



NEW JERSEY DEPARTMENT OF
BANKING AND INSURANCE
QUARTERLY REPORT

No Fault PIP Arbitration
4th Quarter 2019



FORTHRIGHT

4TH QUARTER 2019 REPORT

TO THE

NEW JERSEY DEPARTMENT OF BANKING AND INSURANCE

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EXECUTIVE SUMMARY

In the fourth quarter of 2019, 11,744 cases were initiated in the PIP dispute resolution program. Of these cases, 6,027 (51%) were initiated in the Northern region, 1,211 (10%) in the Central region, 1,976 (17%) in the Southern region, and 2,530 (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, 11,605 cases were assigned to DRPs.

Of the pending cases in the PIP arbitration program, 12,877 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 672 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 \$5,127, comprised of \$4,322 for personal injury protection benefits and \$805 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.

Seventeen appeals to panels of three DRPs were concluded during the reporting period. Eight involved awards or dismissal orders rendered in the North Region, six in the Central Region, and two in the South Region. One OTP awards were appealed. Forty-one percent of awards appealed were vacated or modified.

During the reporting period, ten 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 fourth 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.

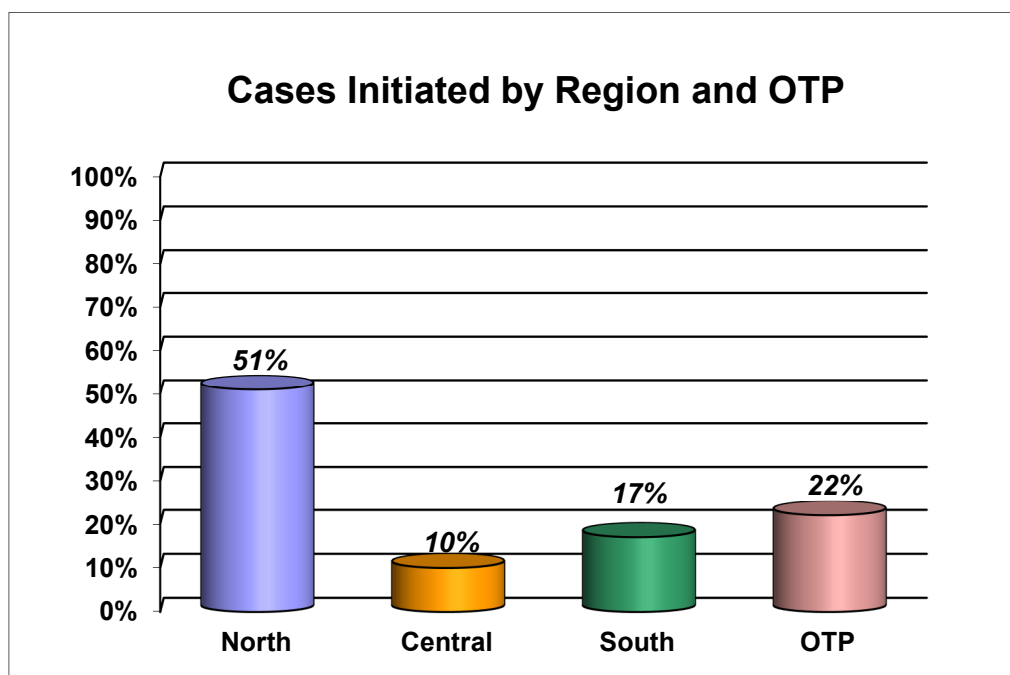
CASES INITIATED

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 2019, 11,744 cases were initiated in the PIP dispute resolution program. Of these cases, 6,027 (51%) were initiated in the Northern region, 1,211 (10%) in the Central region, 1,976 (17%) in the Southern region, and 2,530 (22%) as OTP. See the table below for the monthly distribution.

	IP - North	IP - Central	IP - South	OTP	Total
October	2,214	431	791	920	4,356
November	1,890	353	588	804	3,635
December	1,923	427	597	806	3,753
Totals	6,027	1,211	1,976	2,530	11,744



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
Q4 2019	6,027	1,211	1,976	2,530	11,744

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.

Consolidation	Policy Issues	Change of Claim	Total
373	24	96	493

DISPOSITION OF CASES IN THE PIP ARBITRATION PROGRAM

Of the pending cases in the PIP arbitration program, 12,877 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.

Disposition Type	IP - North	IP - Central	IP - South	OTP	Total
Awarded/Denied	3,000	454	954	673	5,081
Dismissed Pre-Hearing	3	1	4	0	8
Settled	3,145	614	1,164	1,586	6,509
Withdrawn	766	97	128	288	1,279
Total	6,914	1,166	2,250	2,547	12,877

* 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	43%	39%	42%	26%
Dismissed Pre-Hearing	(<1%)	(<1%)	(<1%)	N/A
Settled	45%	53%	52%	62%
Withdrawn	11%	8%	6%	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.

IP - North	IP - Central	IP - South	OTP	Total
450	73	96	53	672

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*	1,602	313	470	1,094	3,479

** 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, 11,605 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 10,576 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 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	3,176	483	985	4,644	683
Dismissed by DRP	3	1	4	8	0*
Settled	1,563	304	692	2,559	1,571
Withdrawn	641	70	114	825	286
Total	5,383	858	1,795	8,036	2,540

* 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 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 4,866 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 (4,287), 68% were in the North region, 10% 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

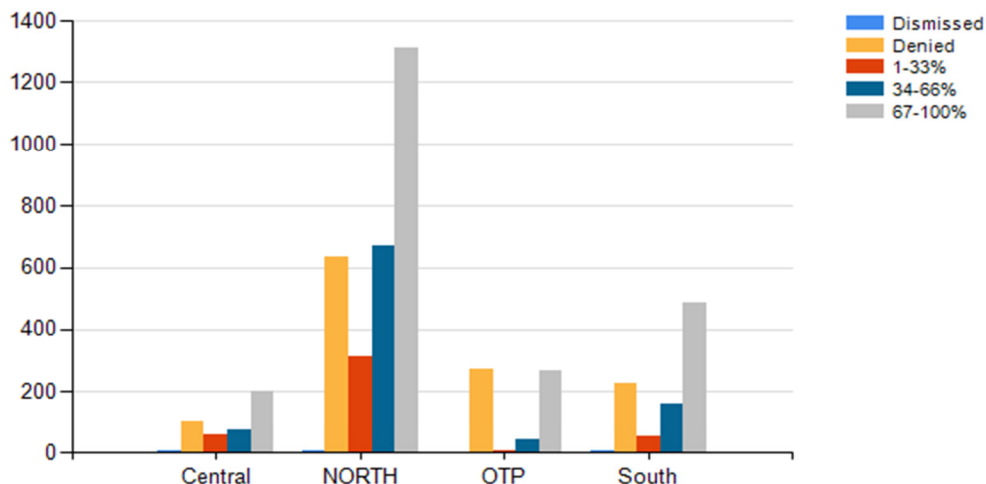
DRPs can deny a claim in its entirety or award all or part of an amount requested by a Claimant. For cases decided in the fourth quarter of 2019, the table and graph below indicate the distribution of DRP total awarded amounts, from 0% (denied/dismissed) to 100% of claimed amounts. Total awarded amounts 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	1	103	57	73	202	436
IP - North	3	635	310	667	1,312	2,927
IP - South	4	226	51	160	483	924
OTP	0*	272	3	40	264	579
Total	8	1,236	421	940	2,261	4,866

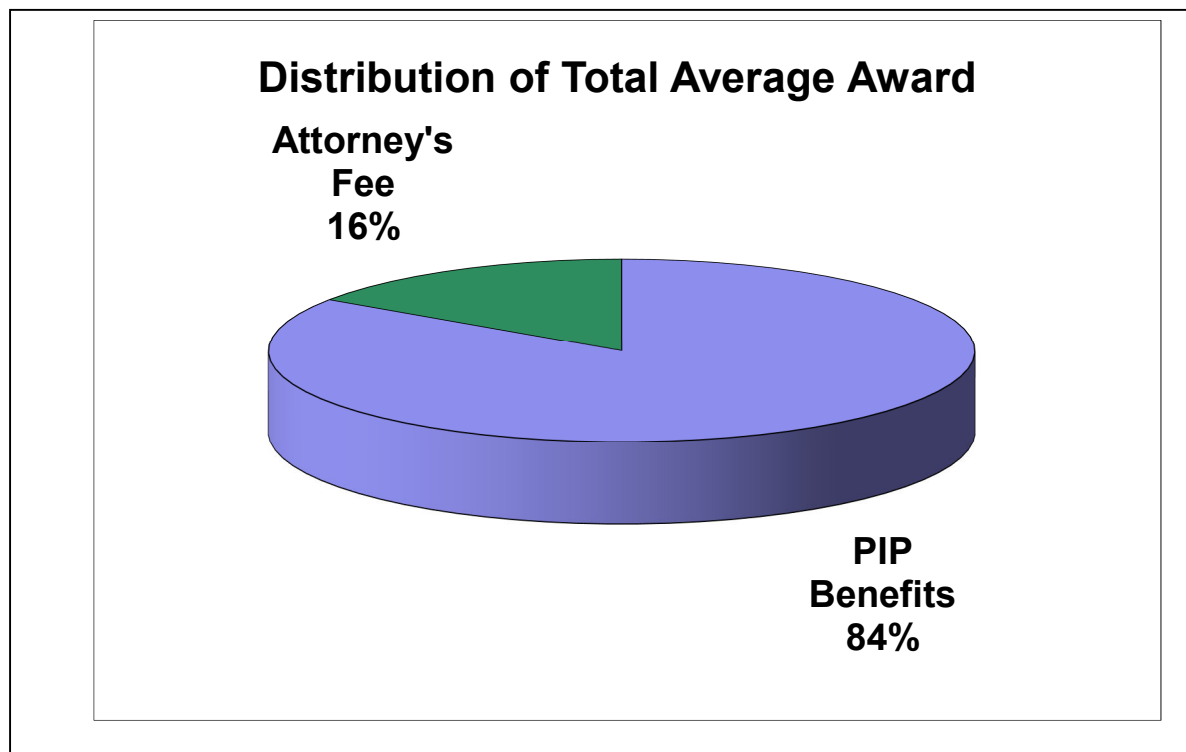
* Not applicable to OTP proceedings.

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 \$5,127, comprised of \$4,322 for personal injury protection benefits and \$805 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 \$4,322* per case. Awarded amounts ranged from \$0 to \$472,635. The median award during the reporting period was \$931. 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 \$805 per case. Awarded attorney's fees ranged from \$0 to \$3,750. 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.

	Average	Dollar Range	Median
PIP Benefits' Award	\$4,322*	\$0 to \$472,635	\$931
Attorney's Fee Award	\$805	\$0 to \$3,750	\$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

Seventeen appeals to panels of three DRPs were concluded during the reporting period. Eight involved awards or dismissal orders rendered in the North Region, six in the Central Region, and two in the South Region. One OTP awards were appealed. Forty-one percent of awards appealed were vacated or modified. The following table reports the results.

	IP - North	IP - Central	IP- South	OTP	Total
Affirmed	4	5	0	1	10
Vacated & Corrected	3	0	0	0	3
Modified	1	1	2	0	4
Total	8	6	2	1	17

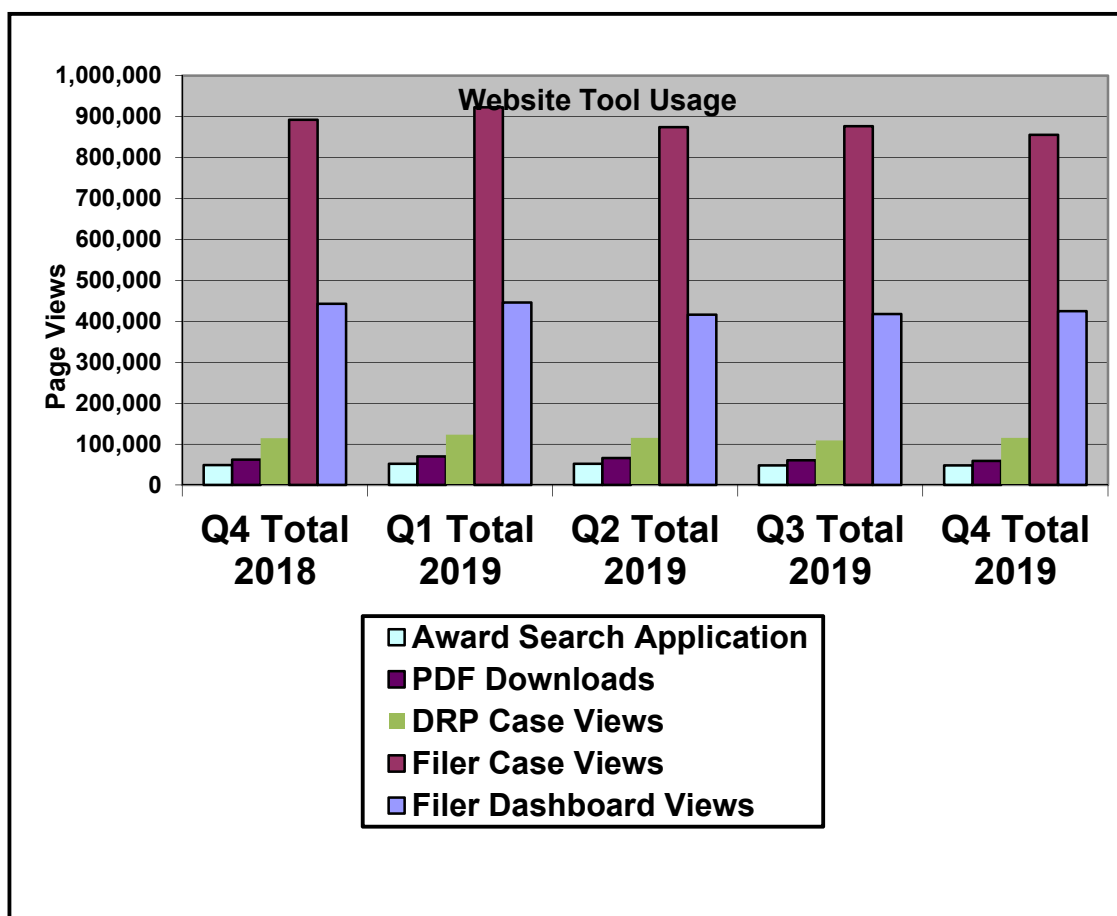
MEDICAL REVIEW ORGANIZATION REPORT

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	3	0	3	0	3	0
Rising Medical	2	0	2	0	2	0
SCS	2	0	2	0	2	0
Total	10	0	10	0	10	0

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	124	44	48	25	52	6	66
Andolino, Michael D.	NORTH	183	35	66	17	68	10	72
Annunziata, Maria	CENTRAL	170	50	58	32	68	15	80
Barry, Martin M.	CENTRAL	160	53	52	35	82	11	66
Campbell, Jennifer M.	CENTRAL	179	62	54	42	91	16	78
Carnelli, Christopher M.	SOUTH	146	58	61	37	95	16	100
Caserta, Patrick J.	NORTH	144	30	67	28	103	7	97
Cassella, Deborah M.	NORTH	207	59	64	33	97	13	114
Croft, Douglas M.	NORTH	132	42	56	35	86	10	78
Damiano, Robert S.	NORTH	71	12	27	17	66	12	63
Daniskas, Maria I.	NORTH	161	59	56	38	74	12	103
Della Badia, Joseph	NORTH	164	28	68	23	66	8	88
DeMarco, Jodi L.	NORTH	150	53	39	33	86	11	98
Ducey, John G.	CENTRAL	162	24	50	33	83	12	65
Eisele-Grabowski, Karen	SOUTH	193	61	86	34	75	19	101
Fabiano, Edward	NORTH	180	58	80	41	78	16	99
Fannan, John J.	CENTRAL	92	32	42	25	23	2	34
Fazio, Cataldo F.	NORTH	138	57	70	36	99	19	96
Finiello, Susanne N.	SOUTH	142	41	49	38	101	9	117
Frankland, Suzanne J.	NORTH	147	56	36	30	74	15	67
Ganzhorn, Lisa A.	NORTH	206	47	55	37	97	16	110
Garrabrandt, James H.	NORTH	136	52	54	38	91	11	78
Grabowski, David A.	SOUTH	216	18	82	20	78	8	95
Granato, S. Caroline	SOUTH	178	37	69	31	92	11	104
Hackett, Michael	NORTH	183	36	67	32	79	7	70
Hebron, Sylvia A	NORTH	157	47	51	43	72	9	93
Johnston, Maureen M.	NORTH	149	54	93	33	86	8	89
Kaczka, Thomas M.	NORTH	161	56	44	46	84	19	95
Kaiser, Brian K.	NORTH	136	50	42	30	80	20	100
Karbasian, Carolyn K.	SOUTH	202	37	82	32	77	11	91
Keller, Grant W.	SOUTH	159	58	64	40	57	12	101
Kincade, Kathleen D.	CENTRAL	137	30	53	26	65	7	75
La Salle, Robert C.	NORTH	170	37	78	22	97	18	85
LaPorta Esq., David M.	NORTH	177	47	75	32	82	11	92
LaPorta, Phillip A.	NORTH	203	47	63	33	94	9	107
Lardiere, Andrea L	CENTRAL	130	48	38	34	73	14	60
McFadden, Michael K.	SOUTH	177	33	53	39	83	15	118
Miller, Matthew G.	NORTH	105	45	39	35	84	12	55
Mundy, Lisa D.	NORTH	184	53	59	35	88	11	105

Nardella, George C.	NORTH	180	53	53	36	97	17	107
Noonan, Scott M.	NORTH	151	45	65	22	80	8	95
O'Brien, Matthew J.	NORTH	159	33	65	31	82	12	88
O'Donnel, Kenneth L.	NORTH	172	20	67	23	93	6	94
Patriaco, Andrew A.	NORTH	184	53	59	43	93	13	84
Pettersen, Nina L.	SOUTH	148	51	68	28	77	9	92
Reis, Karen M.	NORTH	145	36	50	36	84	13	82
Remington-Knodel, Jennifer	NORTH	165	39	66	29	80	19	101
Reynolds, William E.	SOUTH	161	59	66	33	103	16	108
Riva, Joseph J.	NORTH	79	58	43	43	38	11	44
Rivera, Barbara Brosnan	NORTH	190	46	55	38	84	10	106
Sacco, Russ	NORTH	160	42	52	28	101	14	110
Sproviero, Scott G.	NORTH	139	47	47	35	74	8	72
Stampone, Vincenzo	NORTH	172	60	49	39	101	18	106
Tamburino, Joseph A.	NORTH	204	53	58	37	76	9	83
Tarrant, Tara D.	NORTH	149	18	35	24	94	8	73
Voorhees, Gregory X.	SOUTH	197	62	79	43	83	15	90
Wallen, Kate R.	SOUTH	94	24	68	17	78	9	93

APPENDIX B

DRP	Region	IP Cases	IP Age (in Days)	OTP Cases	OTP Age (in days)
Aloi, Anthony M.	CENTRAL	170	134.31	56	82.73
Andolino, Michael D.	NORTH	248	139.55	43	74.86
Annunziata, Maria	CENTRAL	210	138.12	51	73.35
Barry, Martin M.	CENTRAL	214	124.12	51	62.51
Campbell, Jennifer M.	CENTRAL	217	117.67	63	73.35
Carnelli, Christopher M.	SOUTH	246	168.86	55	68.11
Caserta, Patrick J.	NORTH	248	178.37	38	110.53
Cassella, Deborah M.	NORTH	248	124.11	52	55.67
Croft, Douglas M.	NORTH	242	172.48	43	81.53
Damiano, Robert S.	NORTH	129	160.37	17	114.76
Daniskas, Maria I.	NORTH	269	164.11	61	82.41
Della Badia, Joseph	NORTH	238	159.37	30	77.77
DeMarco, Jodi L.	NORTH	239	146.35	51	59.12
Ducey, John G.	CENTRAL	192	119.94	18	81.56
Eisele-Grabowski, Karen	SOUTH	239	153.74	61	73.03
Fabiano, Edward	NORTH	257	134.97	46	63.39
Fannan, John J.	CENTRAL	109	159.06	39	85.03
Fazio, Cataldo F.	NORTH	248	140.98	59	69.86
Finiello, Susanne N.	SOUTH	214	168.31	40	80.00
Frankland, Suzanne J.	NORTH	254	152.18	63	65.52
Ganzhorn, Lisa A.	NORTH	300	160.49	40	64.23
Garrabrandt, James H.	NORTH	237	170.33	52	73.21
Grabowski, David A.	SOUTH	276	126.95	31	96.13
Granato, S. Caroline	SOUTH	244	145.95	40	93.58
Hackett, Michael	NORTH	257	148.56	38	74.50
Hebron, Sylvia A	NORTH	248	143.58	54	90.69
Johnston, Maureen M.	NORTH	224	123.22	55	87.73
Kaczka, Thomas M.	NORTH	242	130.57	50	69.06
Kaiser, Brian K.	NORTH	248	145.90	53	76.87
Karbasian, Carolyn K.	SOUTH	213	101.92	38	71.26
Keller, Grant W.	SOUTH	231	161.46	62	75.63
Kincade, Kathleen D.	CENTRAL	210	194.82	32	107.50
La Salle, Robert C.	NORTH	235	142.21	43	80.28
LaPorta Esq., David M.	NORTH	259	128.46	45	78.29
LaPorta, Phillip A.	NORTH	255	142.87	41	66.88
Lardiere, Andrea L	CENTRAL	222	159.89	38	60.55

McFadden (LI), Michael K.	SOUTH	248	140.71	31	95.39
McFadden, Michael K.	SOUTH	30	112.73		
Miller, Matthew G.	NORTH	223	181.34	44	73.64
Mundy, Lisa D.	NORTH	238	133.08	45	59.69
Nardella, George C.	NORTH	233	135.15	57	78.98
Noonan, Scott M.	NORTH	255	137.83	50	70.72
O'Brien, Matthew J.	NORTH	256	135.82	45	100.09
O'Donnel, Kenneth L.	NORTH	268	141.59	28	104.68
Patriaco, Andrew A.	NORTH	283	155.35	43	84.70
Pettersen, Nina L.	SOUTH	196	139.73	49	73.80
Reis, Karen M.	NORTH	203	134.32	32	61.31
Remington-Knodel, Jennifer	NORTH	219	127.42	47	74.49
Reynolds, William E.	SOUTH	266	145.40	63	80.41
Riva, Joseph J.	NORTH	115	162.97	41	62.12
Rivera, Barbara Brosnan	NORTH	281	145.12	43	83.21
Sacco, Russ	NORTH	205	144.59	34	66.59
Sproviero, Scott G.	NORTH	257	159.43	43	77.93
Stampone, Vincenzo	NORTH	273	151.33	53	72.87
Tamburino, Joseph A.	NORTH	263	134.64	51	70.94
Tarrant, Tara D.	NORTH	246	138.47	29	98.21
Voorhees, Gregory X.	SOUTH	245	143.15	64	84.66
Wallen, Kate R.	SOUTH	157	184.63	24	63.00

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