



NEW JERSEY DEPARTMENT OF
BANKING AND INSURANCE
QUARTERLY REPORT

No Fault PIP Arbitration
4th Quarter 2018



FORTHRIGHT

4TH QUARTER 2018 REPORT

TO THE

NEW JERSEY DEPARTMENT OF BANKING AND INSURANCE

Executive Summary	2
Cases Initiated	3
Transfer of Cases from OTP Proceedings to IP Proceedings	4
Disposition of Cases in the PIP Arbitration Program.....	4
Disposition of Cases by Percentage.....	4
Cases in Abeyance	5
Cases Settled within 45 Days of Initiation.....	5
Dispute Resolution Professional Caseload.....	5
Disposition of Cases after DRP Assignment.....	5
Aging Of Cases By Type of Proceeding, In-Person or On-The-Papers, and by DRP.....	6
Regional Awards Percentage	6
Awards as a Percentage of Claim Amount	6
PIP Benefits and Attorney's Fees Comparison	7
Award Average, Median, and Dollar Range.....	8
Appeals.....	8
Medical Review Organization Report	8
Online Case Management and Award Searching	9
Appendix A.....	
Appendix B	

EXECUTIVE SUMMARY

In the fourth quarter of 2018, 12,638 cases were initiated in the PIP dispute resolution program. Of these cases, 6,834 (54%) were initiated in the Northern region, 1,112 (9%) in the Central region, 2,190 (17%) in the Southern region, and 2,502 (20%) as OTP.

The DRP panel consisted of 60 members. The DRPs were regionally deployed as follows: 39 in the North, 9 in the Central, and 12 in the South. In this quarter, 11,050 cases were assigned to DRPs. During this quarter, the process of regional reassignment of two DRPs was completed.

Of the pending cases in the PIP arbitration program, 13,450 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 849 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 \$4,773, comprised of \$3,959 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-five appeals to panels of three DRPs were concluded during the reporting period. Twenty-one involved awards or dismissal orders rendered in the North Region, two in the Central Region, and one in the South Region. One OTP award was appealed. Seventy-two percent of awards appealed were vacated or modified.

During the reporting period, sixteen 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 6 and attached as Appendix B.

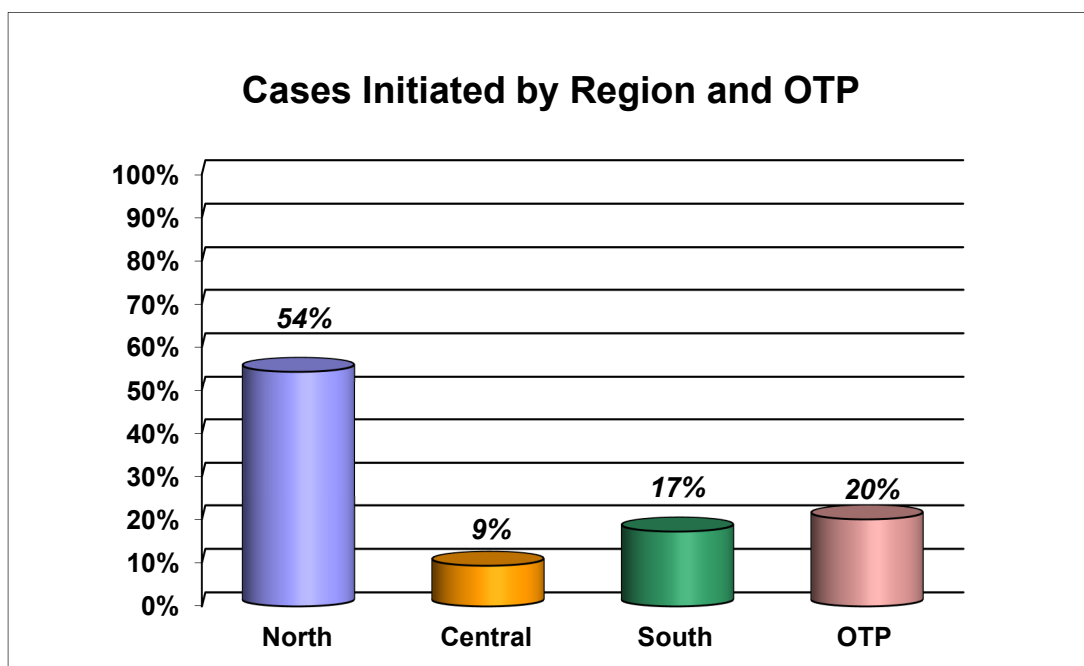
CASES INITIATED

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 2018, 12,638 cases were initiated in the PIP dispute resolution program. Of these cases, 6,834 (54%) were initiated in the Northern region, 1,112 (9%) in the Central region, 2,190 (17%) in the Southern region, and 2,502 (20%) as OTP. See the table below for the monthly distribution.

	IP - North	IP - Central	IP - South	OTP	Total
October	2,248	450	774	810	4,282
November	2,290	369	754	840	4,253
December	2,296	293	662	852	4,103
Totals	6,834	1,112	2,190	2,502	12,638



The following table summarizes the initiations for the quarters of 2018.

	IP - North	IP - Central	IP - South	OTP	Total
Q1 2018	6,725	1,640	2,135	2,512	13,012
Q2 2018	7,211	1,573	2,063	2,744	13,591
Q3 2018	7,163	1,231	2,266	2,518	13,178
Q4 2018	6,834	1,112	2,190	2,502	12,638

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
367	27	97	491

DISPOSITION OF CASES IN THE PIP ARBITRATION PROGRAM

Of the pending cases in the PIP arbitration program, 13,450 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	3,015	627	838	687	5,167
Dismissed Pre-Hearing	4	4	2	0	10
Settled	3,590	772	1,293	1,479	7,134
Withdrawn	512	110	243	274	1,139
Total	7,121	1,513	2,376	2,440	13,450

* 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	42%	41%	35%	28%
Dismissed Pre-Hearing	(<1%)	(<1%)	(<1%)	N/A
Settled	50%	51%	54%	61%
Withdrawn	7%	7%	10%	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
536	99	156	58	849

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*	1,914	356	512	1,056	3,838

** 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 60 members. The DRPs were regionally deployed as follows: 39 in the North, 9 in the Central, and 12 in the South. In this quarter, 11,050 cases were assigned to DRPs. During this quarter, the process of regional reassignment of two DRPs was completed.

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 10,847 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 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	3,200	675	882	4,757	700
Dismissed by DRP	4	4	2	10	0*
Settled	1,738	409	778	2,925	1,475
Withdrawn	394	98	217	709	271
Total	5,336	1,186	1,879	8,401	2,446

* 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 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 5,009 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 (4,411), 67% were in the North region, 14% in the Central region, and 19% 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

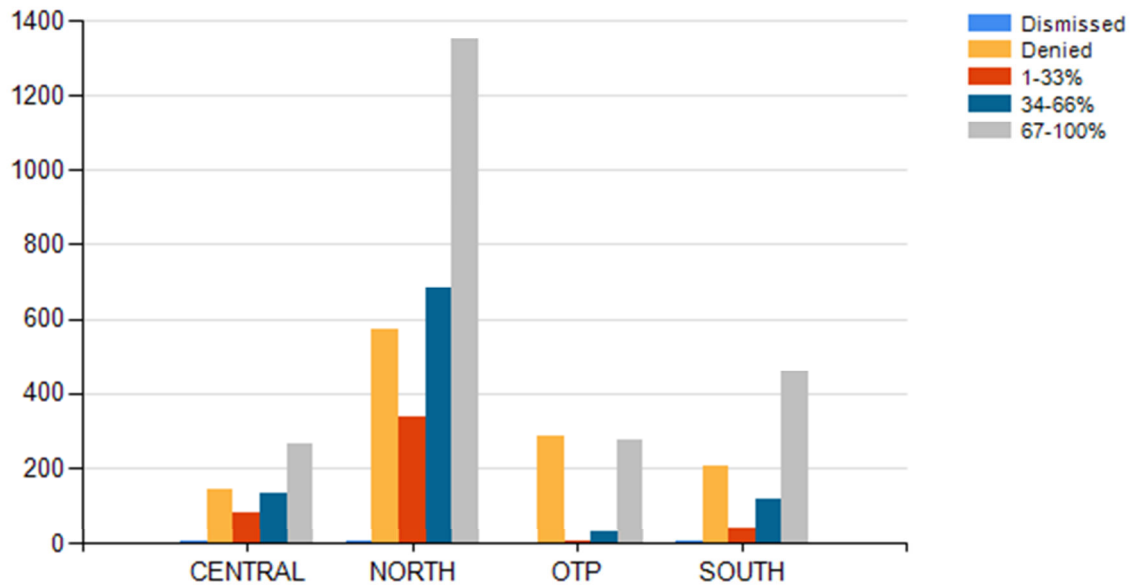
DRPs can deny a claim in its entirety or award all or part of an amount requested by a Claimant. For cases decided in the fourth quarter of 2018, the table and graph below indicate the distribution of DRP total awarded amounts, from 0% (denied/dismissed) to 100% of claimed amounts. Total awarded amounts 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	4	145	83	131	267	630
IP - North	4	574	339	687	1,351	2,955
IP - South	2	205	42	117	460	826
OTP	0*	286	3	31	278	598
Total	10	1,210	467	966	2,356	5,009

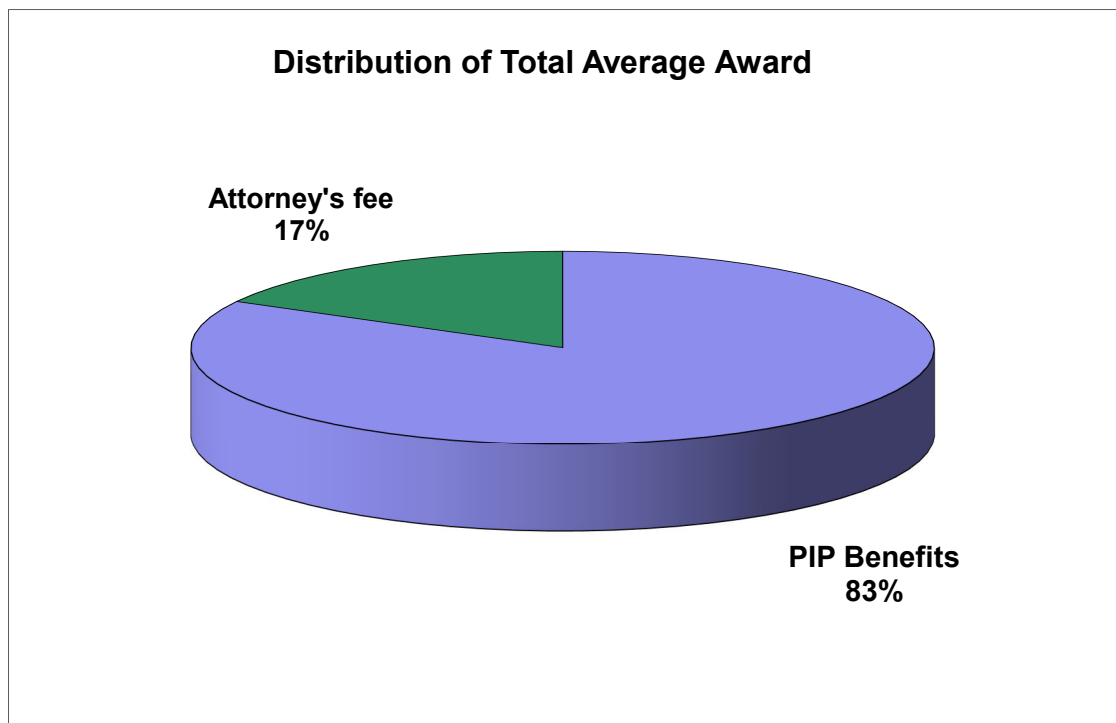
* Not applicable to OTP proceedings.

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 \$4,773, comprised of \$3,959 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 \$3,959* per case. Awarded amounts ranged from \$0 to \$405,977. The median award during the reporting period was \$1,012. 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 \$4,500. 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	\$3,959*	\$0 to \$405,977	\$1,012
Attorney's Fee Award	\$814	\$0 to \$4,500	\$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-five appeals to panels of three DRPs were concluded during the reporting period. Twenty-one involved awards or dismissal orders rendered in the North Region, two in the Central Region, and one in the South Region. One OTP award was appealed. Seventy-two percent of awards appealed were vacated or modified. The following table reports the results.

	IP - North	IP - Central	IP- South	OTP	Total
Affirmed	4	1	1	1	7
Vacated & Corrected	13	1	0	0	14
Modified	3	0	0	0	3
Remanded	1	0	0	0	1
Total	21	2	1	1	25

MEDICAL REVIEW ORGANIZATION REPORT

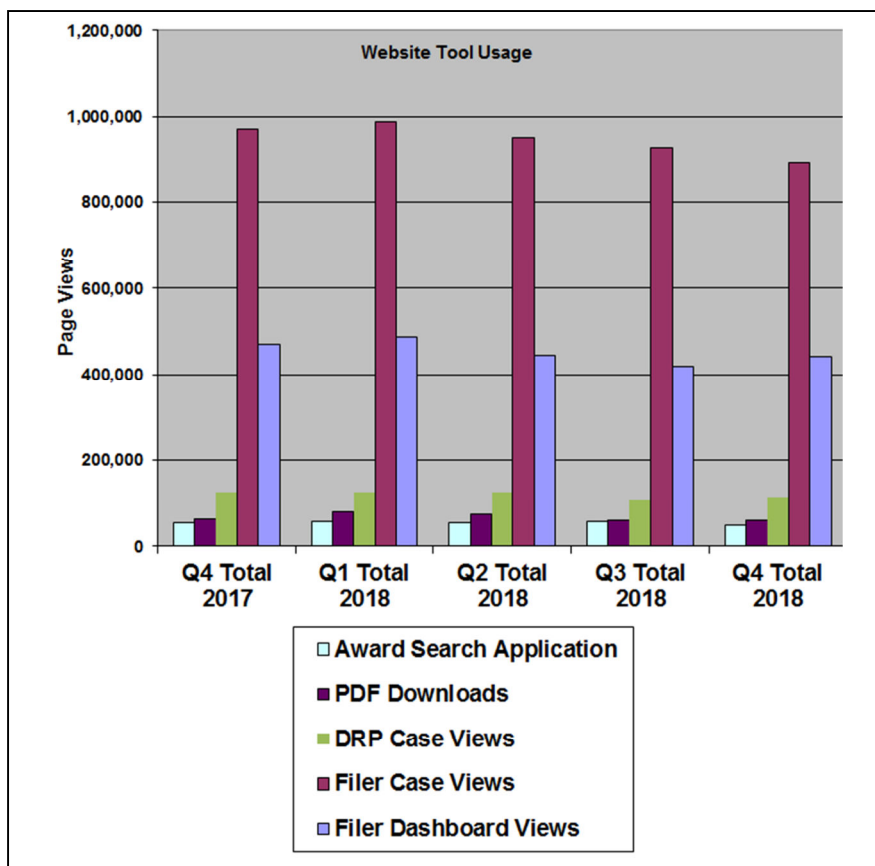
There are currently four Medical Review Organizations ("MRO") certified by the Department of Banking and Insurance. They are ExamWorks (formerly known as CFO Medical Services), First Managed Care Option ("FMCO"), Rising Medical Solutions and Support Claim Services ("SCS"). Information relevant to MRO 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	5	0	5	0	5	0
FMCO	3	0	3	0	3	0
Rising Medical	4	0	4	0	4	0
SCS	4	0	4	0	4	0
Total	16	0	16	0	16	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. 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	120	36	68	32	91	19	95
Andolino, Michael D.	NORTH	118	30	49	18	64	9	75
Annunziata, Maria	CENTRAL	139	36	56	25	85	9	80
Barry, Martin M.	CENTRAL	129	45	74	36	94	11	83
Campbell, Jennifer M.	CENTRAL	169	55	63	42	65	15	89
Carnelli, Christopher M.	SOUTH	141	59	68	32	87	13	89
Caserta, Patrick J.	NORTH	130	44	49	35	108	12	104
Cassella, Deborah M.	NORTH	148	59	63	45	87	13	110
Celentano, Cynthia J.	NORTH	96	17	49	17	66	12	79
Croft, Douglas M.	NORTH	139	41	54	32	77	10	82
Damiano, Robert S.	NORTH	128	29	62	18	75	14	89
Daniskas, Maria I.	NORTH	161	66	61	43	97	6	93
Della Badia, Joseph	NORTH	173	27	66	29	51	3	65
DeMarco, Jodi L.	NORTH	144	56	55	37	70	11	73
Ducey, John G.	CENTRAL	133	40	47	27	82	19	87
Eisele-Grabowski, Karen	SOUTH	145	53	89	43	76	19	105
Fabiano, Edward	NORTH	166	55	88	38	93	14	104
Fannan, John J.	CENTRAL	7	1	3	0	5	0	6
Fazio, Cataldo F.	NORTH	134	41	50	31	94	20	80
Finello, Susanne N.	SOUTH	130	36	71	25	80	12	71
Foley, Patrick W.	CENTRAL	116	30	53	21	91	9	99
Frankland, Suzanne J.	NORTH	167	51	38	35	96	15	88
Ganzhorn, Lisa A.	NORTH	146	59	49	39	78	15	102
Garrabrandt, James H.	NORTH	152	30	53	23	99	14	77
Grabowski, David A.	SOUTH	158	16	99	17	102	11	97
Granato, S. Caroline	SOUTH	156	38	72	34	83	12	100
Hackett, Michael	NORTH	146	26	45	27	54	5	80
Hebron, Sylvia A	NORTH	167	49	43	26	99	13	111
Johnston, Maureen M.	NORTH	119	37	59	26	89	4	69
Kaczka, Thomas M.	NORTH	174	48	76	34	77	13	78
Kaiser, Brian K.	NORTH	146	43	78	24	81	9	68
Karbasian, Carolyn K.	SOUTH	159	41	105	27	83	9	90
Keller, Grant W.	SOUTH	122	51	71	37	79	14	90
Kincade, Kathleen D.	CENTRAL	117	27	50	22	74	13	94
La Salle, Robert C.	NORTH	141	30	57	25	82	15	76
LaPorta Esq., David M.	NORTH	153	17	53	19	63	5	72
LaPorta, Phillip A.	NORTH	169	44	57	36	69	10	78
Lardiere, Andrea L	CENTRAL	153	53	76	41	99	18	87

McFadden, Michael K.	SOUTH	91	37	71	24	44	6	64
Miller, Matthew G.	NORTH	122	37	39	22	83	12	59
Mundy, Lisa D.	NORTH	176	48	48	35	97	16	104
Nardella, George C.	NORTH	167	45	50	31	94	16	104
Noonan, Scott M.	NORTH	182	47	63	27	76	6	91
O'Brien, Matthew J.	NORTH	142	46	55	35	66	13	71
O'Donnel, Kenneth L.	NORTH	164	34	69	21	95	11	102
Patriaco, Andrew A.	NORTH	168	51	62	39	93	13	97
Pettersen, Nina L.	SOUTH	159	42	87	24	64	12	73
Reis, Karen M.	NORTH	128	41	43	33	84	13	91
Remington-Knodel, Jennifer	NORTH	155	47	41	25	99	15	94
Reynolds, William E.	SOUTH	149	52	82	38	70	8	66
Riva, Joseph J.	NORTH	32	50	4	31	19	19	40
Rivera, Barbara Brosnan	NORTH	156	33	67	32	55	7	64
Sacco, Russ	NORTH	154	44	73	27	78	14	89
Sproviero, Scott G.	NORTH	144	32	55	25	88	11	94
Stampone, Vincenzo	NORTH	154	53	37	34	103	18	105
Stokes, Nanci G.	NORTH	151	57	55	33	56	7	69
Tamburino, Joseph A.	NORTH	165	51	72	35	97	11	86
Tarrant, Tara D.	NORTH	161	16	50	15	104	4	91
Voorhees, Gregory X.	SOUTH	230	60	90	33	57	16	82
Wallen, Kate R.	SOUTH	135	15	97	9	83	7	73

APPENDIX B

DRP	Region	IP Cases	IP Age (in Days)	OTP Cases	OTP Age (in Days)
Aloi, Anthony M.	CENTRAL	213	166.01	35	66.14
Andolino, Michael D.	NORTH	201	139.95	34	66.88
Annunziata, Maria	CENTRAL	269	190.83	41	88.46
Barry, Martin M.	CENTRAL	229	173.61	37	67.86
Campbell, Jennifer M.	CENTRAL	278	206.69	53	65.45
Carnelli, Christopher M.	SOUTH	274	162.57	60	65.23
Caserta, Patrick J.	NORTH	230	136.30	44	83.84
Cassella, Deborah M.	NORTH	202	130.58	51	54.82
Celentano, Cynthia J.	NORTH	16	199.06	0	0
Croft, Douglas M.	NORTH	241	131.84	34	73.79
Damiano, Robert S.	NORTH	187	164.22	29	60.24
Daniskas, Maria I.	NORTH	226	124.31	67	69.61
Della Badia, Joseph	NORTH	228	115.61	22	74.82
DeMarco, Jodi L.	NORTH	205	105.84	60	75.28
Ducey, John G.	CENTRAL	230	168.78	37	61.27
Eisele-Grabowski, Karen	SOUTH	273	162.66	52	81.71
Fabiano, Edward	NORTH	219	121.83	46	66.30
Fannan, John J.	CENTRAL	14	120.57	1	55.00
Fazio, Cataldo F.	NORTH	257	137.25	48	69.31
Finiello, Susanne N.	SOUTH	251	154.01	40	69.98
Foley, Patrick W.	CENTRAL	239	167.45	28	59.39
Frankland, Suzanne J.	NORTH	236	150.34	54	64.46
Ganzhorn, Lisa A.	NORTH	244	142.19	61	74.39
Garrabrandt, James H.	NORTH	254	155.37	37	85.49
Grabowski, David A.	SOUTH	283	157.37	26	87.04
Granato, S. Caroline	SOUTH	306	159.72	34	73.79
Hackett, Michael	NORTH	252	144.04	21	59.05
Hebron, Sylvia A	NORTH	241	141.09	54	64.44
Johnston, Maureen M.	NORTH	197	135.52	38	74.66
Kaczka, Thomas M.	NORTH	201	147.15	37	52.57
Kaiser, Brian K.	NORTH	247	128.77	45	67.98
Karbasian, Carolyn K.	SOUTH	279	136.19	36	60.00
Keller, Grant W.	SOUTH	249	158.84	49	65.14
Kincade, Kathleen D.	CENTRAL	240	186.29	34	93.97
La Salle, Robert C.	NORTH	201	141.75	32	65.88
LaPorta Esq., David M.	NORTH	241	153.42	49	78.35
LaPorta, Phillip A.	NORTH	221	154.11	19	73.32
Lardiere, Andrea L	CENTRAL	267	151.37	50	74.90

McFadden (LI), Michael K.	SOUTH	243	199.07	36	79.28
McFadden, Michael K.	SOUTH	4	83.75	0	0
Miller, Matthew G.	NORTH	187	140.03	36	62.03
Mundy, Lisa D.	NORTH	216	112.04	42	61.36
Nardella, George C.	NORTH	219	225.18	46	50.26
Noonan, Scott M.	NORTH	257	162.90	43	62.37
O'Brien, Matthew J.	NORTH	218	130.51	43	63.09
O'Donnel, Kenneth L.	NORTH	236	122.64	44	80.45
Patriaco, Andrew A.	NORTH	276	141.56	49	82.47
Pettersen, Nina L.	SOUTH	258	146.61	41	68.63
Reis, Karen M.	NORTH	203	153.90	41	61.02
Remington-Knodel, Jennifer	NORTH	190	110.26	57	67.30
Reynolds, William E.	SOUTH	304	160.62	44	62.00
Riva, Joseph J.	NORTH	45	118.27	48	69.46
Rivera, Barbara Brosnan	NORTH	243	131.20	40	82.30
Sacco, Russ	CENTRAL	176	140.52	35	52.97
Sproviero, Scott G.	NORTH	231	133.45	37	87.00
Stampone, Vincenzo	NORTH	247	135.95	54	68.37
Stokes, Nanci G.	NORTH	204	125.69	51	67.86
Tamburino, Joseph A.	NORTH	208	127.93	48	64.52
Tarrant, Tara D.	NORTH	241	152.41	21	86.90
Voorhees, Gregory X.	SOUTH	264	129.38	59	55.14
Wallen (NO), Kate R.	SOUTH	255	150.04	20	52.45
Wallen, Kate R.	SOUTH	11	229.55	0	0

Contact us

Forthright

285 Davidson Avenue, Suite 502
Somerset, NJ 08873
732.271.6100
www.nj-no-fault.com



FORTHRIGHT