



NEW JERSEY DEPARTMENT OF
BANKING AND INSURANCE
QUARTERLY REPORT

No Fault PIP Arbitration
1st Quarter 2018



FORTHRIGHT

1ST QUARTER 2018 REPORT

TO THE

NEW JERSEY DEPARTMENT OF BANKING AND INSURANCE

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EXECUTIVE SUMMARY

In the first quarter of 2018, 13,012 cases were initiated in the PIP dispute resolution program. Of these cases, 6,725 (52%) were initiated in the Northern region, 1,640 (13%) in the Central region, 2,135 (16%) in the Southern region, and 2,512 (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, 11,279 cases were assigned to DRPs.

Of the pending cases in the PIP arbitration program, 12,919 were concluded during the first quarter by means of an award or denial of award (including appeals), pre-hearing dismissal of the case, settlement, or withdrawal. There were 953 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 \$5,623, comprised of \$4,774 for personal injury protection benefits and \$849 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-eight appeals to panels of three DRPs were concluded during the reporting period. Seventeen involved awards or dismissal orders rendered in the North Region, six in the Central Region, and two in the South Region. Three OTP awards were appealed. Thirty-six percent of awards were vacated or modified.

During the reporting period, seventeen 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.

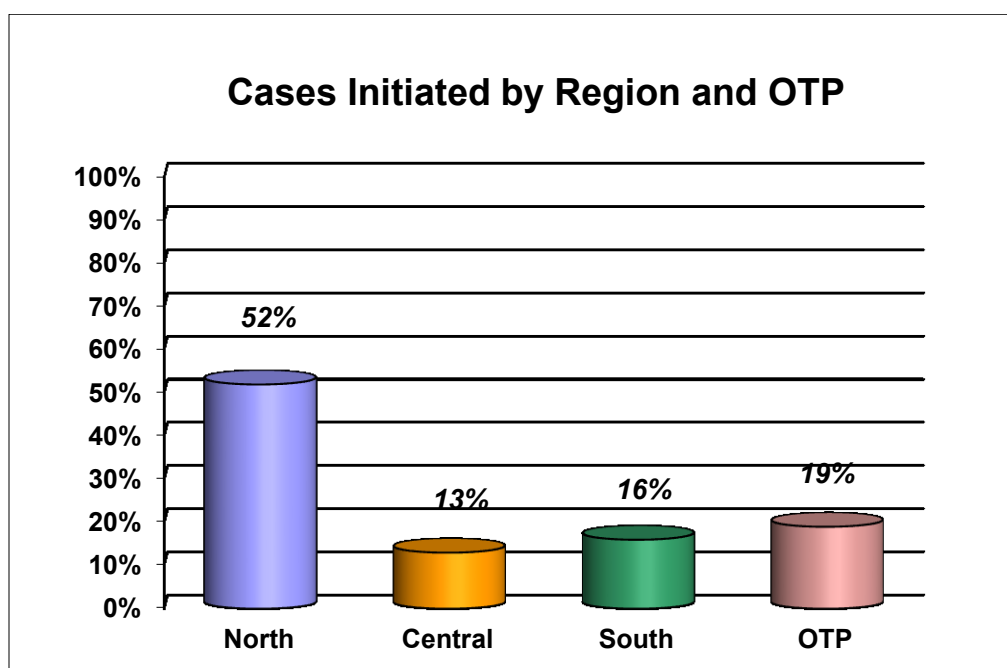
CASES INITIATED

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 first quarter of 2018, 13,012 cases were initiated in the PIP dispute resolution program. Of these cases, 6,725 (52%) were initiated in the Northern region, 1,640 (13%) in the Central region, 2,135 (16%) in the Southern region, and 2,512 (19%) as OTP. See the table below for the monthly distribution.

	IP - North	IP - Central	IP - South	OTP	Total
January	2,298	685	787	845	4,615
February	2,131	373	649	777	3,930
March	2,296	582	699	890	4,467
Totals	6,725	1,640	2,135	2,512	13,012



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 first quarter and the reason.

Consolidation	Policy Issues	Change of Claim	Voluntary OTP Filings	Total
351	32	82	28	493

DISPOSITION OF CASES IN THE PIP ARBITRATION PROGRAM

Of the pending cases in the PIP arbitration program, 12,919 were concluded during the first 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	3,081	695	829	616	5,221
Dismissed Pre-Hearing	11	3	6	0	20
Settled	3,243	830	1,105	1,377	6,555
Withdrawn	621	105	170	227	1,123
Total	6,956	1,633	2,110	2,220	12,919

* 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	44%	43%	39%	28%
Dismissed Pre-Hearing	(<1%)	(<1%)	(<1%)	N/A
Settled	47%	51%	52%	62%
Withdrawn	9%	6%	8%	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
585	117	209	42	953

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*	1,739	395	366	955	3,455

** 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, 11,279 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 10,290 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 first 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	3,129	685	842	4,656	612
Dismissed by DRP	11	3	6	20	0*
Settled	1,525	425	729	2,679	1,374
Withdrawn	486	90	147	723	226
Total	5,151	1,203	1,724	8,078	2,212

* 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 first 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 4,892 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 (4,389), 67% were in the North region, 15% 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

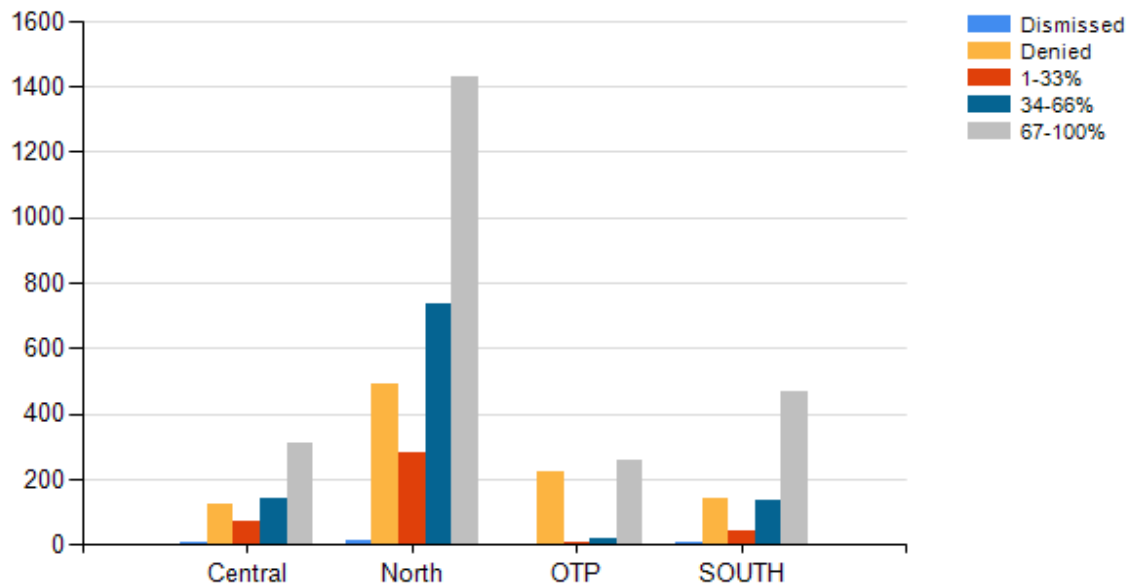
DRPs can deny a claim in its entirety or award all or part of an amount requested by a Claimant. For cases decided in the first quarter of 2018, the table and graph below indicate the distribution of DRP total awarded amounts, from 0% (denied/dismissed) to 100% of claimed amounts. Total awarded amounts 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	3	124	70	139	310	646
IP - North	11	489	279	735	1,433	2,947
IP - South	6	141	43	136	470	796
OTP	0*	224	1	19	259	503
Total	20	978	393	1,029	2,472	4,892

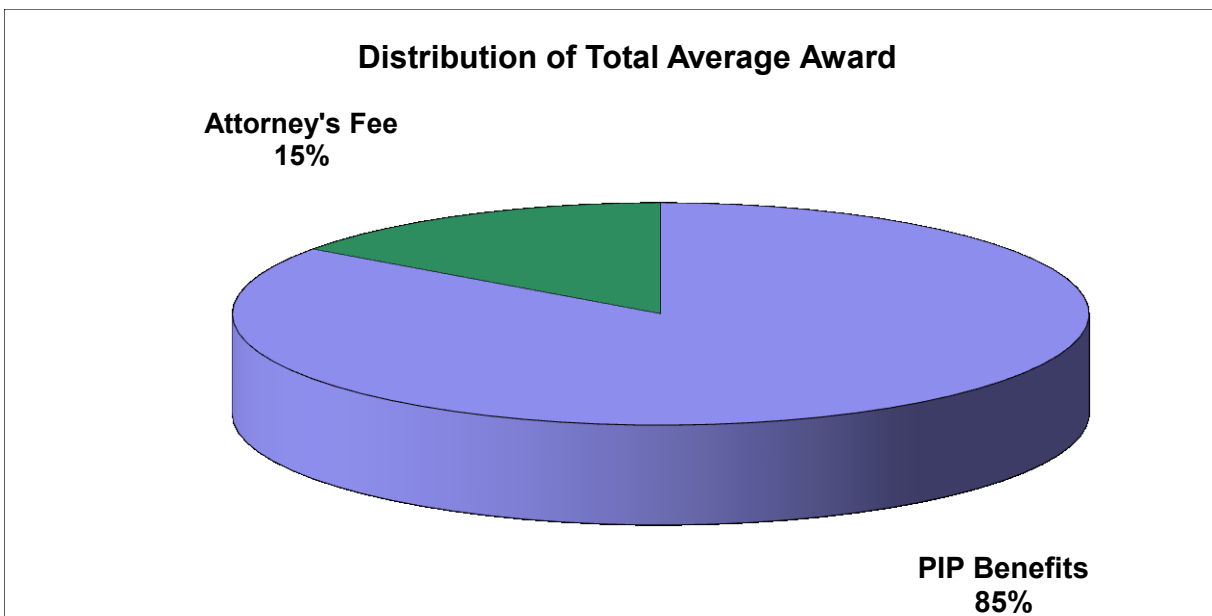
* Not applicable to OTP proceedings

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 \$5,623, comprised of \$4,774 for personal injury protection benefits and \$849 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 \$4,774* per case. Awarded amounts ranged from \$0 to \$376,955. The median award during the reporting period was \$1,256. 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 \$849 per case. Awarded attorney's fees ranged from \$0 to \$7,200. 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	\$4,774*	\$0 to \$376,955	\$1,256
Attorney's Fee Award	\$849	\$0 to \$7,200	\$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-eight appeals to panels of three DRPs were concluded during the reporting period. Seventeen involved awards or dismissal orders rendered in the North Region, six in the Central Region, and two in the South Region. Three OTP awards were appealed. Thirty-six percent of awards were vacated or modified. The following table reports the results.

	IP - North	IP - Central	IP- South	OTP	Total
Affirmed	11	3	2	2	18
Vacated & Corrected	3	3	0	1	7
Modified	3	0	0	0	3
Total	17	6	2	3	28

MEDICAL REVIEW ORGANIZATION REPORT

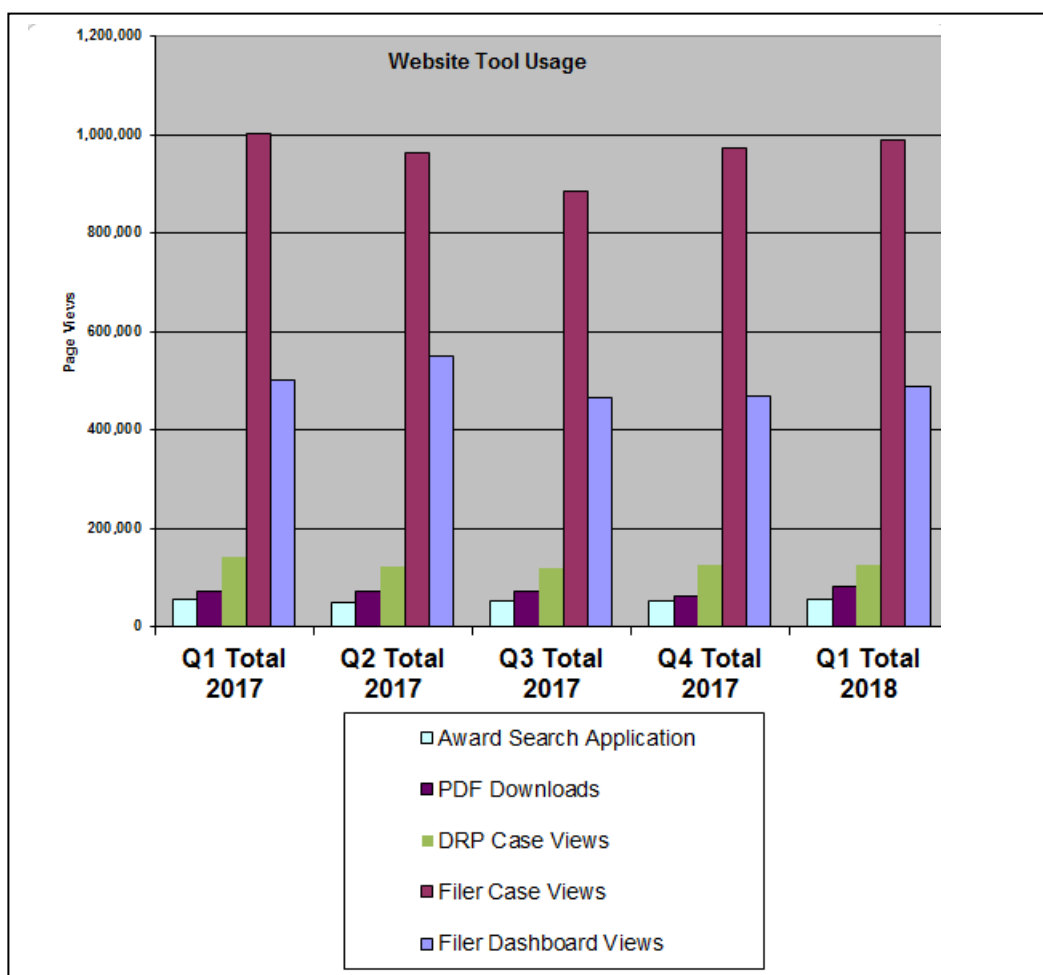
There are currently four Medical Review Organizations ("MRO") certified by the Department of Banking and Insurance. They are ExamWorks (formerly known as CFO Medical Services), First Managed Care Option ("FMCO"), Rising Medical Solutions and Support Claim Services ("SCS"). Information relevant to MRO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

MRO	Request By Party	Request By DRP	Total Requests	Request for Information	Report in 20 Business Days	Report After 20 Business Days
ExamWorks	6	0	6	1	6	0
FMCO	6	0	6	0	5	1
Rising Medical	5	0	5	0	5	0
SCS	0	0	0	0	0	0
Total	17	0	17	1	16	1

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	OTP Assigned	IP Settled/ Withdrawn	OTP Settled/ Withdrawn	IP Awarded/ Denied	OTP Awarded/ Denied	In-Person Proceedings
Aloi, Anthony M.	CENTRAL	180	38	67	25	87	13	98
Andolino, Michael D.	NORTH	158	37	63	20	91	5	100
Annunziata, Maria	CENTRAL	198	37	74	21	91	10	99
Barry, Martin M.	CENTRAL	202	48	46	28	70	9	96
Campbell, Jennifer M.	NORTH	138	35	56	35	89	17	109
Carnelli, Christopher M.	SOUTH	194	54	77	31	82	21	95
Caserta, Patrick J.	NORTH	148	58	42	32	77	11	79
Cassella, Deborah M.	NORTH	164	45	45	53	93	21	110
Celentano, Cynthia J.	NORTH	106	41	40	24	77	6	84
Croft, Douglas M.	NORTH	155	42	60	20	80	9	96
Damiano, Robert S.	NORTH	143	45	47	28	82	6	68
Daniskas, Maria I.	NORTH	159	52	46	40	95	13	114
Della Badia, Joseph	NORTH	99	30	40	14	76	4	85
DeMarco, Jodi L.	NORTH	117	50	44	39	81	15	116
DeMarco, Joseph	NORTH	138	51	49	30	60	6	103
Ducey, John G.	CENTRAL	148	41	67	27	97	10	111
Eisele-Grabowski, Karen	SOUTH	123	32	74	25	72	14	94
Fabiano, Edward	NORTH	131	36	36	32	87	10	102
Fannan, John J.	CENTRAL	20	3	11	1	28	1	35
Fazio, Cataldo F.	NORTH	105	48	41	31	61	14	111
Finelli, Susanne N.	SOUTH	187	45	80	30	62	10	76
Foley, Patrick W.	CENTRAL	167	30	63	18	89	9	105
Frankland, Suzanne J.	NORTH	175	37	47	26	89	13	142
Ganzhorn, Lisa A.	NORTH	128	49	50	38	67	10	103
Garrabrandt, James H.	NORTH	159	46	55	31	64	2	100
Grabowski, David A.	SOUTH	160	16	74	7	100	4	89
Granato, S. Caroline	SOUTH	207	46	72	27	80	5	107
Hackett, Michael	NORTH	139	43	53	25	87	7	99
Hebron, Sylvia A	NORTH	169	51	40	23	98	13	109
Johnston, Maureen M.	NORTH	105	21	48	17	75	6	100
Kaczka, Thomas M.	NORTH	157	31	49	23	73	12	112
Kaiser, Brian K.	NORTH	125	44	48	29	70	11	113
Karbasian, Carolyn K.	SOUTH	137	37	115	27	92	13	86
Keller, Grant W.	SOUTH	185	46	71	32	69	13	115
Kincade, Kathleen D.	CENTRAL	164	43	67	10	79	4	98
La Salle, Robert C.	NORTH	131	38	58	25	86	14	99
LaPorta Esq., David M.	NORTH	136	36	59	16	80	8	93
LaPorta, Phillip A.	NORTH	138	38	57	27	84	9	99
Lardiere, Andrea L	CENTRAL	176	50	58	34	68	11	96

McFadden, Michael K.	SOUTH	136	33	85	15	51	6	67
Miller, Matthew G.	NORTH	93	55	61	33	68	4	96
Mundy, Lisa D.	NORTH	119	40	38	29	73	16	110
Nardella, George C.	NORTH	132	41	54	28	67	11	103
Noonan, Scott M.	NORTH	164	32	53	28	76	11	106
O'Brien, Matthew J.	NORTH	118	50	60	33	63	14	90
O'Donnel, Kenneth L.	NORTH	122	41	43	19	82	9	109
Patriaco, Andrew A.	NORTH	186	33	60	25	77	14	98
Pettersen, Nina L.	SOUTH	191	49	81	27	71	8	91
Reis, Karen M.	NORTH	151	47	56	31	72	11	76
Remington-Knodel, Jennifer	NORTH	108	42	51	21	78	10	102
Reynolds, William E.	SOUTH	186	42	81	32	65	14	101
Riva, Joseph J.	NORTH	19	33	12	30	46	11	58
Rivera, Barbara Brosnan	NORTH	134	46	60	34	81	8	91
Sacco, Russ	NORTH	125	55	35	26	65	14	82
Sproviero, Scott G.	NORTH	134	45	45	28	78	6	83
Stampone, Vincenzo	NORTH	119	46	43	27	80	11	110
Stokes, Nanci G.	NORTH	143	41	50	35	65	18	97
Tamburino, Joseph A.	NORTH	131	27	59	22	87	11	92
Tarrant, Tara D.	NORTH	123	29	51	17	69	3	108
Voorhees, Gregory X.	CENTRAL	212	48	73	26	66	7	80
Wallen, Kate R.	SOUTH	182	35	56	13	89	6	91

APPENDIX B

DRP	Region	IP Cases	IP Age (in days)	OTP Cases	OTP Age (in days)
Aloi, Anthony	CENTRAL	283	141.55	33	61.73
Andolino, Michael	NORTH	201	134.42	33	58.21
Annunziata, Maria	CENTRAL	309	167.97	40	77.70
Barry, Martin	CENTRAL	299	166.45	52	70.21
Campbell, Jennifer	NORTH	250	182.09	44	92.82
Carnelli, Christopher	SOUTH	285	123.57	56	74.66
Caserta, Patrick	NORTH	212	158.19	54	60.91
Cassella, Deborah	NORTH	202	138.12	34	74.79
Celentano, Cynthia	NORTH	193	147.02	31	63.26
Croft, Douglas	NORTH	224	148.57	46	77.30
Damiano, Robert	NORTH	207	124.19	34	57.32
Daniskas, Maria	NORTH	239	152.22	44	72.70
Della Badia, Joseph	NORTH	194	158.87	29	69.72
DeMarco, Jodi	NORTH	186	172.08	48	66.38
DeMarco, Joseph	NORTH	248	160.10	51	68.31
Ducey, John	CENTRAL	252	144.08	42	61.79
Eisele-Grabowski, Karen	SOUTH	257	162.81	48	81.67
Fabiano, Edward	NORTH	218	135.48	29	60.31
Fannan, John	CENTRAL	34	193.65	4	44.00
Fazio, Cataldo	NORTH	215	145.89	50	77.42
Finiello, Susanne	SOUTH	291	126.20	49	68.29
Foley, Patrick	CENTRAL	261	140.60	27	43.93
Frankland, Suzanne	NORTH	239	147.62	50	77.52
Ganzhorn, Lisa	NORTH	216	149.88	50	83.98
Garrabrandt, James	NORTH	260	169.39	47	80.38
Grabowski, David	SOUTH	271	148.09	17	42.76
Granato, S. Caroline	SOUTH	349	136.73	48	68.33
Hackett, Michael	NORTH	237	128.61	47	56.83
Hebron, Sylvia	NORTH	236	122.66	47	58.72
Johnston, Maureen	NORTH	225	171.70	14	89.50
Kaczka, Thomas	NORTH	222	165.19	39	67.05
Kaiser, Brian	NORTH	207	150.81	44	66.55
Karbasian, Carolyn	SOUTH	277	124.82	29	100.76
Keller, Grant	SOUTH	303	138.11	39	75.54
Kincade, Kathleen	CENTRAL	277	145.35	41	47.73
La Salle, Robert	NORTH	172	132.90	39	72.64
LaPorta, Phillip	NORTH	198	120.88	34	67.94
LaPorta Esq., David	NORTH	202	146.09	41	61.17
Lardiere, Andrea	CENTRAL	297	158.86	55	78.65
McFadden, Michael	SOUTH	298	176.84	34	48.79
McFadden (LI), Michael	SOUTH	20	306.20		
Miller, Matthew	NORTH	185	153.26	51	69.10
Mundy, Lisa	NORTH	189	137.87	39	73.51
Nardella, George	NORTH	232	206.21	50	73.54
Noonan, Scott	NORTH	248	133.83	37	72.86
O'Brien, Matthew	NORTH	198	152.59	50	56.70
O'Donnel, Kenneth	NORTH	225	136.49	38	66.39
Patriaco, Andrew	NORTH	241	142.34	44	75.25
Pettersen, Nina	SOUTH	316	136.71	45	62.82
Reis, Karen	NORTH	188	128.77	42	57.67
Remington-Knodel, Jennifer	NORTH	197	175.14	45	65.49
Reynolds, William	SOUTH	334	133.61	43	82.67

Riva, Joseph	NORTH	19	117.00	34	73.97
Rivera, Barbara	NORTH	210	142.64	40	62.85
Sacco, Russ	NORTH	200	144.83	57	73.18
Sproviero, Scott	NORTH	215	152.70	41	59.93
Stampone, Vincenzo	NORTH	220	150.52	46	50.52
Stokes, Nanci	NORTH	211	127.45	43	64.74
Tamburino, Joseph	NORTH	176	116.03	32	64.94
Tarrant, Tara	NORTH	255	175.16	30	67.07
Voorhees, Gregory	CENTRAL	316	145.84	46	66.11
Wallen, Kate	SOUTH	251	139.61	30	49.37
Wallen (NO), Kate	SOUTH	28	180.68		

Contact us

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