



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

No Fault PIP Arbitration  
4th Quarter 2020



FORTHRIGHT

**4TH QUARTER 2020 REPORT**

**TO THE**

**NEW JERSEY DEPARTMENT OF BANKING AND INSURANCE**

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## EXECUTIVE SUMMARY

In the fourth quarter of 2020, 9,636 cases were initiated in the PIP dispute resolution program. Of these cases, 4,559 (47%) were initiated in the Northern region, 997 (10%) in the Central region, 1,877 (19%) in the Southern region, and 2,203 (23%) as OTP.

The DRP panel consisted of 52 members. The DRPs were regionally deployed as follows: 32 in the North, 8 in the Central, and 12 in the South. In this quarter, 8,967 cases were assigned to DRPs.

Of the pending cases in the PIP arbitration program, 10,127 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 444 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 \$4,960, comprised of \$4,146 for personal injury protection benefits and \$814 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-three appeals to panels of three DRPs were concluded during the reporting period. Sixteen involved awards or dismissal orders rendered in the North Region, three in the Central Region, and three in the South Region. One OTP award was appealed. Thirty-five percent of awards appealed were vacated or modified.

During the reporting period, 10 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

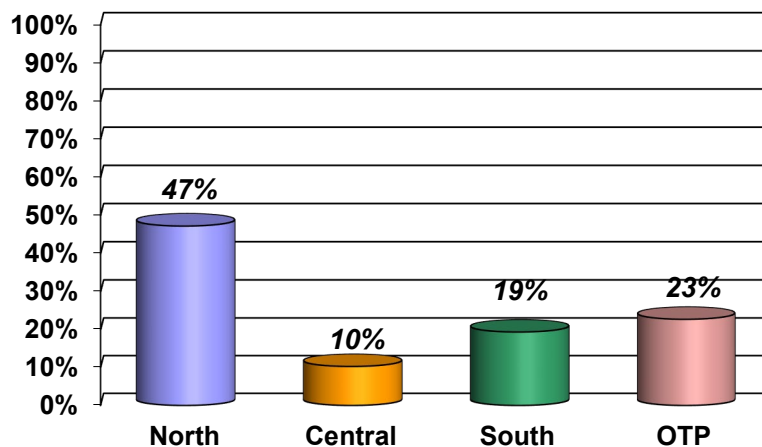
Cases are considered “filed” as of the date a Demand for Arbitration is received by Forthright. Case “initiation” occurs when an initiation letter is transmitted to the parties.

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 2020, 9,636 cases were initiated in the PIP dispute resolution program. Of these cases, 4,559 (47%) were initiated in the Northern region, 997 (10%) in the Central region, 1,877 (19%) in the Southern region, and 2,203 (23%) as OTP. See the table below for the monthly distribution.

	IP - North	IP - Central	IP - South	OTP	Total
October	1,734	338	544	719	3,335
November	1,304	321	564	663	2,852
December	1,521	338	769	821	3,449
Totals	4,559	997	1,877	2,203	9,636

**Cases Initiated by Region and OTP**



The following table summarizes the initiations for the quarters of 2020.

	IP - North	IP - Central	IP - South	OTP	Total
Q1 2020	5,511	1,287	1,998	2,151	10,947
Q2 2020	5,557	1,170	1,902	2,253	10,882
Q3 2020	5,692	1,057	1,806	2,464	11,019
Q4 2020	4,559	997	1,877	2,203	9,636

## 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>Total</b>
295	21	82	398

## DISPOSITION OF CASES IN THE PIP ARBITRATION PROGRAM

Of the pending cases in the PIP arbitration program, 10,127 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	2,262	511	782	609	4,164
*Dismissed Pre-Hearing	1	3	4	0*	8
Settled	2,251	502	1,006	1,382	5,141
Withdrawn	404	54	115	241	814
Total	4,918	1,070	1,907	2,232	10,127

\* 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.**

<b>Disposition Type</b>	<b>IP - North</b>	<b>IP - Central</b>	<b>IP - South</b>	<b>OTP</b>
Awarded/Denied	46%	48%	41%	27%
Dismissed Pre-Hearing	<1%	<1%	<1%	N/A
Settled	46%	47%	53%	62%
Withdrawn	8%	5%	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
276	57	63	48	444

## 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*	1,304	270	552	1,061	3,187

*\* 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 52 members. The DRPs were regionally deployed as follows: 32 in the North, 8 in the Central, and 12 in the South. In this quarter, 8,967 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 8,039 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 2020 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	2,394	532	807	3,733	619
Dismissed by DRP	1	3	4	8	0*
Settled	966	231	446	1,643	1,376
Withdrawn	286	39	95	420	240
<b>Total</b>	<b>3,647</b>	<b>805</b>	<b>1,352</b>	<b>5,804</b>	<b>2,235</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 2020 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 3,881 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 (3,384), 64% were in the North region, 14% in the Central region, and 22% 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 2020, 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.

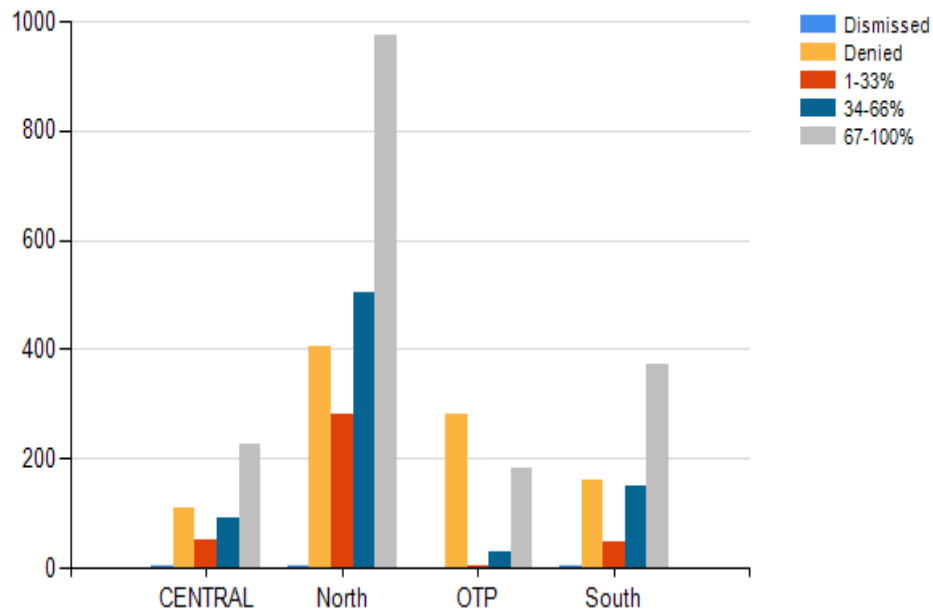
For purposes of the data table and chart below, amended amounts are captured within a total amount claimed and then compared to the total amount awarded.

	<b>Dismissed</b>	<b>Denied</b>	<b>1-33%</b>	<b>34-66%</b>	<b>67-100%</b>	<b>Total</b>
IP - Central	3	109	53	93	228	486
IP - North	1	406	280	503	975	2,165
IP - South	4	159	49	150	371	733
OTP	0*	281	3	29	184	497
<b>Total</b>	<b>8</b>	<b>955</b>	<b>385</b>	<b>775</b>	<b>1,758</b>	<b>3,881</b>

\* Not applicable to OTP proceedings.

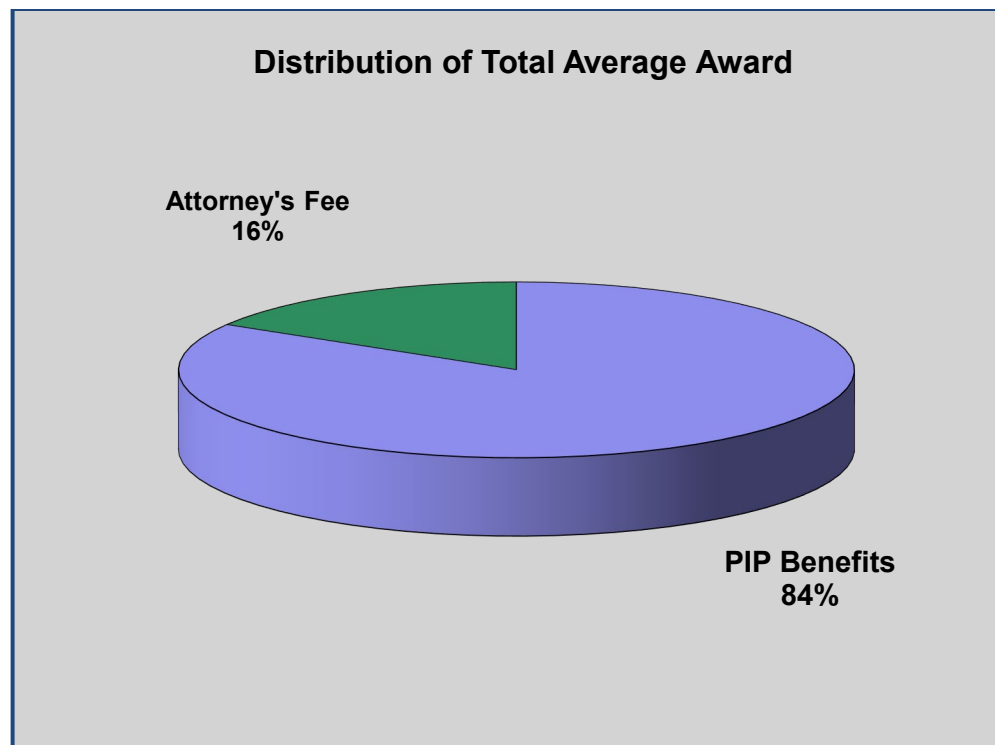
Note: The award data in this section excludes appellate awards.





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

System-wide, the average amount awarded in arbitration (excluding filing fees) was \$4,960, comprised of \$4,146 for personal injury protection benefits and \$814 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 \$4,146\* per case. Awarded amounts ranged from \$0 to \$403,683. The median award during the reporting period was \$939. 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 \$814 per case. Awarded attorney's fees ranged from \$0 to \$3,900. 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	\$4,146*	\$0 to \$403,682	\$939
Attorney's Fee Award	\$814	\$0 to \$3,900	\$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-three appeals to panels of three DRPs were concluded during the reporting period. Sixteen involved awards or dismissal orders rendered in the North Region, three in the Central Region, and three in the South Region. One OTP award was appealed. Thirty-five percent of awards appealed were vacated or modified. 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	12	2	1	0	15
Vacated & Corrected	2	0	0	1	3
Modified	2	1	2	0	5
Total	16	3	3	1	23

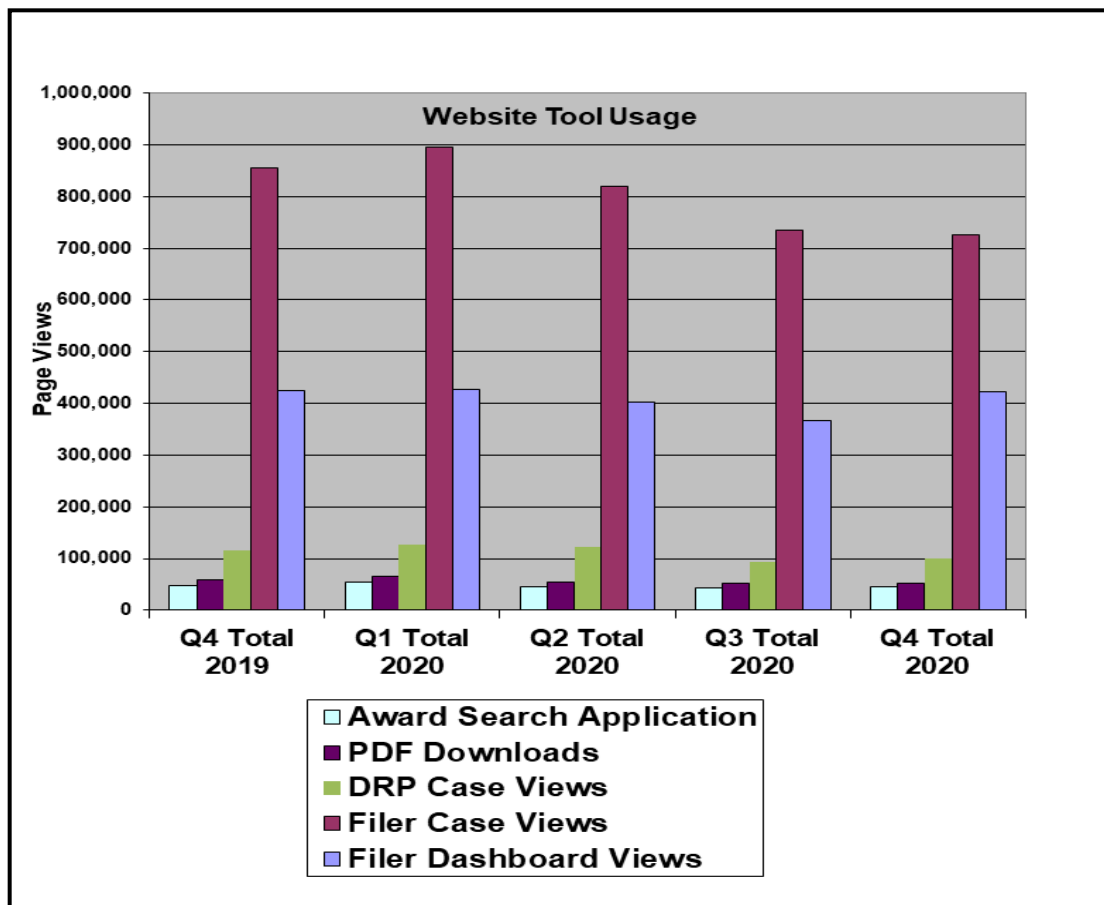
## MEDICAL REVIEW ORGANIZATION REPORT

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	2	0	2	0	2	0
FMCO	3	0	3	0	3	0
Rising Medical	3	0	3	0	2	1
SCS	2	0	2	0	2	0
Total	10	0	10	0	9	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](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	152	60	48	55	62	10	79
Andolino, Michael D.	NORTH	191	58	53	31	95	18	109
Annunziata, Maria	CENTRAL	85	24	22	23	52	8	59
Barry, Martin M.	CENTRAL	62	42	31	33	42	11	47
Campbell, Jennifer M.	CENTRAL	138	74	48	40	108	17	99
Carnelli, Christopher M.	SOUTH	120	59	65	38	96	19	100
Cassella, Deborah M.	NORTH	207	59	62	38	89	20	92
Croft, Douglas M.	NORTH	173	57	63	43	123	16	117
Damiano, Robert S.	NORTH	80	27	30	22	45	8	59
Daniskas, Maria I.	NORTH	110	41	21	19	51	4	76
Della Badia, Joseph	NORTH	208	37	65	31	94	4	108
DeMarco, Jodi L.	NORTH	171	62	59	46	101	10	98
Ducey, John G.	CENTRAL	161	65	46	39	95	9	100
Eisele-Grabowski, Karen	SOUTH	61	22	34	22	52	14	60
Fabiano, Edward	NORTH	166	64	47	45	84	24	107
Fannan, John J.	CENTRAL	79	39	25	30	35	9	56
Finiello, Susanne N.	SOUTH	186	57	69	42	92	13	95
Frankland, Suzanne J.	NORTH	179	46	46	35	118	10	114
Ganzhorn, Lisa A.	NORTH	92	43	33	26	65	15	73
Garrabrandt, James H.	NORTH	65	27	19	24	49	11	45
Grabowski, David A.	SOUTH	79	15	40	16	68	12	62
Granato, S. Caroline	SOUTH	86	35	35	30	50	15	63
Hackett, Michael	NORTH	84	20	21	8	49	2	60
Hebron, Sylvia A	NORTH	72	30	18	22	45	13	66
Johnston, Maureen M.	NORTH	104	27	31	10	51	9	39
Kaiser, Brian K.	NORTH	97	24	34	20	52	12	58
Karbasian, Carolyn K.	SOUTH	180	50	48	43	117	19	138
Keller, Grant W.	SOUTH	169	72	71	44	65	13	109
Kincade, Kathleen D.	CENTRAL	108	39	19	32	50	7	55
La Salle, Robert C.	NORTH	119	29	34	22	50	7	70
LaPorta Esq., David M.	NORTH	270	56	47	43	91	9	94
LaPorta, Phillip A.	NORTH	97	51	31	35	49	11	76
Lardiere, Andrea L	CENTRAL	146	65	42	39	108	21	118
McFadden, Michael K.	SOUTH	91	45	33	37	44	11	72
Mundy, Lisa D.	NORTH	92	35	34	37	70	19	86
Nardella, George C.	NORTH	230	52	61	35	103	14	94
Noonan, Scott M.	NORTH	126	18	27	12	47	3	71

O'Donnel, Kenneth L.	NORTH	89	34	23	17	65	5	64
Patriaco, Andrew A.	NORTH	93	26	20	17	46	18	57
Pettersen, Nina L.	SOUTH	75	20	34	25	45	10	49
Reis, Karen M.	NORTH	169	54	28	40	111	13	120
Remington-Knodel, Jennifer	NORTH	171	56	43	35	98	21	125
Reynolds, William E.	SOUTH	86	49	34	41	60	13	54
Riva, Joseph J.	NORTH	119	43	42	44	38	11	43
Rivera, Barbara Brosnan	NORTH	94	22	17	11	54	7	68
Sacco, Russ	NORTH	179	57	55	31	91	14	113
Sproviero, Scott G.	NORTH	101	25	21	17	54	8	68
Stampone, Vincenzo	NORTH	222	72	60	51	101	12	119
Tamburino, Joseph A.	NORTH	108	17	26	14	44	7	48
Tarrant, Tara D.	NORTH	164	36	43	28	130	10	111
Voorhees, Gregory X.	SOUTH	171	84	79	58	92	15	97
Wallen, Kate R.	SOUTH	41	28	19	19	47	8	51
Total		6718	2249	2056	1615	3733	619	4211

## APPENDIX B

DRP	Region	IP Cases	IP Age (in days)	OTP Cases	OTP Age (in days)
Aloi, Anthony M.	CENTRAL	262	134.87	47	87.96
Andolino, Michael D.	NORTH	355	142.80	52	62.35
Annunziata, Maria	CENTRAL	174	190.96	29	95.83
Barry, Martin M.	CENTRAL	173	195.86	36	83.22
Campbell, Jennifer M.	CENTRAL	281	138.77	75	71.35
Carnelli, Christopher M.	SOUTH	306	141.01	59	79.41
Cassella, Deborah M.	NORTH	419	146.63	48	58.19
Croft, Douglas M.	NORTH	409	152.33	53	65.32
Damiano, Robert S.	NORTH	191	183.96	24	82.21
Daniskas, Maria I.	NORTH	221	211.30	33	74.97
Della Badia, Joseph	NORTH	396	144.13	37	73.86
DeMarco, Jodi L.	NORTH	429	141.12	49	64.14
Ducey, John G.	CENTRAL	246	128.09	61	58.08
Eisele-Grabowski, Karen	SOUTH	149	199.41	33	113.67
Fabiano, Edward	NORTH	410	146.88	49	47.45
Fannan, John J.	CENTRAL	140	183.07	37	99.78
Finello, Susanne N.	SOUTH	319	128.61	51	68.20
Frankland, Suzanne J.	NORTH	334	163.47	49	89.65
Ganzhorn, Lisa A.	NORTH	214	182.69	22	46.00
Garrabrandt, James H.	NORTH	218	231.98	26	90.27
Grabowski, David A.	SOUTH	164	187.57	19	112.26
Granato, S. Caroline	SOUTH	146	189.40	38	89.29
Hackett, Michael	NORTH	199	221.18	18	64.72
Hebron, Sylvia A	NORTH	210	212.33	28	87.68
Johnston, Maureen M.	NORTH	217	195.79	23	43.17
Kaiser, Brian K.	NORTH	216	209.87	11	65.64
Karbasian, Carolyn K.	SOUTH	333	116.94	44	62.34
Keller, Grant W.	SOUTH	372	141.26	66	61.39
Kincade, Kathleen D.	CENTRAL	163	174.53	32	72.00
La Salle, Robert C.	NORTH	253	202.58	33	101.52
LaPorta Esq., David M.	NORTH	213	208.85	42	69.43
LaPorta, Phillip A.	NORTH	456	160.16	44	60.43
Lardiere, Andrea L	CENTRAL	287	155.28	64	81.69
McFadden, Michael K.	SOUTH	150	209.63	34	62.74
Mundy, Lisa D.	NORTH	226	187.93	25	93.32
Nardella, George C.	NORTH	452	143.97	46	59.54
Noonan, Scott M.	NORTH	261	224.67	13	125.54
O'Donnel, Kenneth L.	NORTH	193	210.81	24	51.38

Patriaco, Andrew A.	NORTH	220	208.27	34	95.35
Pettersen, Nina L.	SOUTH	162	166.15	27	107.56
Reis, Karen M.	NORTH	413	164.02	44	68.07
Remington-Knodel, Jennifer	NORTH	360	156.04	49	62.49
Reynolds, William E.	SOUTH	157	175.49	45	86.84
Riva, Joseph J.	NORTH	215	160.29	28	89.43
Rivera, Barbara Brosnan	NORTH	224	232.84	17	71.88
Sacco, Russ	NORTH	376	136.59	45	78.07
Sproviero, Scott G.	NORTH	238	228.26	19	66.47
Stampone, Vincenzo	NORTH	427	150.46	61	64.25
Tamburino, Joseph A.	NORTH	207	186.86	15	66.00
Tarrant, Tara D.	NORTH	416	150.42	40	86.75
Voorhees, Gregory X.	SOUTH	330	130.87	66	58.26

## Contact us

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