



NEW JERSEY DEPARTMENT OF
BANKING AND INSURANCE
QUARTERLY REPORT

No Fault PIP Arbitration
2nd Quarter 2020



FORTHRIGHT

2ND QUARTER 2020 REPORT

TO THE

NEW JERSEY DEPARTMENT OF BANKING AND INSURANCE

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EXECUTIVE SUMMARY

In the second quarter of 2020, 10,882 cases were initiated in the PIP dispute resolution program. Of these cases, 5,557 (51%) were initiated in the Northern region, 1,170 (11%) in the Central region, 1,902 (17%) in the Southern region, and 2,153 (21%) 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, 9,949 cases were assigned to DRPs.

Of the pending cases in the PIP arbitration program, 11,638 were concluded during the second quarter by means of an award or denial of award (including appeals), pre-hearing dismissal of the case, settlement, or withdrawal. There were 541 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 \$5,126, comprised of \$4,320 for personal injury protection benefits and \$806 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.

Fifteen appeals to panels of three DRPs were concluded during the reporting period. Ten involved awards or dismissal orders rendered in the North Region, three in the Central Region, and one in the South Region. One OTP award was appealed. Twenty-seven 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.

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.

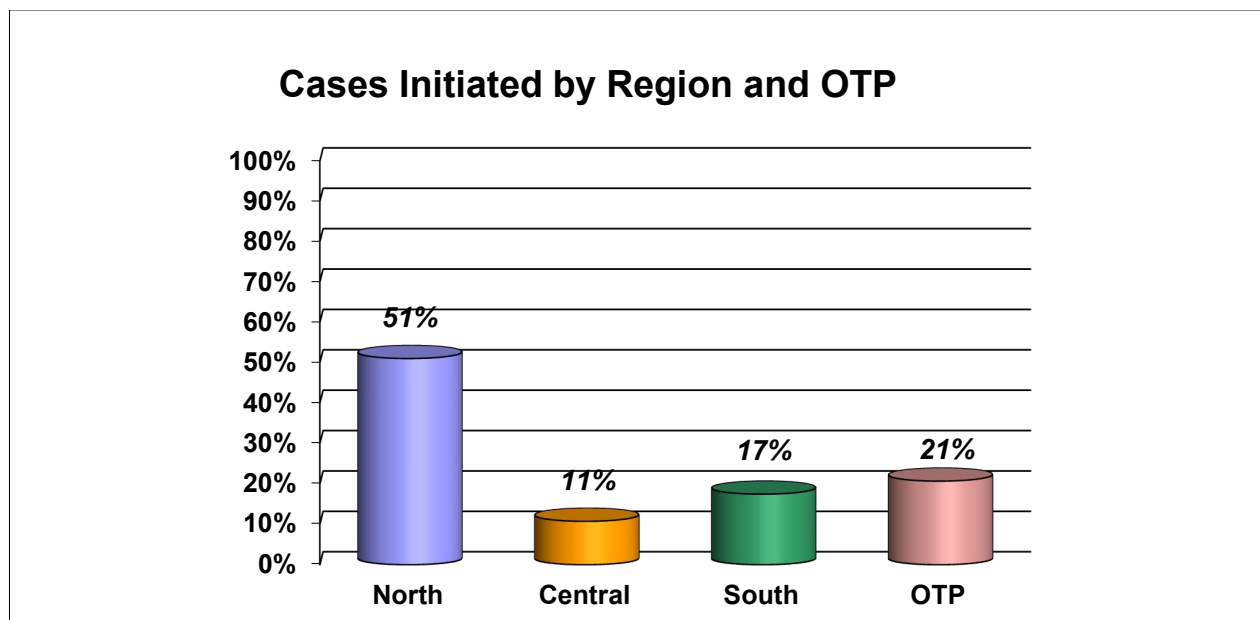
CASES INITIATED

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 second quarter of 2020, 10,882 cases were initiated in the PIP dispute resolution program. Of these cases, 5,557 (51%) were initiated in the Northern region, 1,170 (11%) in the Central region, 1,902 (17%) in the Southern region, and 2,153 (21%) as OTP. See the table below for the monthly distribution.

	IP - North	IP - Central	IP - South	OTP	Total
April	1,772	432	652	713	3,569
May	1,841	349	594	748	3,532
June	1,944	389	656	792	3,781
Totals	5,557	1,170	1,902	2,253	10,882



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

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 second quarter and the reason.

Consolidation	Policy Issues	Change of Claim	Total
379	29	62	470

DISPOSITION OF CASES IN THE PIP ARBITRATION PROGRAM

Of the pending cases in the PIP arbitration program, 11,638 were concluded during the second 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	2,914	552	996	691	5,153
Dismissed Pre-Hearing	6	2	3	0	11
Settled	2,505	575	1,158	1,348	5,586
Withdrawn	448	125	97	218	888
Total	5,873	1,254	2,254	2,257	11,638

* 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	50%	44%	44%	31%
Dismissed Pre-Hearing	(<1%)	(<1%)	(<1%)	N/A
Settled	43%	46%	51%	60%
Withdrawn	8%	10%	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
348	60	72	61	541

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*	1,565	329	616	1,027	3,537

** 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, 9,949 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 9,248 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 second 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.

Disposition	IP - North	IP - Central	IP - South	IP - Total	OTP
Awarded/Denied	3,086	589	1,022	4,697	696
Dismissed by DRP	6	2	3	11	0
Settled	975	250	542	1,767	1,340
Withdrawn	332	99	89	520	217
Total	4,399	938	1,656	6,995	2,253

** 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 second 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 4,831 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 (4,274), 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

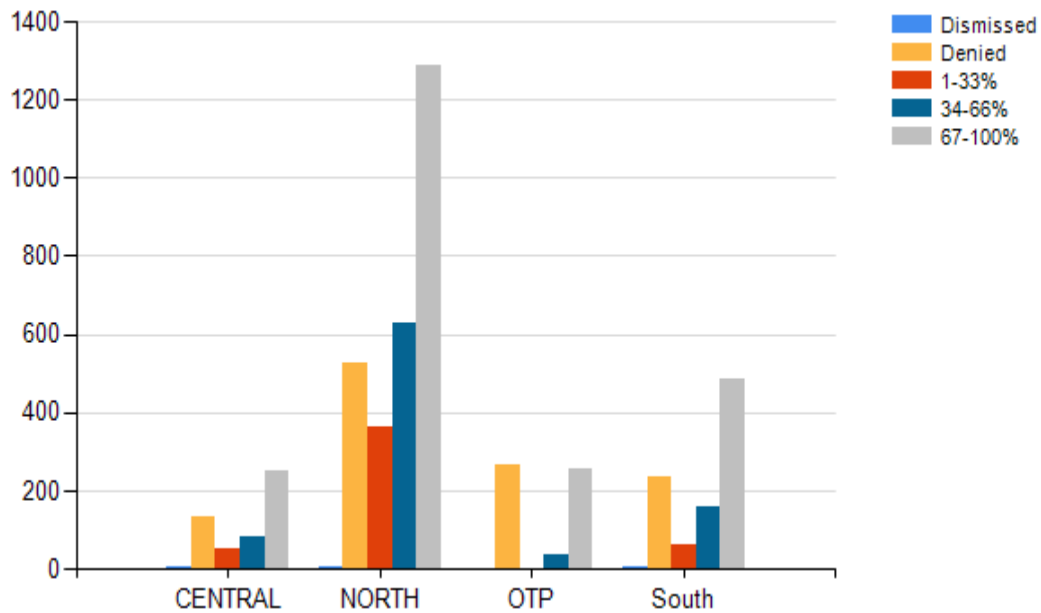
DRPs can deny a claim in its entirety or award all or part of an amount requested by a Claimant. For cases decided in the second quarter of 2020, the table and graph below indicate the distribution of DRP total awarded amounts, from 0% (denied/dismissed) to 100% of claimed amounts. Total awarded amounts 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.

	Dismissed	Denied	1-33%	34-66%	67-100%	Total
IP - Central	2	133	52	81	251	519
IP - North	6	525	363	631	1,286	2,811
IP - South	3	234	64	160	483	944
OTP	0	264	0	38	255	557
Total	11	1,156	479	910	2,275	4,831

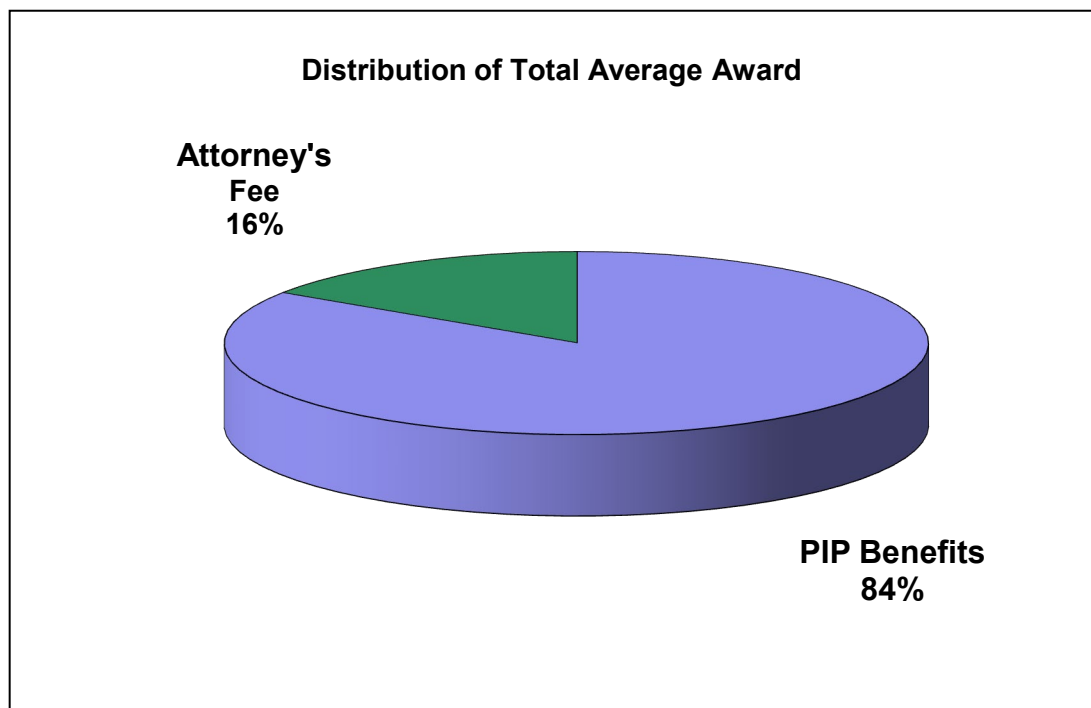
** Not applicable to OTP proceedings.*

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 \$5,126, comprised of \$4,320 for personal injury protection benefits and \$806 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 \$4,320* per case. Awarded amounts ranged from \$0 to \$355,970. The median award during the reporting period was \$1,002. 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 \$806 per case. Awarded attorney's fees ranged from \$0 to \$7,000. 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	\$4,320*	\$0 to \$355,970	\$1002
Attorney's Fee Award	\$806	\$0 to \$7,000	\$1000

** 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

Fifteen appeals to panels of three DRPs were concluded during the reporting period. Ten involved awards or dismissal orders rendered in the North Region, three in the Central Region, and one in the South Region. One OTP award was appealed. Twenty-seven percent of awards appealed were vacated or modified. The following table reports the results.

	IP - North	IP - Central	IP- South	OTP	Total
Affirmed	6	2	1	0	9
Vacated & Corrected	3	0	0	1	4
Modified	1	1	0	0	2
Total	10	3	1	1	15

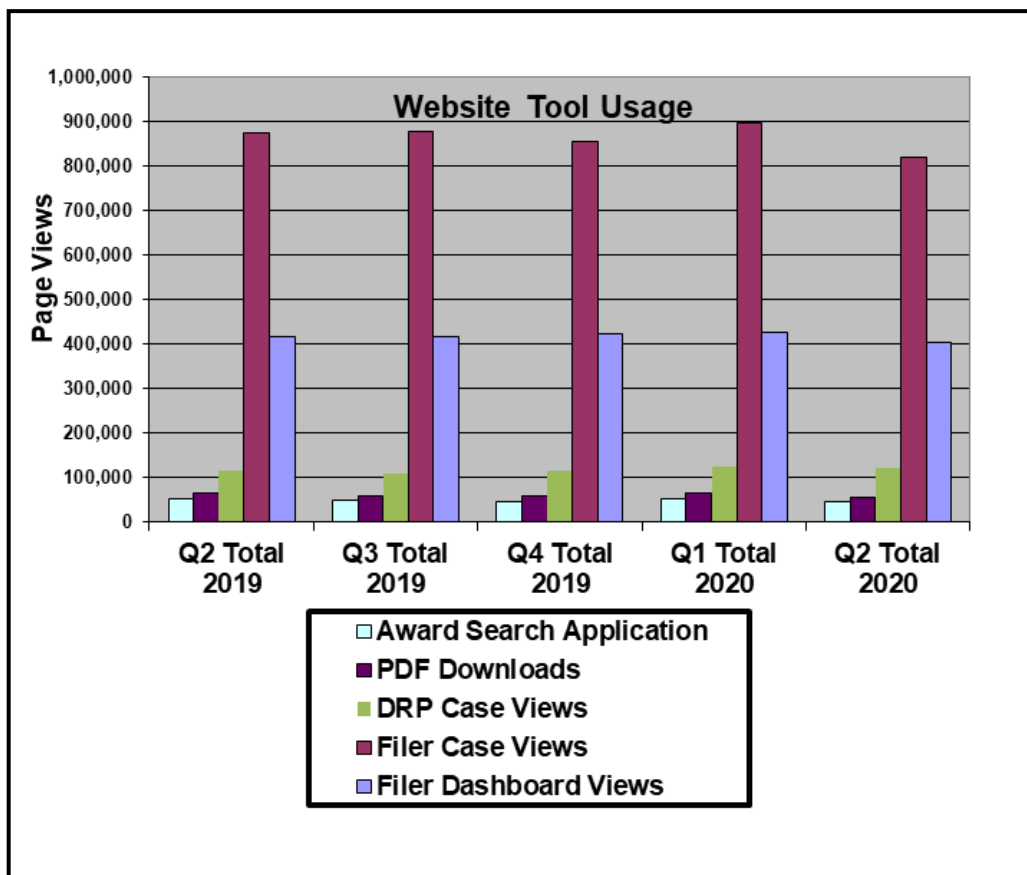
MEDICAL REVIEW ORGANIZATION REPORT

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	1	0	1	0	1	0
Rising Medical	3	0	3	0	3	0
SCS	4	0	4	0	4	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	170	51	45	36	63	17	77
Andolino, Michael D.	NORTH	191	53	51	36	91	13	97
Annunziata, Maria	CENTRAL	99	48	36	34	70	20	69
Barry, Martin M.	CENTRAL	115	42	38	37	85	15	97
Campbell, Jennifer M.	CENTRAL	133	71	37	43	105	17	113
Carnelli, Christopher M.	SOUTH	184	62	60	39	90	21	99
Caserta, Patrick J.	NORTH	0	0	0	0	16	2	2
Cassella, Deborah M.	NORTH	179	58	47	37	93	18	111
Croft, Douglas M.	NORTH	212	52	59	34	104	16	83
Damiano, Robert S.	NORTH	111	31	27	20	48	5	60
Daniskas, Maria I.	NORTH	108	19	40	23	76	13	96
Della Badia, Joseph	NORTH	258	29	48	22	90	9	94
DeMarco, Jodi L.	NORTH	242	60	59	31	83	16	106
Ducey, John G.	CENTRAL	203	33	55	31	92	9	85
Eisele-Grabowski, Karen	SOUTH	96	38	53	39	79	15	70
Fabiano, Edward	NORTH	178	65	38	39	103	17	119
Fannan, John J.	CENTRAL	100	42	21	34	45	7	48
Fazio, Cataldo F.	NORTH	0	0	0	0	22	7	0
Finello, Susanne N.	SOUTH	217	47	76	36	69	7	76
Frankland, Suzanne J.	NORTH	206	48	42	30	97	16	124
Ganzhorn, Lisa A.	NORTH	97	41	39	28	83	16	78
Garrabrandt, James H.	NORTH	115	41	33	36	77	10	104
Grabowski, David A.	SOUTH	100	28	32	20	90	11	71
Granato, S. Caroline	SOUTH	106	48	56	28	86	14	84
Hackett, Michael	NORTH	120	26	41	20	96	7	81
Hebron, Sylvia A	NORTH	122	34	34	23	103	10	89
Johnston, Maureen M.	NORTH	86	25	37	17	93	10	103
Kaczka, Thomas M.	NORTH	0	0	0	0	24	3	0
Kaiser, Brian K.	NORTH	121	29	42	23	61	14	79
Karbasian, Carolyn K.	SOUTH	190	38	73	12	104	12	119
Keller, Grant W.	SOUTH	132	57	52	30	88	17	118
Kincade, Kathleen D.	CENTRAL	99	28	25	21	90	10	85
La Salle, Robert C.	NORTH	114	32	35	19	86	10	89

LaPorta., David M.	NORTH	196	44	44	23	110	11	87
LaPorta, Phillip A.	NORTH	98	52	33	33	101	8	74
Lardiere, Andrea L.	CENTRAL	171	56	66	44	71	7	92
McFadden, Michael K.	SOUTH	79	42	35	30	91	8	76
Miller, Matthew G.	NORTH	0	0	0	0	32	6	1
Mundy, Lisa D.	NORTH	113	46	29	23	96	16	114
Nardella, George C.	NORTH	239	53	41	40	131	17	117
Noonan, Scott M.	NORTH	108	25	29	28	95	17	80
O'Brien, Matthew J.	NORTH	0	0	0	0	36	10	0
O'Donnel, Kenneth L.	NORTH	115	22	33	17	90	10	89
Patriaco, Andrew A.	NORTH	101	45	23	29	119	13	111
Pettersen, Nina L.	SOUTH	140	41	53	35	87	22	77
Reis, Karen M.	NORTH	261	44	66	33	101	12	90
Remington-Knodel, Jennifer	NORTH	188	57	20	30	92	10	96
Reynolds, William E.	SOUTH	115	59	53	38	109	20	91
Riva, Joseph J.	NORTH	80	57	32	39	42	11	61
Rivera, Barbara Brosnan	NORTH	119	20	40	22	96	9	88
Sacco, Russ	NORTH	217	58	74	36	74	13	92
Sproviero, Scott G.	NORTH	104	26	44	20	107	18	94
Stampone, Vincenzo	NORTH	191	58	39	37	117	8	123
Tamburino, Joseph A.	NORTH	151	35	55	25	81	16	89
Tarrant, Tara D.	NORTH	218	34	45	22	104	8	109
Voorhees, Gregory X.	SOUTH	201	58	72	43	80	16	109
Wallen, Kate R.	SOUTH	97	35	26	32	47	7	55
Total		7706	2243	2283	1557	4711	697	4749

APPENDIX B

DRP	Region	IP Cases	IP Age (in days)	OTP Cases	OTP Age (in days)
Aloi, Anthony	CENTRAL	222	117	45	60
Andolino, Michael	NORTH	273	119	41	58
Annunziata, Maria	CENTRAL	199	161	38	84
Barry, Martin	CENTRAL	178	152	44	88
Campbell, Jennifer	CENTRAL	250	148	52	59
Carnelli, Christopher	SOUTH	294	146	68	77
Cassella, Deborah	NORTH	304	151	36	57
Croft, Douglas	NORTH	300	149	41	49
Damiano, Robert	NORTH	206	142	25	61
Daniskas, Maria	NORTH	225	186	28	91
Della Badia, Joseph	NORTH	356	121	26	67
DeMarco, Jodi	NORTH	336	124	52	62
Ducey, John	CENTRAL	221	108	27	79
Eisele-Grabowski, Karen	SOUTH	180	195	36	87
Fabiano, Edward	NORTH	264	109	46	48
Fannan, John	CENTRAL	146	128	37	68
Finello, Susanne	SOUTH	277	115	54	67
Frankland, Suzanne	NORTH	360	165	43	61
Ganzhorn, Lisa	NORTH	192	201	43	89
Garrabrandt, James	NORTH	251	174	43	100
Grabowski, David	SOUTH	176	149	27	61
Granato, S. Caroline	SOUTH	165	182	46	69
Hackett, Michael	NORTH	226	182	23	87
Hebron, Sylvia	NORTH	247	169	42	76
Johnston, Maureen	NORTH	206	164	29	100
Kaiser, Brian	NORTH	229	185	30	100
Karbasian, Carolyn	SOUTH	206	95	41	50
Keller, Grant	SOUTH	235	155	59	65
Kincade, Kathleen	CENTRAL	159	153	33	81
La Salle, Robert	NORTH	237	175	32	87
LaPorta, Phillip	NORTH	202	171	47	71
LaPorta, David	NORTH	304	140	37	61
Lardiere, Andrea	CENTRAL	268	153	53	76
McFadden, Michael	SOUTH	157	181	32	60
McFadden (LI), Michael	SOUTH	2	173		
Mundy, Lisa	NORTH	239	169	43	75
Nardella, George	NORTH	311	112	50	59
Noonan, Scott	NORTH	229	191	19	113
O'Donnel, Kenneth	NORTH	230	178	18	77
Patriaco, Andrew	NORTH	227	184	40	64
Pettersen, Nina	SOUTH	186	147	40	80
Reis, Karen	NORTH	341	120	38	61
Remington-Knodel, Jennifer	NORTH	290	128	56	67
Reynolds, William	SOUTH	185	151	54	85
Riva, Joseph	NORTH	128	130	38	56
Rivera, Barbara	NORTH	244	188	21	109

Sacco, Russ	NORTH	320	126	43	53
Sproviero, Scott	NORTH	214	189	28	101
Stampone, Vincenzo	NORTH	315	121	50	52
Tamburino, Joseph	NORTH	196	148	17	58
Tarrant, Tara	NORTH	351	124	30	66
Voorhees, Gregory	SOUTH	274	120	54	69
Wallen, Kate	SOUTH	131	139	28	55

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