%) were initiated in the Northern region, 1,573 (9%) in the Central region, 2,063 (17%) in the Southern region, and 2,744 (21%) as OTP. See the table below for the monthly distribution.

	IP - North	IP - Central	IP - South	OTP	Total
April	2,182	548	616	845	4,191
May	2,579	616	683	927	4,805
June	2,450	409	764	972	4,595
Totals	7,211	1,573	2,063	2,744	13,591



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	Voluntary OTP Filings	Total
352	34	131	23	540

DISPOSITION OF CASES IN THE PIP ARBITRATION PROGRAM

Of the pending cases in the PIP arbitration program, 13,570 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 three IP geographic regions as well as the OTP category.

Disposition Type	IP - North	IP - Central	IP - South	OTP	Total
Awarded/Denied	3,299	696	857	689	5,541
Dismissed Pre-Hearing	7	1	5	0	13
Settled	3,444	859	1,121	1,541	6,965
Withdrawn	558	93	156	244	1,051
Total	7,308	1,649	2,139	2,474	13,570

* 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.

Disposition Type	IP - North	IP - Central	IP - South	OTP
Awarded/Denied	45%	42%	40%	28%
Dismissed Pre-Hearing	(<1%)	(<1%)	(<1%)	N/A
Settled	47%	52%	52%	62%
Withdrawn	8%	6%	7%	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
515	88	173	51	827

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*	1,882	417	407	1,048	3,754

** 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 62 members. The DRPs were regionally deployed as follows: 41 in the North, 10 in the Central, and 11 in the South. One DRP is currently on a leave of absence. In this quarter, 11,829 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 10,884 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 2018 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	3,491	717	863	5,071	687
Dismissed by DRP	7	1	6	14	0*
Settled	1,600	445	697	2,742	1,534
Withdrawn	399	59	138	596	240
Total	5,497	1,222	1,704	8,423	2,461

* 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 2018 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 5,207 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 (4,622), 68% were in the North region, 14% in the Central region, and 18% 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

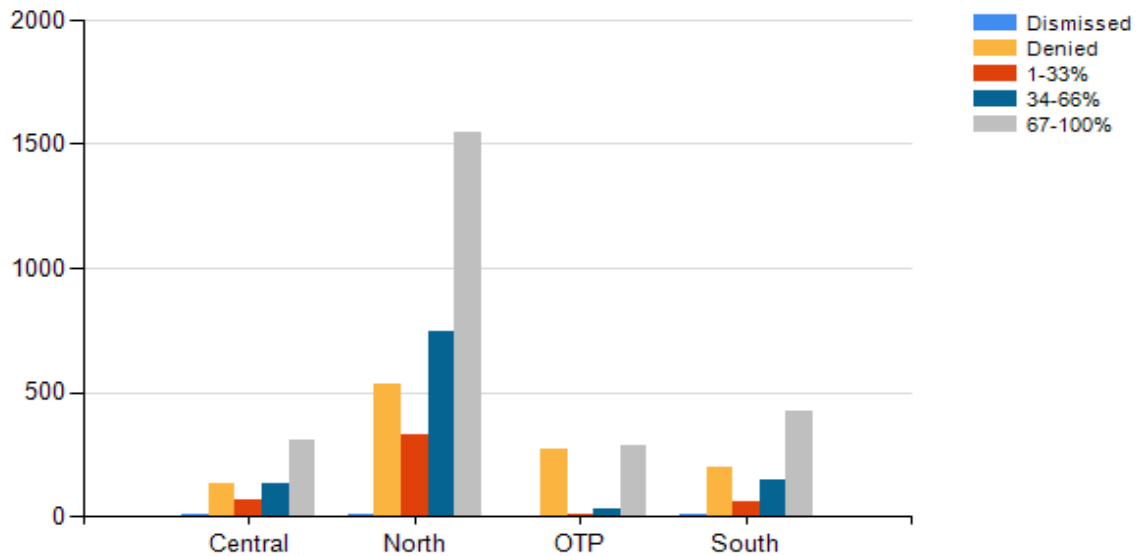
DRPs can deny a claim in its entirety or award all or part of an amount requested by a Claimant. For cases decided in the second quarter of 2018, the table and graph below indicate the distribution of DRP total awarded amounts, from 0% (denied/dismissed) to 100% of claimed amounts. Total awarded amounts 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 - Central	1	132	69	133	309	644
IP - North	7	530	328	742	1,546	3,153
IP - South	5	196	56	147	421	825
OTP	0*	271	2	29	283	585
Total	13	1,129	455	1,051	2,559	5,207

* Not applicable to OTP proceedings

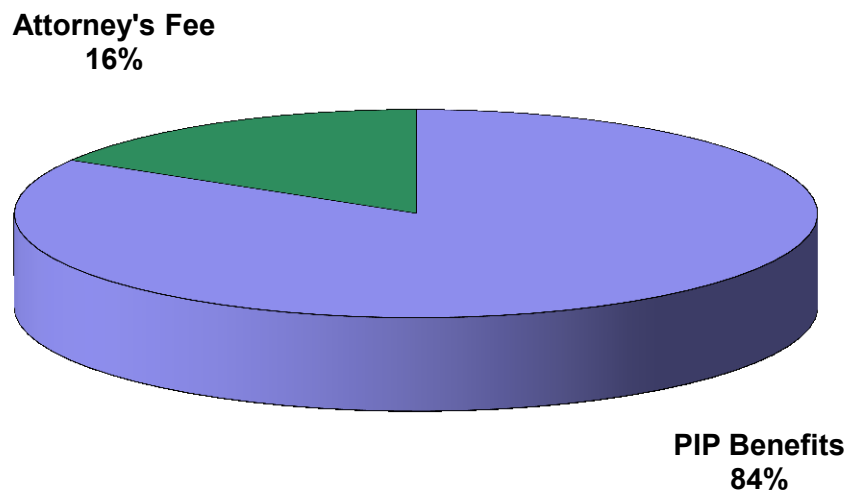
Note: The award data in this section excludes appellate awards.



PIP BENEFITS AND ATTORNEY'S FEES COMPARISON

System-wide, the average amount awarded in arbitration (excluding filing fees) was \$5,043, comprised of \$4,213 for personal injury protection benefits and \$830 for attorney's fees per case. The graphical representation compares the data as percentages.

Distribution of Total Average Award



AWARD AVERAGE, MEDIAN AND DOLLAR RANGE

The average amount awarded for claims other than attorney's fees and costs was \$4,213* per case. Awarded amounts ranged from \$0 to \$373,535. The median award during the reporting period was \$1,095. 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 \$830 per case. Awarded attorney's fees ranged from \$0 to \$10,236. 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	\$4,213*	\$0 to \$373,535	\$1,095
Attorney's Fee Award	\$830	\$0 to \$10,236	\$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

Twenty-nine appeals to panels of three DRPs were concluded during the reporting period. Twenty involved awards or dismissal orders rendered in the North Region, eight in the Central Region, and one in the South Region. No OTP awards were appealed. Twenty-one percent of awards appealed were vacated or modified. The following table reports the results.

	IP - North	IP - Central	IP- South	OTP	Total
Affirmed	15	8	0	0	23
Vacated & Corrected	3	0	1	0	4
Modified	2	0	0	0	2
Total	20	8	1	0	29

MEDICAL REVIEW ORGANIZATION REPORT

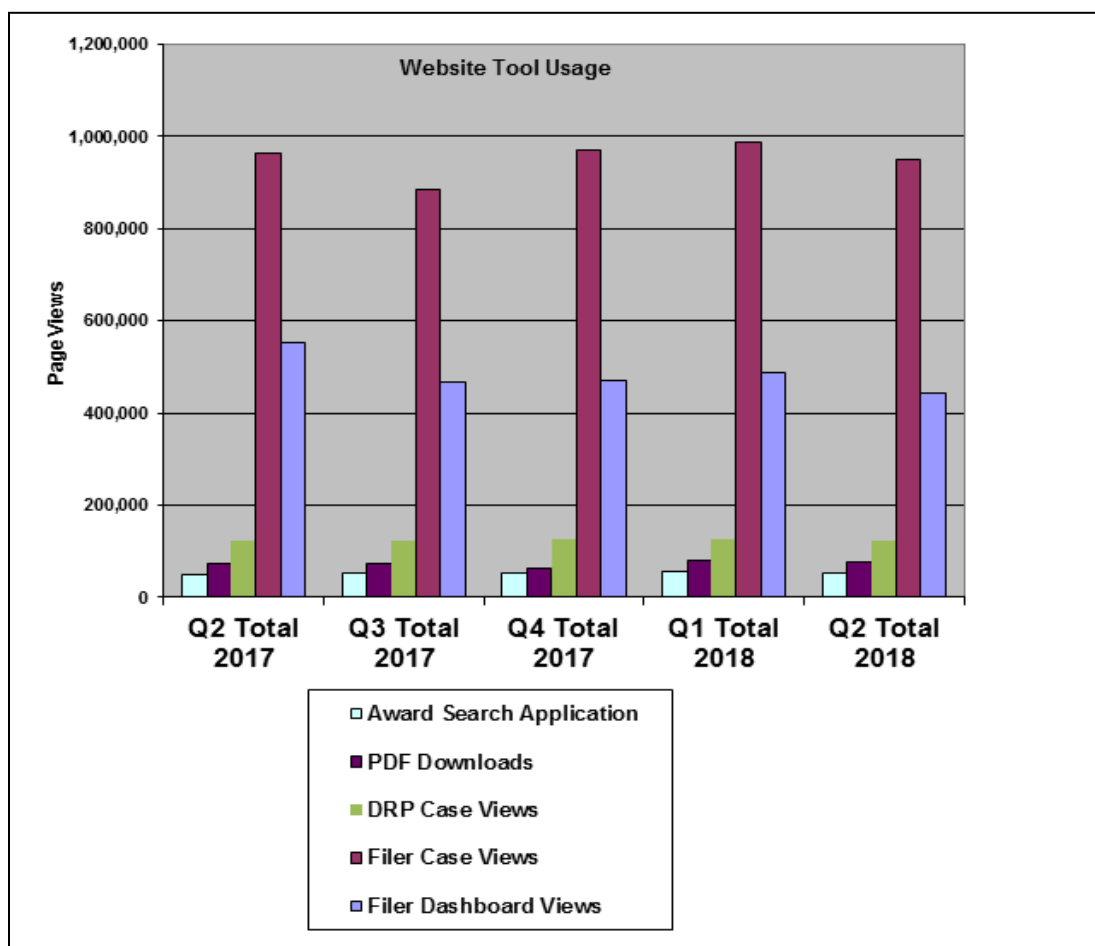
There are currently four Medical Review Organizations ("MRO") certified by the Department of Banking and Insurance. They are ExamWorks (formerly known as CFO Medical Services), First Managed Care Option ("FMCO"), Rising Medical Solutions and Support Claim Services ("SCS"). Information relevant to MRO 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	3	0
FMCO	3	0	3	0	3	0
Rising Medical	3	0	3	0	3	0
SCS	3	0	3	0	3	0
Total	12	0	12	1	12	0

Note that MRO requests are reported by case. If a request pertains to consolidated cases, it is counted for each case.

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	IP Settled/ Withdrawn	OTP Settled/ Withdrawn	IP Awarded/ Denied	OTP Awarded/ Denied	In-Person Proceedings
Aloi, Anthony M.	CENTRAL	190	77	21	90	9	92
Andolino, Michael D.	NORTH	126	51	30	83	6	92
Annunziata, Maria	CENTRAL	123	42	38	85	11	91
Barry, Martin M.	CENTRAL	142	64	33	92	17	96
Campbell, Jennifer M.	NORTH	121	32	30	95	22	104
Carnelli, Christopher M.	SOUTH	176	78	37	78	19	96
Caserta, Patrick J.	NORTH	150	41	29	71	12	99
Cassella, Deborah M.	NORTH	152	54	36	73	15	88
Celentano, Cynthia J.	NORTH	171	68	23	103	11	118
Croft, Douglas M.	NORTH	123	48	32	86	12	97
Damiano, Robert S.	NORTH	167	74	26	74	9	89
Daniskas, Maria I.	NORTH	141	52	30	102	14	111
Della Badia, Joseph	NORTH	172	52	25	87	10	94
DeMarco, Jodi L.	NORTH	148	50	28	90	12	113
DeMarco, Joseph	NORTH	174	60	24	102	16	101
Ducey, John G.	CENTRAL	171	51	30	79	7	102
Eisele-Grabowski, Karen	SOUTH	149	52	29	83	19	68
Fabiano, Edward	NORTH	125	31	32	106	6	113
Fannan, John J.	CENTRAL	11	3	4	33	1	23
Fazio, Cataldo F.	NORTH	161	54	38	76	16	75
Finiello, Susanne N.	SOUTH	177	74	28	54	12	70
Foley, Patrick W.	CENTRAL	190	45	15	87	4	99
Frankland, Suzanne J.	NORTH	142	45	39	93	15	86
Ganzhorn, Lisa A.	NORTH	150	46	33	88	21	102
Garrabrandt, James H.	NORTH	141	33	33	96	14	115
Grabowski, David A.	SOUTH	126	54	14	86	4	60
Granato, S. Caroline	SOUTH	148	90	28	91	9	95
Hackett, Michael	NORTH	141	56	28	94	10	97
Hebron, Sylvia A	NORTH	137	54	31	85	11	85
Johnston, Maureen M.	NORTH	158	52	27	88	3	85
Kaczka, Thomas M.	NORTH	89	38	34	106	11	72
Kaiser, Brian K.	NORTH	138	49	33	91	11	95
Karbasian, Carolyn K.	SOUTH	162	77	21	66	7	90
Keller, Grant W.	SOUTH	161	83	29	102	10	84
Kincade, Kathleen D.	CENTRAL	202	60	30	90	6	99

La Salle, Robert C.	NORTH	80	40	28	52	9	91
LaPorta Esq., David M.	NORTH	154	47	20	89	10	99
LaPorta, Phillip A.	NORTH	171	45	26	93	8	90
Lardiere, Andrea L.	CENTRAL	211	82	32	84	21	102
McFadden, Michael K.	SOUTH	85	66	26	53	6	48
Miller, Matthew G.	NORTH	202	52	31	85	15	98
Mundy, Lisa D.	NORTH	148	51	31	87	14	80
Nardella, George C.	NORTH	138	49	24	91	19	87
Noonan, Scott M.	NORTH	116	52	31	91	10	88
O'Brien, Matthew J.	NORTH	144	51	38	82	8	99
O'Donnel, Kenneth L.	NORTH	157	50	16	88	12	75
Patriaco, Andrew A.	NORTH	122	39	29	90	13	84
Pettersen, Nina L.	SOUTH	186	96	34	74	13	71
Reis, Karen M.	NORTH	189	46	40	71	7	98
Remington-Knodel, Jennifer	NORTH	155	45	36	63	16	78
Reynolds, William E.	SOUTH	170	93	32	82	15	106
Riva, Joseph J.	NORTH	22	9	31	13	17	30
Rivera, Barbara Brosnan	NORTH	144	42	34	90	5	95
Sacco, Russ	NORTH	199	62	36	80	18	100
Sproviero, Scott G.	NORTH	164	78	31	78	10	90
Stampone, Vincenzo	NORTH	149	42	36	97	6	100
Stokes, Nanci G.	NORTH	137	54	33	85	12	102
Tamburino, Joseph A.	NORTH	126	39	29	77	11	96
Tarrant, Tara D.	NORTH	179	57	20	112	6	81
Voorhees, Gregory X.	CENTRAL	165	77	38	77	6	92
Wallen, Kate R.	SOUTH	176	80	14	82	8	91

APPENDIX B

DRP	Region	IP Cases	IP Age(in days)	OTP Cases	OTP Age(in days)
Aloi, Anthony	CENTRAL	282	190.0	38	53.0
Andolino, Michael	NORTH	166	218.0	35	49.0
Annunziata, Maria	CENTRAL	307	220.0	35	94.0
Barry, Martin	CENTRAL	294	217.0	47	69.0
Campbell, Jennifer	NORTH	218	212.0	46	69.0
Carnelli, Christopher	SOUTH	296	197.0	49	79.0
Caserta, Patrick	NORTH	236	189.0	62	77.0
Cassella, Deborah	NORTH	200	198.0	44	42.0
Celentano, Cynthia	NORTH	186	204.0	36	49.0
Croft, Douglas	NORTH	202	186.0	43	83.0
Damiano, Robert	NORTH	184	150.0	43	69.0
Daniskas, Maria	NORTH	218	174.0	48	64.0
Della Badia, Joseph	NORTH	223	166.0	25	62.0
DeMarco, Jodi	NORTH	183	181.0	43	75.0
DeMarco, Joseph	NORTH	226	150.0	51	68.0
Ducey, John	CENTRAL	284	182.0	48	86.0
Eisele-Grabowski, Karen	SOUTH	271	216.0	57	63.0
Fabiano, Edward	NORTH	162	152.0	44	47.0
Fannan, John	CENTRAL	25	364.0	0	0.0
Fazio, Cataldo	NORTH	214	179.0	56	63.0
Finiello, Susanne	SOUTH	301	184.0	46	102.0
Foley, Patrick	CENTRAL	314	181.0	35	72.0
Frankland, Suzanne	NORTH	199	174.0	50	78.0
Ganzhorn, Lisa	NORTH	207	179.0	54	74.0
Garrabrandt, James	NORTH	270	194.0	51	78.0
Grabowski, David	SOUTH	275	221.0	24	44.0
Granato, S. Caroline	SOUTH	316	205.0	51	85.0
Hackett, Michael	NORTH	209	186.0	33	74.0
Hebron, Sylvia	NORTH	234	173.0	53	69.0
Johnston, Maureen	NORTH	218	183.0	22	57.0
Kaczka, Thomas	NORTH	175	252.0	46	60.0
Kaiser, Brian	NORTH	203	179.0	46	66.0
Karbasian, Carolyn	SOUTH	253	159.0	34	66.0
Keller, Grant	SOUTH	280	183.0	56	64.0
Kincade, Kathleen	CENTRAL	313	185.0	48	69.0
La Salle, Robert	NORTH	150	203.0	45	67.0
LaPorta, Phillip	NORTH	221	176.0	48	71.0
LaPorta Esq., David	NORTH	205	172.0	37	86.0

Lardiere, Andrea	CENTRAL	326	192.0	60	83.0
McFadden, Michael	SOUTH	299	262.0	33	75.0
McFadden (LI), Michael	SOUTH	12	321.0	0	0.0
Miller, Matthew	NORTH	223	169.0	46	74.0
Mundy, Lisa	NORTH	181	163.0	49	62.0
Nardella, George	NORTH	192	226.0	39	60.0
Noonan, Scott	NORTH	200	192.0	32	78.0
O'Brien, Matthew	NORTH	209	193.0	59	76.0
O'Donnel, Kenneth	NORTH	221	160.0	41	62.0
Patriaco, Andrew	NORTH	238	181.0	49	79.0
Pettersen, Nina	SOUTH	315	191.0	32	79.0
Reis, Karen	NORTH	228	158.0	46	74.0
Remington-Knodel, Jennifer	NORTH	177	141.0	52	60.0
Reynolds, William	SOUTH	325	189.0	44	76.0
Riva, Joseph	NORTH	24	296.0	42	41.0
Rivera, Barbara	NORTH	211	178.0	45	86.0
Sacco, Russ	NORTH	228	154.0	40	65.0
Sproviero, Scott	NORTH	214	194.0	42	65.0
Stampone, Vincenzo	NORTH	222	178.0	45	65.0
Stokes, Nanci	NORTH	202	174.0	51	76.0
Tamburino, Joseph	NORTH	168	237.0	36	54.0
Tarrant, Tara	NORTH	205	221.0	28	87.0
Voorhees, Gregory	CENTRAL	307	209.0	54	81.0
Wallen, Kate	SOUTH	280	190.0	24	71.0
Wallen (NO), Kate	SOUTH	23	223.0	0	0.0

Contact us

Forthright

285 Davidson Avenue, Suite 502
Somerset, NJ 08873
732.271.6100
www.nj-no-fault.com



FORTHRIGHT