



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

No Fault PIP Arbitration  
4th Quarter 2017



FORTHRIGHT

**4<sup>TH</sup> QUARTER 2017 REPORT**

**TO THE**

**NEW JERSEY DEPARTMENT OF BANKING AND INSURANCE**

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## EXECUTIVE SUMMARY

In the fourth quarter of 2017, 12,467 cases were initiated in the PIP dispute resolution program. Of these cases, 6,545 (52%) were initiated in the Northern region, 1,362 (11%) in the Central region, 2,208 (18%) in the Southern region, and 2,352 (19%) 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, 11,527 cases were assigned to DRPs.

Of the pending cases in the PIP arbitration program, 13,034 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 926 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 \$4,924, comprised of \$4,089 for personal injury protection benefits and \$835 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.

Sixteen appeals to panels of three DRPs were concluded during the reporting period. Eleven involved awards or dismissal orders rendered in the North Region, one in the Central Region, and two in the South Region. Two OTP awards were appealed. Thirty-eight percent of awards were vacated, modified or remanded.

During the reporting period, parties requested MRO reviews applicable to thirteen cases. DRPs did not request any reviews. The requests were apportioned among the three 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.

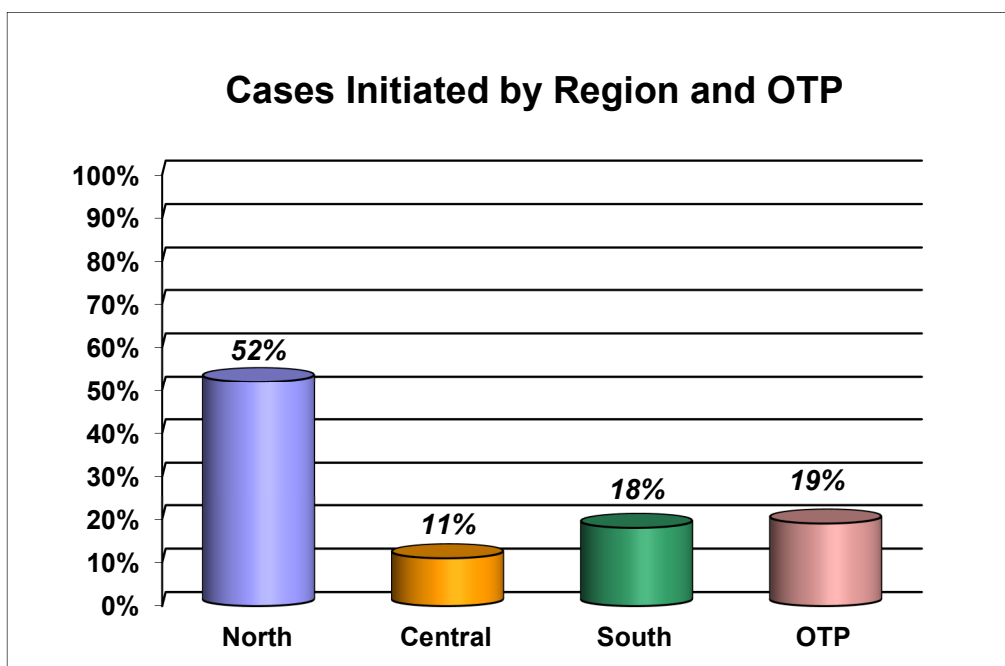
## CASES INITIATED

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 fourth quarter of 2017, 12,467 cases were initiated in the PIP dispute resolution program. Of these cases, 6,545 (52%) were initiated in the Northern region, 1,362 (11%) in the Central region, 2,208 (18%) in the Southern region, and 2,352 (19%) as OTP. See the table below for the monthly distribution.

	IP - North	IP - Central	IP - South	OTP	Total
October	2,437	431	827	807	4,502
November	2,060	468	635	768	3,931
December	2,048	463	746	777	4,034
Totals	6,545	1,362	2,208	2,352	12,467



The following table summarizes the initiations for the quarters of 2017.

	IP - North	IP - Central	IP - South	OTP	Total
Q1 2017	7,631	1,797	1,776	2,407	13,611
Q2 2017	6,694	1,385	2,020	2,195	12,294
Q3 2017	6,705	1,435	2,345	2,158	12,643
Q4 2017	6,545	1,362	2,208	2,352	12,467

## 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.

<b>Consolidation</b>	<b>Policy Issues</b>	<b>Change of Claim</b>	<b>Voluntary OTP Filings</b>	<b>Total</b>
319	21	76	26	442

## DISPOSITION OF CASES IN THE PIP ARBITRATION PROGRAM

Of the pending cases in the PIP arbitration program, 13,034 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.

<b>Disposition Type</b>	<b>IP - North</b>	<b>IP - Central</b>	<b>IP - South</b>	<b>OTP</b>	<b>Total</b>
Awarded/Denied	3,412	749	848	637	5,646
*Dismissed Pre-Hearing	8	1	8	0*	17
Settled	3,184	764	978	1,272	6,198
Withdrawn	617	123	238	195	1,173
Total	7,221	1,637	2,072	2,104	13,034

\* 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.

<b>Disposition Type</b>	<b>IP - North</b>	<b>IP - Central</b>	<b>IP - South</b>	<b>OTP</b>
Awarded/Denied	47%	45%	41%	30%
Dismissed Pre-Hearing	(<1%)	(<1%)	(<1%)	N/A
Settled	44%	47%	47%	60%
Withdrawn	9%	8%	12%	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
512	153	215	46	926

## 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*	1,708	341	384	875	3,308

*\* 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, 11,527 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 13,034 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 2017 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	3,412	749	848	5,009	637
Dismissed by DRP	8	1	8	17	0*
Settled	3,184	764	978	4,926	1,272
Withdrawn	617	123	238	978	195
<b>Total</b>	<b>7,221</b>	<b>1,637</b>	<b>2,072</b>	<b>10,930</b>	<b>2,104</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 fourth quarter of 2017 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 5,366 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 (4,831), 68% were in the North region, 15% in the Central region, and 17% 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 fourth quarter of 2017, 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.

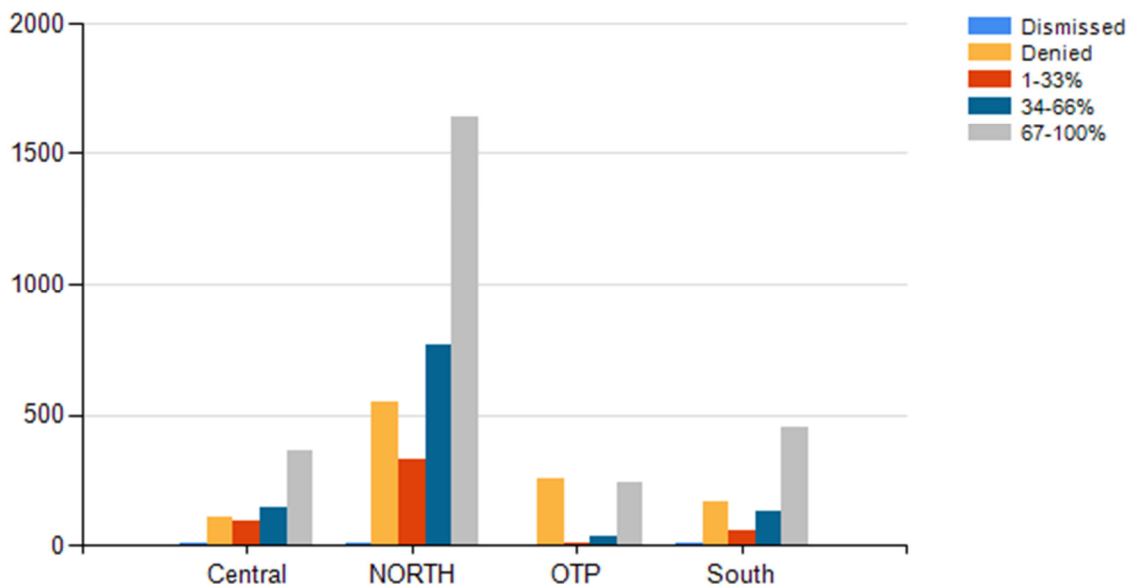
For purposes of the data table and chart below, amended amounts are captured within a total amount claimed and then compared to the total amount awarded.

	<b>Dismissed</b>	<b>Denied</b>	<b>1-33%</b>	<b>34-66%</b>	<b>67-100%</b>	<b>Total</b>
IP - Central	1	110	96	148	365	720
IP - North	8	548	332	767	1,639	3,294
IP - South	8	169	58	132	450	817
OTP	0*	256	2	38	239	535
<b>Total</b>	<b>17</b>	<b>1,083</b>	<b>488</b>	<b>1,085</b>	<b>2,693</b>	<b>5,366</b>

\* Not applicable to OTP proceedings

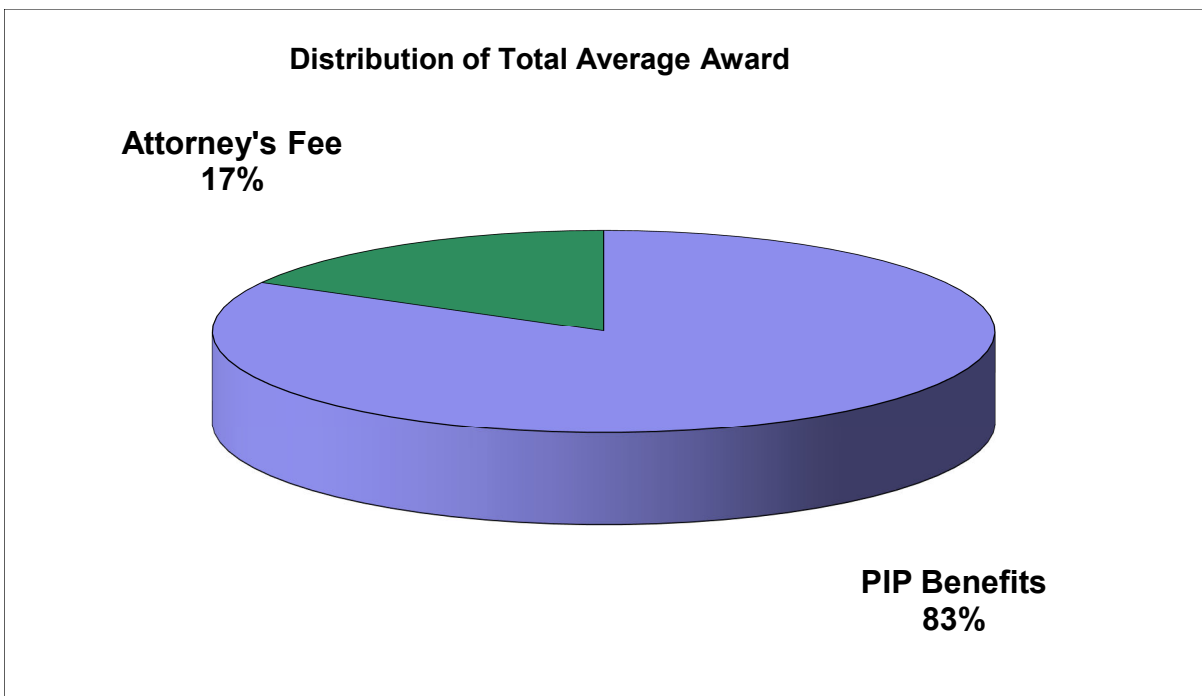


*Note: The award data in this section excludes appellate awards.*



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

System-wide, the average amount awarded in arbitration (excluding filing fees) was \$4,924, comprised of \$4,089 for personal injury protection benefits and \$835 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 \$4,088\* per case. Awarded amounts ranged from \$0 to \$394,181. The median award during the reporting period was \$1,187. 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 \$836 per case. Awarded attorney's fees ranged from \$0 to \$4,750. 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	\$4,088*	\$0 to \$394,181	\$1,187
Attorney's Fee Award	\$836	\$0 to \$4,750	\$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

Sixteen appeals to panels of three DRPs were concluded during the reporting period. Eleven involved awards or dismissal orders rendered in the North Region, one in the Central Region, and two in the South Region. Two OTP awards were appealed. Thirty-eight percent of awards were vacated, modified or remanded. 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	6	0	2	2	10
Vacated & Corrected	3	0	0	0	3
Modified	1	1	0	0	2
Remanded	1	0	0	0	1
Total	11	1	2	2	16

## MEDICAL REVIEW ORGANIZATION REPORT

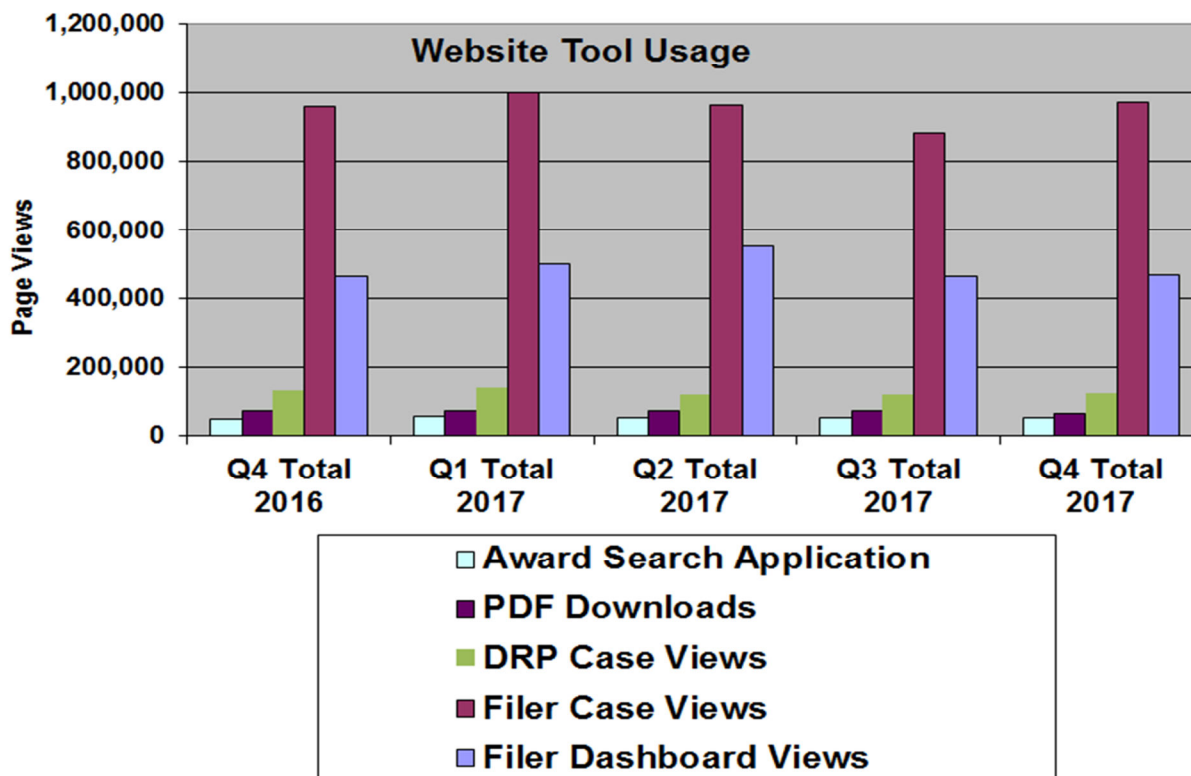
There are currently three Medical Review Organizations ("MRO") certified by the Department of Banking and Insurance. They are ExamWorks, formerly known as CFO Medical Services, First Managed Care Option ("FMCO") and Rising Medical Solutions. Information relevant to MRO usage is outlined in the table below. (No requests were sent to Support Claim Services ("SCS") this quarter pending their recertification.)

MRO	Request By Party	Request By DRP	Total Requests	Request for Information	Report in 20 Business Days	Report After 20 Business Days
ExamWorks	5	0	5	0	5	0
FMCO	4	0	4	0	4	0
Rising Medical	4	0	4	0	4	0
SCS	0	0	0	0	0	0
Total	13	0	13	0	13	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](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	149	34	72	15	87	8	96
Andolino, Michael D.	NORTH	144	25	56	18	92	6	73
Annunziata, Maria	CENTRAL	188	49	76	35	98	10	97
Barry, Martin M.	CENTRAL	135	43	54	29	97	12	94
Campbell, Jennifer M.	NORTH	163	54	63	30	65	11	92
Carnelli, Christopher M.	SOUTH	148	52	63	37	59	20	83
Caserta, Patrick J.	NORTH	146	35	40	17	104	12	101
Cassella, Deborah M.	NORTH	148	56	54	28	89	13	108
Celentano, Cynthia J.	NORTH	179	28	44	19	106	8	97
Croft, Douglas M.	NORTH	133	37	37	22	92	8	90
Damiano, Robert S.	NORTH	137	29	51	17	110	5	124
Daniskas, Maria I.	NORTH	148	60	59	45	76	11	94
Della Badia, Joseph	NORTH	175	25	49	18	94	3	90
DeMarco, Jodi L.	NORTH	120	54	31	26	101	13	84
DeMarco, Joseph	NORTH	135	42	32	25	93	11	74
Ducey, John G.	CENTRAL	165	35	62	16	87	11	79
Eisele-Grabowski, Karen	SOUTH	162	56	74	36	72	19	98
Fabiano, Edward	NORTH	179	49	62	39	106	11	112
Fannan, John J.	CENTRAL	16	3	19	1	38	1	40
Fazio, Cataldo F.	NORTH	167	48	58	39	96	15	92
Finiello, Susanne N.	SOUTH	182	44	64	29	88	18	79
Foley, Patrick W.	CENTRAL	137	24	58	19	99	7	89
Frankland, Suzanne J.	NORTH	104	58	23	40	95	20	88
Ganzhorn, Lisa A.	NORTH	150	57	57	32	87	11	85
Garrabrandt, James H.	NORTH	134	48	39	29	88	12	77
Grabowski, David A.	SOUTH	200	12	84	7	94	4	93
Granato, S. Caroline	SOUTH	176	39	96	20	79	9	82
Hackett, Michael	NORTH	157	33	36	13	97	15	107
Hebron, Sylvia A	NORTH	132	41	26	32	80	13	96
Johnston, Maureen M.	NORTH	179	16	54	11	71	7	90
Kaczka, Thomas M.	NORTH	179	44	57	31	78	8	73
Kaiser, Brian K.	NORTH	150	41	57	22	89	11	86
Karbasian, Carolyn K.	SOUTH	274	26	89	12	99	4	101
Keller, Grant W.	SOUTH	153	37	59	30	75	15	81
Kincade, Kathleen D.	CENTRAL	104	16	49	15	87	9	80
La Salle, Robert C.	NORTH	167	33	62	20	94	10	84

LaPorta Esq., David M.	NORTH	148	30	48	19	89	13	97
LaPorta, Phillip A.	NORTH	116	34	52	17	101	6	105
Lardiere, Andrea L	CENTRAL	123	58	59	35	104	20	90
McFadden, Michael K.	SOUTH	199	22	66	13	74	9	69
Miller, Matthew G.	NORTH	134	36	28	17	101	11	85
Mundy, Lisa D.	NORTH	153	48	60	23	89	12	85
Nardella, George C.	NORTH	157	46	60	30	75	12	82
Noonan, Scott M.	NORTH	149	44	55	27	78	6	88
O'Brien, Matthew J.	NORTH	116	43	30	29	85	12	73
O'Donnel, Kenneth L.	NORTH	157	27	57	11	74	4	84
Patriaco, Andrew A.	NORTH	172	55	57	27	92	4	78
Pettersen, Nina L.	SOUTH	180	29	56	20	71	15	72
Reis, Karen M.	NORTH	120	49	45	39	97	5	93
Remington-Knodel, Jennifer	NORTH	147	37	39	23	91	15	99
Reynolds, William E.	SOUTH	200	40	74	30	81	14	80
Riva, Joseph J.	NORTH	32	62	19	45	36	15	48
Rivera, Barbara Brosnan	NORTH	151	41	46	23	87	8	99
Sacco, Russ	NORTH	139	38	68	12	76	7	95
Sproviero, Scott G.	NORTH	137	30	61	12	76	10	86
Stampone, Vincenzo	NORTH	143	44	41	28	89	13	87
Stokes, Nanci G.	NORTH	143	62	40	40	93	14	89
Tamburino, Joseph A.	NORTH	152	42	65	27	63	13	84
Tarrant, Tara D.	NORTH	151	20	41	13	95	4	80
Voorhees, Gregory X.	CENTRAL	184	37	76	22	74	7	81
Wallen, Kate R.	SOUTH	143	9	69	7	84	4	93

## APPENDIX B

DRP	Region	IP Cases	IP Age (in days)	OTP Cases	OTP Age (in days)
Aloi, Anthony	CENTRAL	249	157.01	34	68.26
Andolino, Michael	NORTH	206	146.49	20	47.60
Annunziata, Maria	CENTRAL	301	166.19	40	69.00
Barry, Martin	CENTRAL	267	181.32	45	76.36
Campbell, Jennifer	NORTH	265	180.12	61	75.16
Carnelli, Christopher	SOUTH	257	141.86	52	86.00
Caserta, Patrick	NORTH	232	166.86	40	82.08
Cassella, Deborah	NORTH	193	154.24	66	61.33
Celentano, Cynthia	NORTH	193	142.69	23	47.26
Croft, Douglas	NORTH	222	148.02	33	71.76
Damiano, Robert	NORTH	180	142.47	28	69.32
Daniskas, Maria	NORTH	240	179.75	46	61.20
Della Badia, Joseph	NORTH	230	143.56	19	83.84
DeMarco, Jodi	NORTH	187	163.44	53	58.26
DeMarco, Joseph	NORTH	222	168.88	39	70.13
Ducey, John	CENTRAL	279	155.05	40	71.58
Eisele-Grabowski, Karen	SOUTH	278	165.45	59	72.76
Fabiano, Edward	NORTH	216	138.63	34	60.18
Fannan, John	CENTRAL	42	281.00	3	60.00
Fazio, Cataldo	NORTH	234	124.11	48	75.04
Finiello, Susanne	SOUTH	255	129.86	44	69.30
Foley, Patrick	CENTRAL	249	154.36	23	86.43
Frankland, Suzanne	NORTH	196	164.41	54	63.31
Ganzhorn, Lisa	NORTH	231	141.79	53	56.83
Garrabrandt, James	NORTH	247	158.05	42	57.71
Grabowski, David	SOUTH	306	139.75	13	87.31
Granato, S. Caroline	SOUTH	301	138.51	37	47.49
Hackett, Michael	NORTH	237	150.06	34	75.56
Hebron, Sylvia	NORTH	222	153.53	36	77.78
Johnston, Maureen	NORTH	268	137.70	18	89.44
Kaczka, Thomas	NORTH	224	145.38	44	66.59
Kaiser, Brian	NORTH	222	136.13	41	70.71
Karbasian, Carolyn	SOUTH	318	114.61	35	89.46

Keller, Grant	SOUTH	263	145.08	40	92.20
Kincade, Kathleen	CENTRAL	256	177.12	15	73.67
La Salle, Robert	NORTH	197	137.52	39	78.72
LaPorta, Phillip	NORTH	185	160.67	34	91.47
LaPorta Esq., David	NORTH	208	129.97	27	64.78
Lardiere, Andrea	CENTRAL	282	167.38	52	74.37
McFadden, Michael	SOUTH	342	148.80	23	67.17
McFadden (LI), Michael	SOUTH	17	250.47		
Miller, Matthew	NORTH	208	163.76	34	61.21
Mundy, Lisa	NORTH	186	148.33	45	71.93
Nardella, George	NORTH	209	198.09	46	69.83
Noonan, Scott	NORTH	226	141.69	41	69.32
O'Brien, Matthew	NORTH	210	155.32	49	75.63
O'Donnel, Kenneth	NORTH	230	140.24	30	78.30
Patriaco, Andrew	NORTH	228	145.32	52	65.60
Pettersen, Nina	SOUTH	279	137.75	33	79.03
Reis, Karen	NORTH	176	130.45	38	53.39
Remington-Knodel, Jennifer	NORTH	233	156.39	37	64.03
Reynolds, William	SOUTH	281	124.35	51	84.00
Riva, Joseph	NORTH	40	177.18	42	51.10
Rivera, Barbara	NORTH	226	145.71	36	61.14
Sacco, Russ	NORTH	197	164.30	48	66.35
Sproviero, Scott	NORTH	206	176.62	32	55.28
Stampone, Vincenzo	NORTH	229	155.95	42	70.10
Stokes, Nanci	NORTH	183	136.46	58	73.81
Tamburino, Joseph	NORTH	204	119.44	38	62.66
Tarrant, Tara	NORTH	242	171.67	23	67.65
Voorhees, Gregory	CENTRAL	283	149.15	34	57.15
Wallen, Kate	SOUTH	221	137.71	13	62.85
Wallen (NO), Kate	SOUTH	30	181.27		

## Contact us

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