



NEW JERSEY DEPARTMENT OF
BANKING AND INSURANCE
QUARTERLY REPORT

No Fault PIP Arbitration
3rd Quarter 2019



FORTHRIGHT

3RD QUARTER 2019 REPORT

TO THE

NEW JERSEY DEPARTMENT OF BANKING AND INSURANCE

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EXECUTIVE SUMMARY

In the third quarter of 2019, 13,525 cases were initiated in the PIP dispute resolution program. Of these cases, 6,968 (52%) were initiated in the Northern region, 1,338 (10%) in the Central region, 2,242 (17%) in the Southern region, and 2,976 (22%) as OTP.

The DRP panel consisted of 57 members. The DRPs were regionally deployed as follows: 37 in the North, 8 in the Central, and 12 in the South. In this quarter, 11,689 cases were assigned to DRPs.

Of the pending cases in the PIP arbitration program, 12,063 were concluded during the third quarter by means of an award or denial of award (including appeals), pre-hearing dismissal of the case, settlement, or withdrawal. There were 613 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 \$5,037, comprised of \$4,254 for personal injury protection benefits and \$783 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-two appeals to panels of three DRPs were concluded during the reporting period. Thirteen involved awards or dismissal orders rendered in the North Region, four in the Central Region, and two in the South Region. Three OTP awards were appealed. Fourteen percent of awards appealed were vacated or modified.

During the reporting period, eleven 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 third quarterly report of 2017 for Aging of Cases by Type of Proceeding, In-Person or On-The-Papers, and by DRP, described at page 7 and attached as Appendix B.

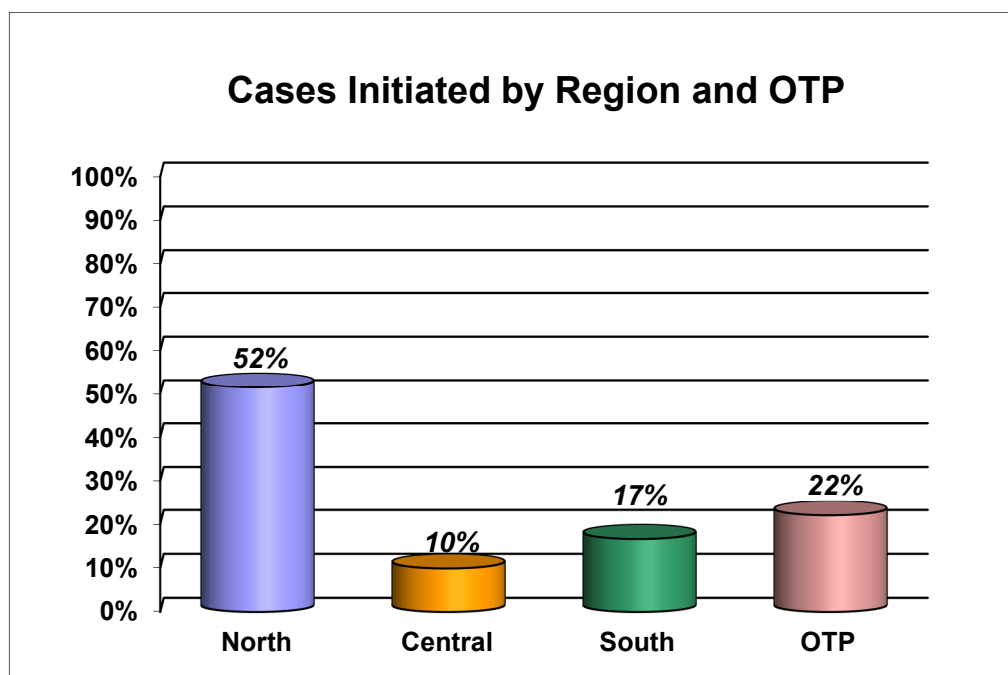
CASES INITIATED

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 third quarter of 2019, 13,525 cases were initiated in the PIP dispute resolution program. Of these cases, 6,968 (52%) were initiated in the Northern region, 1,338 (10%) in the Central region, 2,243 (17%) in the Southern region, and 2,976 (22%) as OTP. See the table below for the monthly distribution.

	IP - North	IP - Central	IP - South	OTP	Total
July	2,399	455	686	1,007	4,547
August	2,497	443	841	999	4,780
September	2,072	440	716	970	4,198
Totals	6,968	1,338	2,243	2,976	13,525



The following table summarizes the initiations for the quarters of 2019.

	IP - North	IP - Central	IP - South	OTP	Total
Q1 2019	6,868	1,101	1,875	2,455	12,299
Q2 2019	7,167	926	2,087	2,510	12,690
Q3 2019	6,968	1,338	2,243	2,976	13,525

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 third quarter and the reason.

Consolidation	Policy Issues	Change of Claim	Total
355	29	114	498

DISPOSITION OF CASES IN THE PIP ARBITRATION PROGRAM

Of the pending cases in the PIP arbitration program, 12,063 were concluded during the third 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	2,459	456	825	641	4,381
Dismissed Pre-Hearing	8	2	1	0	11
Settled	3,408	544	1,133	1,610	6,695
Withdrawn	546	86	80	264	976
Total	6,421	1,088	2,039	2,515	12,063

* 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	OTP
Awarded/Denied	38%	42%	40%	25%
Dismissed Pre-Hearing	(<1%)	(<1%)	(<1%)	N/A
Settled	53%	50%	56%	64%
Withdrawn	9%	8%	4%	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
359	50	160	44	613

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*	1,811	245	484	1,147	3,687

** 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 57 members. The DRPs were regionally deployed as follows: 37 in the North, 8 in the Central, and 12 in the South. In this quarter, 11,689 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 9,603 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 third quarter of 2019 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	2,634	479	861	3,974	640
Dismissed by DRP	8	2	1	11	0*
Settled	1,640	299	645	2,584	1,597
Withdrawn	396	66	72	534	263
Total	4,678	846	1,579	7,103	2,500

* 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 third quarter of 2019 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 4,247 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 (3,703), 66% were in the North region, 12% in the Central region, and 22% 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

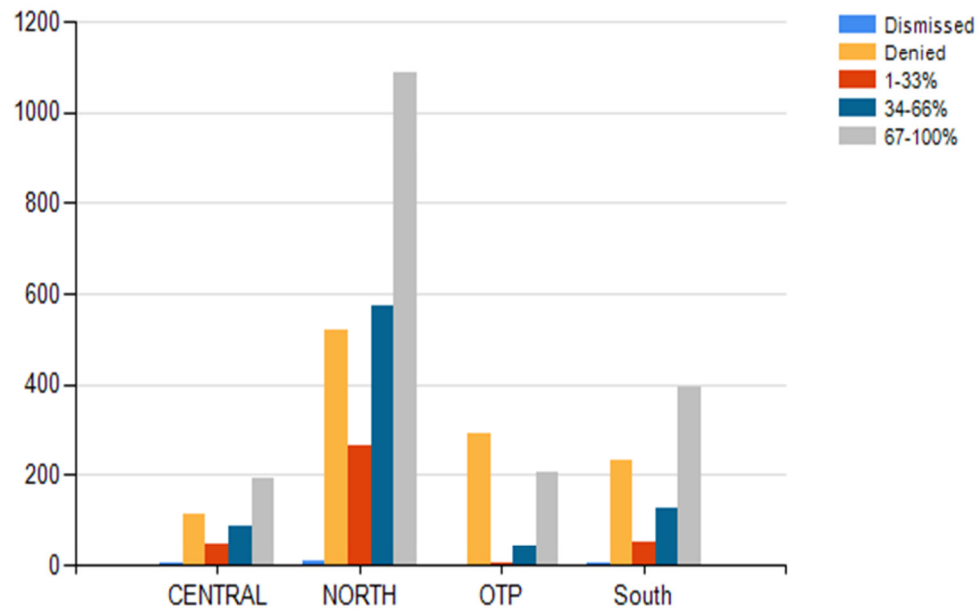
DRPs can deny a claim in its entirety or award all or part of an amount requested by a Claimant. For cases decided in the third quarter of 2019, the table and graph below indicate the distribution of DRP total awarded amounts, from 0% (denied/dismissed) to 100% of claimed amounts. Total awarded amounts 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	2	114	50	87	191	444
IP - North	8	520	266	574	1,086	2,454
IP - South	1	232	51	128	393	805
OTP	0*	292	3	42	207	544
Total	11	1,158	370	831	1,877	4,247

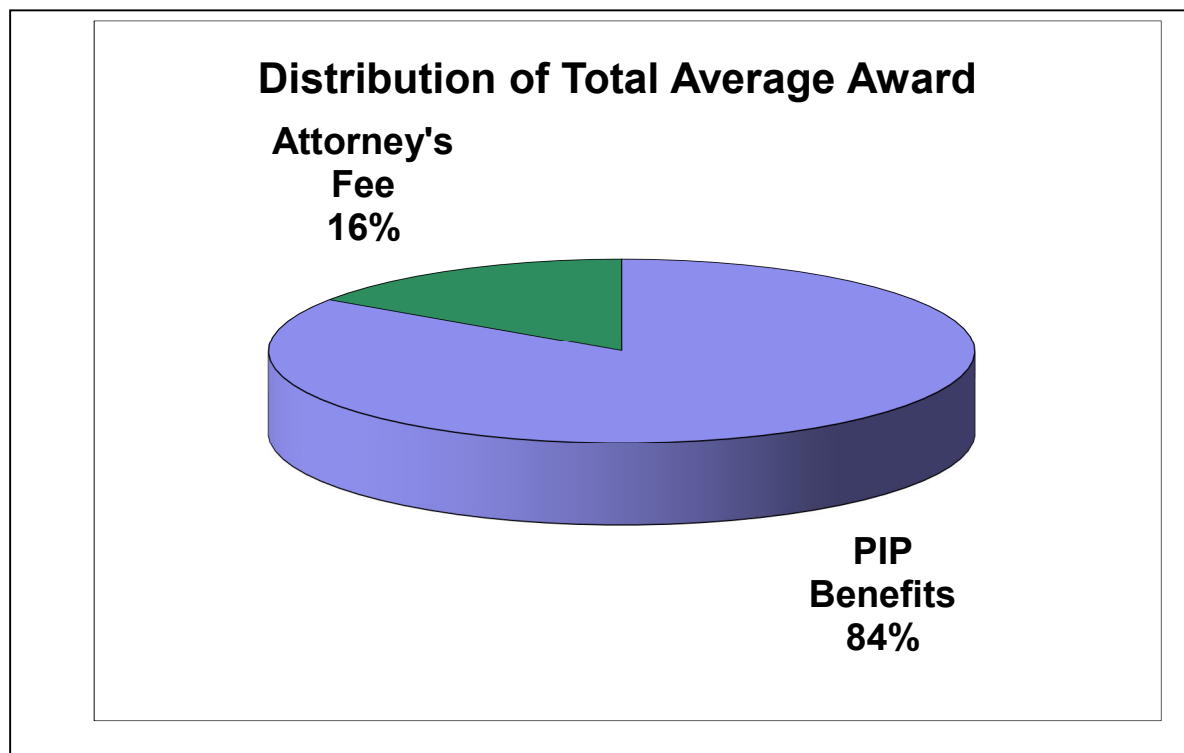
* Not applicable to OTP proceedings.

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 \$5,037, comprised of \$4,254 for personal injury protection benefits and \$783 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 \$4,254* per case. Awarded amounts ranged from \$0 to \$553,105. The median award during the reporting period was \$871. 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 \$783 per case. Awarded attorney's fees ranged from \$0 to \$5,000. The median attorney's fee award during the reporting period was \$950. 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	\$4,254*	\$0 to \$553,105	\$871
Attorney's Fee Award	\$783	\$0 to \$5,000	\$950

** 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-two appeals to panels of three DRPs were concluded during the reporting period. Thirteen involved awards or dismissal orders rendered in the North Region, four in the Central Region, and two in the South Region. Three OTP awards were appealed. Fourteen percent of awards appealed were vacated or modified. The following table reports the results.

	IP - North	IP - Central	IP- South	OTP	Total
Affirmed	12	3	1	3	19
Vacated & Corrected	1	0	0	0	1
Modified	0	1	1	0	2
Total	13	4	2	3	22

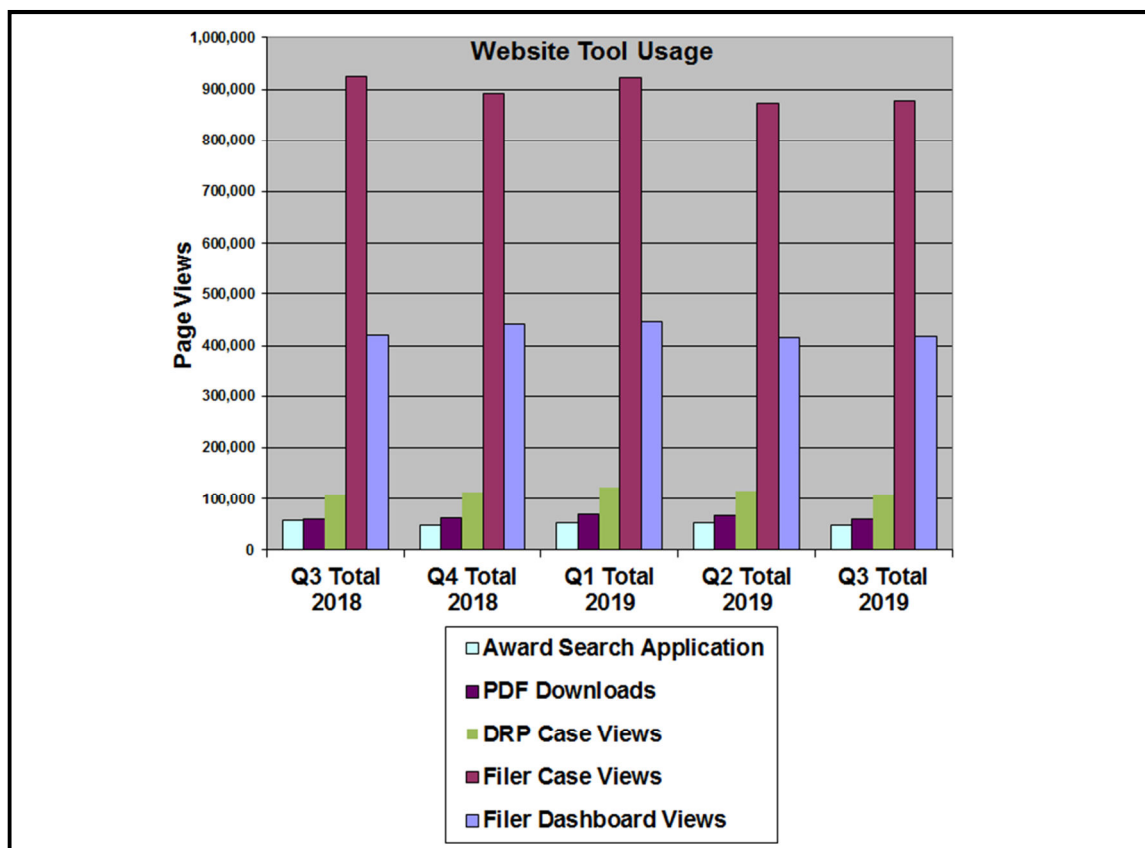
MEDICAL REVIEW ORGANIZATION REPORT

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	4	0	4	0	4	0
FMCO	3	0	3	0	3	0
Rising Medical	1	0	1	1	1	0
SCS	3	0	3	1	2	1
Total	11	0	11	2	10	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	112	48	61	31	77	13	89
Andolino, Michael D.	NORTH	166	48	65	33	57	10	75
Annunziata, Maria	CENTRAL	103	54	51	35	76	7	90
Barry, Martin M.	CENTRAL	109	48	61	33	68	9	107
Campbell, Jennifer M.	CENTRAL	119	50	45	23	55	15	94
Carnelli, Christopher M.	SOUTH	154	58	77	39	55	9	88
Caserta, Patrick J.	NORTH	161	55	59	40	66	19	107
Cassella, Deborah M.	NORTH	193	53	51	32	59	6	64
Croft, Douglas M.	NORTH	181	46	56	24	64	15	80
Damiano, Robert S.	NORTH	59	37	31	17	46	12	68
Daniskas, Maria I.	NORTH	167	57	58	36	77	13	76
Della Badia, Joseph	NORTH	129	44	67	24	82	13	86
DeMarco, Jodi L.	NORTH	172	56	56	42	95	14	83
Ducey, John G.	CENTRAL	145	51	41	30	89	7	90
Eisele-Grabowski, Karen	SOUTH	149	60	67	49	53	11	81
Fabiano, Edward	NORTH	211	58	58	44	57	11	67
Fannan, John J.	CENTRAL	81	51	32	27	20	4	22
Fazio, Cataldo F.	NORTH	196	50	67	33	78	5	87
Finello, Susanne N.	SOUTH	164	48	101	28	64	11	87
Frankland, Suzanne J.	NORTH	137	57	43	41	77	10	99
Ganzhorn, Lisa A.	NORTH	142	55	38	46	64	17	93
Garrabrandt, James H.	NORTH	163	46	55	23	93	12	109
Grabowski, David A.	SOUTH	170	52	65	25	72	8	86
Granato, S. Caroline	SOUTH	170	53	58	32	59	10	81
Hackett, Michael	NORTH	197	47	45	28	72	12	93
Hebron, Sylvia A	NORTH	107	59	45	34	92	16	107
Johnston, Maureen M.	NORTH	180	49	61	27	79	6	86
Kaczka, Thomas M.	NORTH	182	58	63	32	50	12	87
Kaiser, Brian K.	NORTH	188	48	64	35	65	17	93
Karbasian, Carolyn K.	SOUTH	130	52	43	34	75	10	76
Keller, Grant W.	SOUTH	134	54	45	34	77	9	47
Kincade, Kathleen D.	CENTRAL	153	38	47	21	76	10	77
La Salle, Robert C.	NORTH	184	53	67	29	59	10	72
LaPorta Esq., David M.	NORTH	179	48	60	24	72	12	92
LaPorta, Phillip A.	NORTH	181	53	82	32	58	9	79
Lardiere, Andrea L	CENTRAL	124	43	45	33	94	14	116
Miller, Matthew G.	NORTH	177	44	57	21	65	10	92
Mundy, Lisa D.	NORTH	146	61	49	51	59	11	75
Nardella, George C.	NORTH	141	58	47	29	65	10	90
Noonan, Scott M.	NORTH	152	49	43	34	59	9	90
O'Brien, Matthew J.	NORTH	165	52	59	37	66	10	76

O'Donnel, Kenneth L.	NORTH	171	50	47	39	99	7	106
Patriaco, Andrew A.	NORTH	177	52	52	36	72	9	103
Pettersen, Nina L.	SOUTH	105	44	48	31	97	19	104
Reis, Karen M.	NORTH	174	52	57	36	78	13	86
Remington-Knodel, Jennifer	NORTH	190	56	39	30	107	19	113
Reynolds, William E.	SOUTH	173	51	65	38	66	9	101
Riva, Joseph J.	NORTH	71	53	17	32	25	11	41
Rivera, Barbara Brosnan	NORTH	149	56	45	38	68	12	90
Sacco, Russ	NORTH	152	45	63	34	71	9	85
Sproviero, Scott G.	NORTH	164	44	49	25	57	13	82
Stampone, Vincenzo	NORTH	152	52	42	43	65	8	104
Tamburino, Joseph A.	NORTH	180	56	55	40	57	13	60
Tarrant, Tara D.	NORTH	157	46	61	18	88	11	108
Voorhees, Gregory X.	SOUTH	108	61	44	34	62	16	102
Wallen, Kate R.	SOUTH	171	39	85	30	93	14	110

APPENDIX B

DRP	Region	IP Cases	IP Age (in Days)	OTP Cases	OTP Age (in Days)
Aloi, Anthony M.	CENTRAL	174	114.08	45	65.91
Andolino, Michael D.	NORTH	226	119.38	40	61.73
Annunziata, Maria	CENTRAL	186	188.38	47	72.70
Barry, Martin M.	CENTRAL	202	170.78	46	68.46
Campbell, Jennifer M.	CENTRAL	222	172.84	65	72.35
Carnelli, Christopher M.	SOUTH	272	174.31	51	67.33
Caserta, Patrick J.	NORTH	301	164.51	49	62.63
Cassella, Deborah M.	NORTH	249	111.83	45	45.84
Croft, Douglas M.	NORTH	274	159.88	50	68.74
Damiano, Robert S.	NORTH	148	174.78	37	79.76
Daniskas, Maria I.	NORTH	274	137.21	53	65.89
Della Badia, Joseph	NORTH	251	147.20	32	62.69
DeMarco, Jodi L.	NORTH	223	136.75	42	57.71
Ducey, John G.	CENTRAL	192	116.22	45	59.91
Eisele-Grabowski, Karen	SOUTH	251	140.08	58	79.88
Fabiano, Edward	NORTH	268	108.78	47	63.98
Fannan, John J.	CENTRAL	111	127.86	36	49.97
Fazio, Cataldo F.	NORTH	276	122.30	62	79.16
Finiello, Susanne N.	SOUTH	236	144.64	46	65.63
Frankland, Suzanne J.	NORTH	242	156.12	51	65.63
Ganzhorn, Lisa A.	NORTH	271	181.69	58	73.40
Garrabrandt, James H.	NORTH	270	167.43	53	64.11
Grabowski, David A.	SOUTH	234	126.98	41	60.61
Granato, S. Caroline	SOUTH	266	154.15	50	70.58
Hackett, Michael	NORTH	290	130.35	45	66.69
Hebron, Sylvia A	NORTH	243	156.47	64	70.97
Johnston, Maureen M.	NORTH	252	123.74	48	61.15
Kaczka, Thomas M.	NORTH	243	128.36	60	67.67
Kaiser, Brian K.	NORTH	262	130.53	55	81.40
Karbasian, Carolyn K.	SOUTH	206	107.98	48	57.79
Keller, Grant W.	SOUTH	225	138.01	62	62.45
Kincade, Kathleen D.	CENTRAL	226	184.31	37	66.24
La Salle, Robert C.	NORTH	273	127.76	54	68.63
LaPorta Esq., David M.	NORTH	255	130.91	45	64.58
LaPorta, Phillip A.	NORTH	259	136.85	40	66.50
Lardiere, Andrea L	CENTRAL	225	176.29	45	67.84
McFadden (LI), Michael K.	SOUTH	235	139.00	59	66.63
McFadden, Michael K.	SOUTH	18	91.72		
Miller, Matthew G.	NORTH	260	157.75	47	65.36
Mundy, Lisa D.	NORTH	231	119.56	37	53.00
Nardella, George C.	NORTH	255	124.77	59	69.15
Noonan, Scott M.	NORTH	231	139.35	42	67.43
O'Brien, Matthew J.	NORTH	253	137.84	58	75.62

O'Donnel, Kenneth L.	NORTH	295	123.95	40	68.15
Patriaco, Andrew A.	NORTH	281	150.05	48	73.73
Pettersen, Nina L.	SOUTH	227	143.31	40	69.90
Reis, Karen M.	NORTH	240	122.87	48	54.13
Remington-Knodel, Jennifer	NORTH	261	125.10	58	69.59
Reynolds, William E.	SOUTH	281	156.31	52	77.02
Riva, Joseph J.	NORTH	137	163.74	41	49.07
Rivera, Barbara Brosnan	NORTH	248	157.20	49	76.98
Sacco, Russ	NORTH	256	120.63	42	66.29
Sproviero, Scott G.	NORTH	256	155.14	44	64.41
Stampone, Vincenzo	NORTH	283	159.41	50	75.56
Tamburino, Joseph A.	NORTH	219	121.26	47	56.89
Tarrant, Tara D.	NORTH	247	149.08	46	57.13
Voorhees, Gregory X.	SOUTH	245	148.13	64	73.81
Wallen, Kate R.	SOUTH	233	138.06	25	68.88

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