



NEW JERSEY DEPARTMENT OF
BANKING AND INSURANCE
QUARTERLY REPORT

No Fault PIP Arbitration
2nd Quarter 2019



FORTHRIGHT

2ND QUARTER 2019 REPORT

TO THE

NEW JERSEY DEPARTMENT OF BANKING AND INSURANCE

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EXECUTIVE SUMMARY

In the second quarter of 2019, 12,690 cases were initiated in the PIP dispute resolution program. Of these cases, 7,167 (57%) were initiated in the Northern region, 926 (7%) in the Central region, 2,087 (16%) in the Southern region, and 2,510 (20%) as OTP.

The DRP panel consisted of 58 members. The DRPs were regionally deployed as follows: 38 in the North, 8 in the Central, and 12 in the South. One DRP is currently on a leave of absence. In this quarter, 10,636 cases were assigned to DRPs.

Of the pending cases in the PIP arbitration program, 12,833 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 705 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 \$4,590, comprised of \$3,802 for personal injury protection benefits and \$788 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. Nine involved awards or dismissal orders rendered in the North Region, four 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.

During the reporting period, thirteen 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 7 and attached as Appendix B.

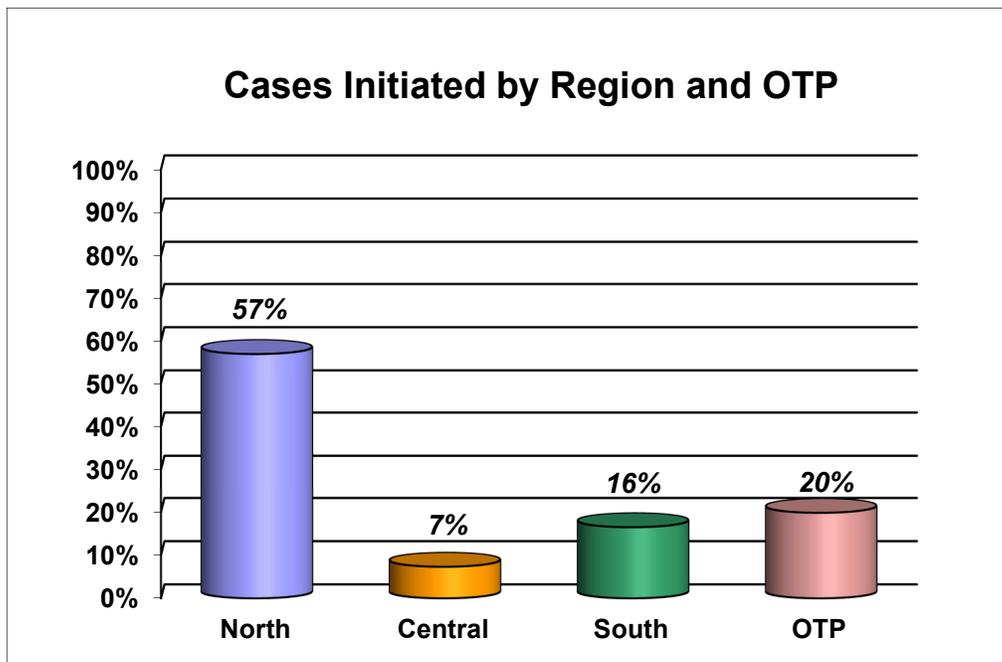
CASES INITIATED

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 2019, 12,690 cases were initiated in the PIP dispute resolution program. Of these cases, 7,167 (57%) were initiated in the Northern region, 926 (7%) in the Central region, 2,087 (16%) in the Southern region, and 2,510 (20%) as OTP. See the table below for the monthly distribution.

	IP - North	IP - Central	IP - South	OTP	Total
April	2,369	343	591	813	4,116
May	2,402	299	863	807	4,371
June	2,396	284	633	890	4,203
Totals	7,167	926	2,087	2,510	12,690



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

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
355	25	91	471

DISPOSITION OF CASES IN THE PIP ARBITRATION PROGRAM

Of the pending cases in the PIP arbitration program, 12,833 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	2,998	514	938	644	5,094
Dismissed Pre-Hearing	5	3	1	0	9
Settled	3,520	582	1,135	1,444	6,681
Withdrawn	618	88	99	244	1,049
Total	7,141	1,187	2,173	2,332	12,833

* 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	42%	43%	43%	28%
Dismissed Pre-Hearing	(<1%)	(<1%)	(<1%)	N/A
Settled	49%	49%	52%	62%
Withdrawn	9%	7%	5%	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
401	88	162	54	705

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*	2,045	307	519	1,032	3,903

** 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 58 members. The DRPs were regionally deployed as follows: 38 in the North, 8 in the Central, and 12 in the South. One DRP is currently on a leave of absence. In this quarter, 10,636 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 9,959 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 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	3,132	532	972	4,636	644
Dismissed by DRP	5	3	1	9	0*
Settled	1,490	273	612	2,375	1,435
Withdrawn	454	71	92	617	243
Total	5,081	879	1,677	7,637	2,322

* 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 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 4,785 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 (4,244), 68% were in the North region, 12% in the Central region, and 21% 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

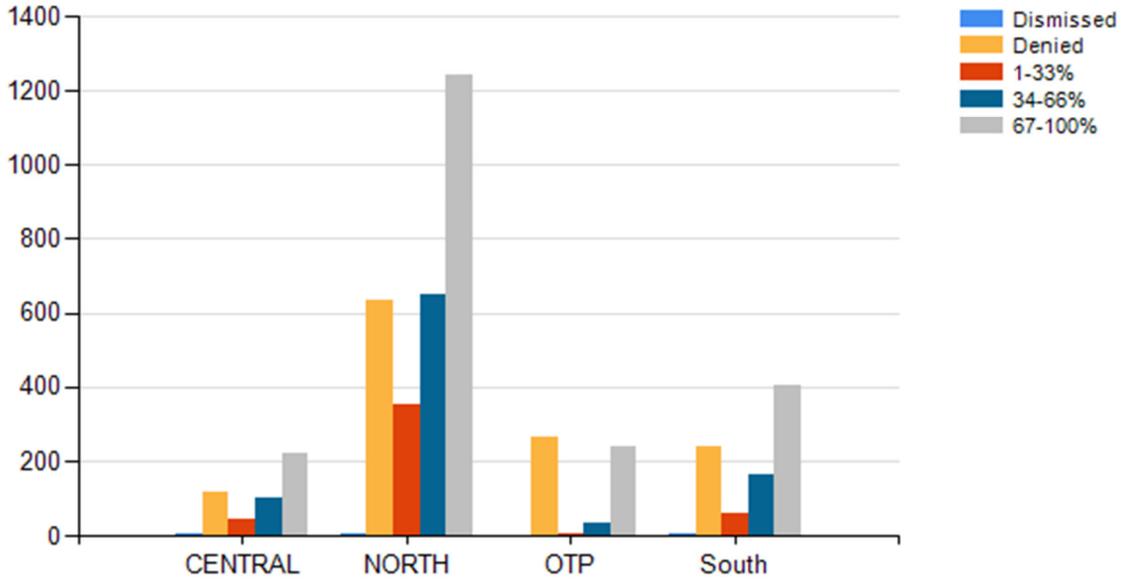
DRPs can deny a claim in its entirety or award all or part of an amount requested by a Claimant. For cases decided in the second quarter of 2019, the table and graph below indicate the distribution of DRP total awarded amounts, from 0% (denied/dismissed) to 100% of claimed amounts. Total awarded amounts 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	3	119	45	105	219	491
IP - North	5	634	353	649	1,241	2,882
IP - South	1	240	61	164	405	871
OTP	0*	265	2	35	239	541
Total	9	1,258	461	953	2,104	4,785

* Not applicable to OTP proceedings.

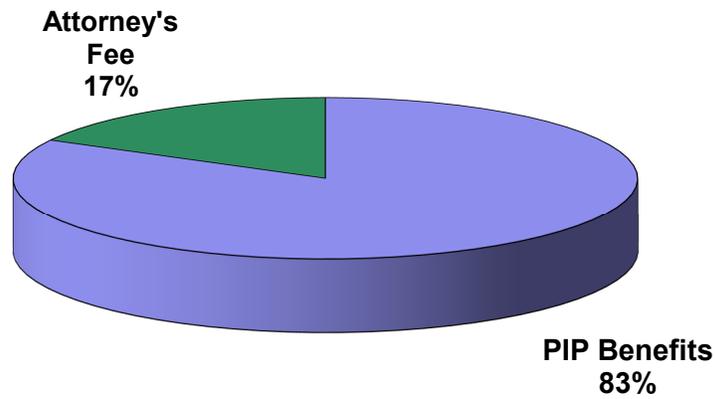
Note: The award data in this section excludes appellate awards.



PIP BENEFITS AND ATTORNEY’S FEES COMPARISON

System-wide, the average amount awarded in arbitration (excluding filing fees) was \$4,590, comprised of \$3,802 for personal injury protection benefits and \$788 for attorney’s fees per case. The graphical representation compares the data as percentages.

Distribution of Total Average Award



AWARD AVERAGE, MEDIAN AND DOLLAR RANGE

The average amount awarded for claims other than attorney's fees and costs was \$3,802* per case. Awarded amounts ranged from \$0 to \$307,551. The median award during the reporting period was \$932. 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 \$788 per case. Awarded attorney's fees ranged from \$0 to \$3,000. The median attorney's fee award during the reporting period was \$975. 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	\$3,802*	\$0 to \$307,551	\$932
Attorney's Fee Award	\$788	\$0 to \$3,000	\$975

** 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. Nine involved awards or dismissal orders rendered in the North Region, four 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	3	1	1	11
Vacated & Corrected	2	1	0	0	3
Vacated & Remanded	1	0	0	0	1
Modified	0	0	0	0	0
Total	9	4	1	1	15

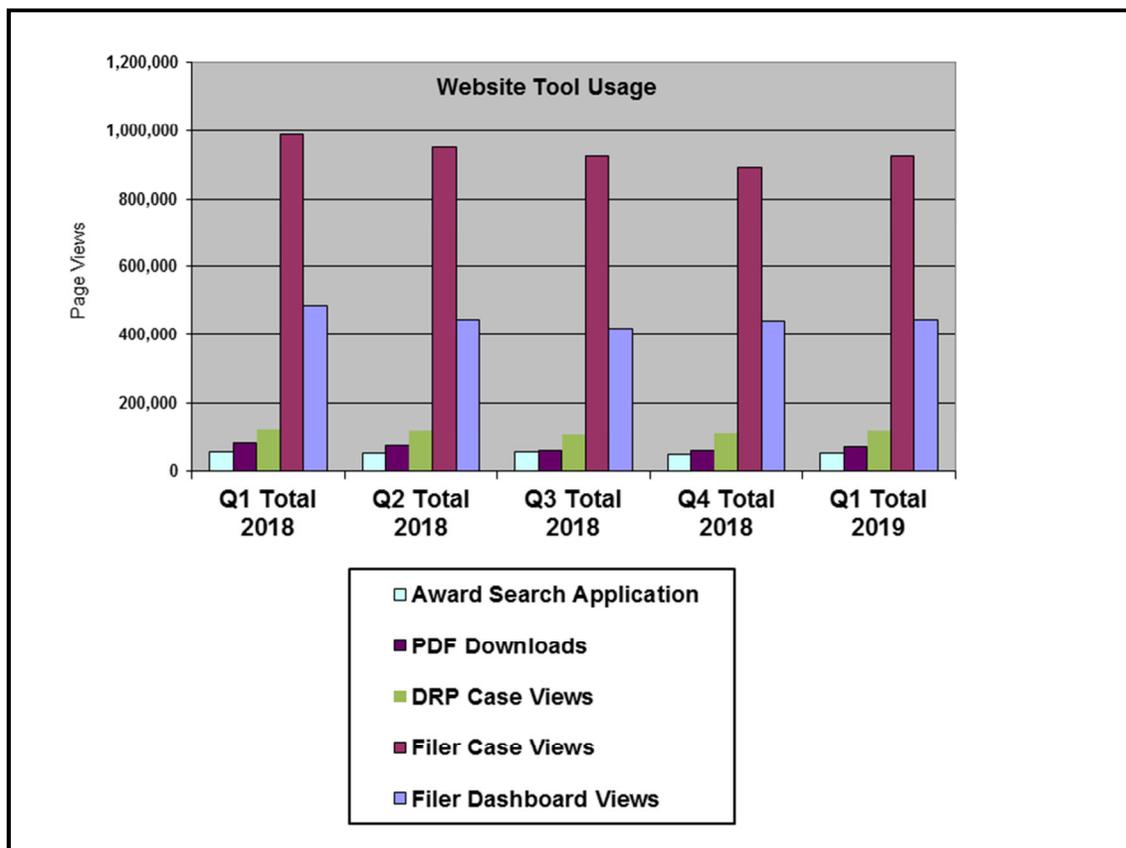
MEDICAL REVIEW ORGANIZATION REPORT

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	3	0	3	0	3	0
FMCO	4	0	4	0	4	0
Rising Medical	3	0	3	0	2	1
SCS	3	0	3	0	3	0
Total	13	0	13	0	12	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. 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	119	47	53	25	61	12	64
Andolino, Michael D.	NORTH	179	37	57	23	93	10	92
Annunziata, Maria	CENTRAL	121	40	44	23	104	8	84
Barry, Martin M.	CENTRAL	133	39	63	23	82	11	89
Campbell, Jennifer M.	CENTRAL	118	59	52	39	100	13	91
Carnelli, Christopher M.	SOUTH	176	47	83	39	71	15	81
Caserta, Patrick J.	NORTH	200	51	37	38	91	16	86
Cassella, Deborah M.	NORTH	139	55	54	51	87	15	107
Croft, Douglas M.	NORTH	192	40	69	26	72	4	81
Damiano, Robert S.	NORTH	97	17	38	22	57	11	60
Daniskas, Maria I.	NORTH	132	43	53	31	69	13	111
Della Badia, Joseph	NORTH	189	26	53	23	80	5	86
DeMarco, Jodi L.	NORTH	144	49	57	29	74	17	101
Ducey, John G.	CENTRAL	106	44	45	35	57	10	91
Eisele-Grabowski, Karen	SOUTH	98	61	46	30	77	12	75
Fabiano, Edward	NORTH	120	62	52	30	77	14	94
Fannan, John J.	CENTRAL	73	18	17	7	6	1	13
Fazio, Cataldo F.	NORTH	161	65	37	48	73	12	83
Finello, Susanne N.	SOUTH	174	41	62	35	85	9	77
Frankland, Suzanne J.	NORTH	157	51	62	33	57	14	96
Ganzhorn, Lisa A.	NORTH	149	57	52	28	105	14	100
Garrabrandt, James H.	NORTH	168	46	44	41	74	12	108
Grabowski, David A.	SOUTH	85	19	34	15	91	6	70
Granato, S. Caroline	SOUTH	108	45	50	32	92	10	74
Hackett, Michael	NORTH	109	33	55	23	89	8	79
Hebron, Sylvia A	NORTH	199	47	45	31	89	8	89
Johnston, Maureen M.	NORTH	147	41	58	30	72	5	71
Kaczka, Thomas M.	NORTH	107	49	43	31	93	14	71
Kaiser, Brian K.	NORTH	136	50	56	21	90	9	85
Karbasian, Carolyn K.	SOUTH	117	44	75	19	96	4	107
Keller, Grant W.	SOUTH	113	53	49	18	93	20	106
Kincade, Kathleen D.	CENTRAL	142	33	46	35	101	7	94
La Salle, Robert C.	NORTH	152	45	45	34	54	7	86
LaPorta Esq., David M.	NORTH	108	33	49	20	92	1	91
LaPorta, Phillip A.	NORTH	86	38	51	27	105	9	87
Lardiere, Andrea L	CENTRAL	149	57	45	37	75	13	80
McFadden, Michael K.	SOUTH	107	53	56	31	102	14	116
Miller, Matthew G.	NORTH	201	39	70	29	78	11	74
Mundy, Lisa D.	NORTH	155	47	52	32	80	8	83
Nardella, George C.	NORTH	186	44	55	30	84	12	87

Noonan, Scott M.	NORTH	141	41	55	25	104	18	84
O'Brien, Matthew J.	NORTH	141	43	54	29	76	11	90
O'Donnel, Kenneth L.	NORTH	146	38	42	23	92	18	99
Patriaco, Andrew A.	NORTH	135	54	56	36	92	17	97
Pettersen, Nina L.	SOUTH	176	37	64	30	91	7	85
Reis, Karen M.	NORTH	167	48	63	34	65	13	102
Remington-Knodel, Jennifer	NORTH	152	59	41	34	62	15	82
Reynolds, William E.	SOUTH	139	61	80	45	74	15	73
Riva, Joseph J.	NORTH	146	56	22	36	20	15	37
Rivera, Barbara Brosnan	NORTH	135	40	42	21	83	9	76
Sacco, Russ	NORTH	195	46	84	41	84	21	90
Sproviero, Scott G.	NORTH	103	42	28	28	94	9	96
Stampone, Vincenzo	NORTH	150	52	55	30	76	18	80
Stokes, Nanci G.	NORTH	30	2	21	0	79	3	46
Tamburino, Joseph A.	NORTH	141	54	61	28	81	13	110
Tarrant, Tara D.	NORTH	139	19	34	13	98	3	81
Voorhees, Gregory X.	SOUTH	169	47	71	35	83	14	100
Wallen, Kate R.	SOUTH	149	26	50	16	55	11	71

APPENDIX B

DRP	Region	IP Cases	IP Age (in Days)	OTP Cases	OTP Age (in Days)
Aloi, Anthony M.	CENTRAL	173	149.52	40	72.33
Andolino, Michael D.	NORTH	201	118.87	35	57.34
Annunziata, Maria	CENTRAL	196	172.68	37	59.19
Barry, Martin M.	CENTRAL	218	167.18	42	78.79
Campbell, Jennifer M.	CENTRAL	167	182.98	50	72.04
Carnelli, Christopher M.	SOUTH	289	145.51	42	63.17
Caserta, Patrick J.	NORTH	278	133.82	55	76.45
Cassella, Deborah M.	NORTH	161	122.52	36	42.28
Croft, Douglas M.	NORTH	264	145.66	45	73.80
Damiano, Robert S.	NORTH	168	157.40	31	92.65
Daniskas, Maria I.	NORTH	238	153.32	49	65.76
Della Badia, Joseph	NORTH	268	148.28	32	77.81
DeMarco, Jodi L.	NORTH	244	122.37	45	62.69
Ducey, John G.	CENTRAL	169	155.11	37	53.49
Eisele-Grabowski, Karen	SOUTH	209	155.86	58	62.48
Fabiano, Edward	NORTH	180	129.14	47	46.04
Fannan, John J.	CENTRAL	73	117.75	16	53.56
Fazio, Cataldo F.	NORTH	229	130.82	54	60.04
Finiello, Susanne N.	SOUTH	267	120.94	40	68.70
Frankland, Suzanne J.	NORTH	232	146.54	49	71.08
Ganzhorn, Lisa A.	NORTH	248	158.39	64	68.63
Garrabrandt, James H.	NORTH	255	158.01	45	72.93
Grabowski, David A.	SOUTH	193	155.35	23	80.65
Granato, S. Caroline	SOUTH	219	151.85	38	67.55
Hackett, Michael	NORTH	201	139.22	39	73.23
Hebron, Sylvia A	NORTH	277	119.20	55	64.29
Johnston, Maureen M.	NORTH	230	149.43	34	63.68
Kaczka, Thomas M.	NORTH	200	117.65	47	58.19
Kaiser, Brian K.	NORTH	232	132.61	58	67.93
Karbasian, Carolyn K.	SOUTH	164	135.94	43	59.42
Keller, Grant W.	SOUTH	211	155.67	53	54.04
Kincade, Kathleen D.	CENTRAL	208	203.24	31	69.90
La Salle, Robert C.	NORTH	204	128.41	40	68.50
LaPorta Esq., David M.	NORTH	213	143.26	35	70.86
LaPorta, Phillip A.	NORTH	209	143.14	33	79.70
Lardiere, Andrea L	CENTRAL	220	203.29	48	61.15
McFadden (LI), Michael K.	SOUTH	206	138.03	49	68.43

McFadden, Michael K.	SOUTH	7	75.14	0	
Miller, Matthew G.	NORTH	238	152.99	35	77.11
Mundy, Lisa D.	NORTH	215	121.53	40	82.15
Nardella, George C.	NORTH	232	114.06	42	62.05
Noonan, Scott M.	NORTH	215	158.06	39	80.31
O'Brien, Matthew J.	NORTH	215	129.26	47	67.47
O'Donnel, Kenneth L.	NORTH	253	135.31	42	64.10
Patriaco, Andrew A.	NORTH	256	142.71	47	65.21
Pettersen, Nina L.	SOUTH	245	137.15	41	76.34
Reis, Karen M.	NORTH	237	132.90	45	58.82
Remington-Knodel, Jennifer	NORTH	236	127.94	59	69.22
Reynolds, William E.	SOUTH	254	158.50	51	64.96
Riva, Joseph J.	NORTH	125	149.04	29	60.21
Rivera, Barbara Brosnan	NORTH	244	150.15	43	76.95
Sacco, Russ	CENTRAL	236	112.54	44	64.02
Sproviero, Scott G.	NORTH	202	190.27	40	72.05
Stampone, Vincenzo	NORTH	251	152.93	50	72.36
Tamburino, Joseph A.	NORTH	202	120.17	51	62.31
Tarrant, Tara D.	NORTH	241	147.54	28	91.68
Voorhees, Gregory X.	SOUTH	231	143.81	57	79.53
Wallen, Kate R.	SOUTH	254	129.26	37	94.05

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