



FORTHRIGHT

**August 2022 Amendments to the
New Jersey No-Fault Pip Arbitration Rules
Frequently Asked Questions (FAQ)**

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OVERVIEW

New Jersey No-Fault PIP Arbitration Rules have been amended with the approval of the New Jersey Department of Banking and Insurance and endorsement of the NJ No-Fault Advisory Council to require in-person PIP arbitration hearings to be conducted through the Forthright videoconferences system and to eliminate regions.

FAQs

1. What specific rules are being amended?

With the amendments, Rule 31 has been eliminated, along with all references to regions.

Rule 42 has been amended as follows (new language in **bold**, removed language ~~strike thru~~):

42. Attendance at Hearing [In-Person]

Persons having a direct interest in the arbitration are entitled to attend the hearing. The DRP shall otherwise have the power to require the retirement of any witness or witnesses during the testimony of other witnesses. It shall be discretionary with the DRP to determine the propriety of the attendance of any other persons.

Parties and/or their representatives are encouraged to appear at all arbitration hearings using the videoconference information provided by Forthright. Any party or representative who cannot access the hearing by videoconference shall appear by telephone using the telephone number provided with the Forthright videoconference information.

After the assignment of a DRP, a party may request a non-video hearing to be conducted at the DRP's designated office. Such request shall be submitted to Forthright on the *Request for Non-Video Hearing* form clearly setting forth the circumstances meriting a non-video hearing. The request must be received by Forthright no less than 45 days prior to the scheduled hearing date. The other parties will have 10 days from Forthright's acknowledgement of receipt of the non-video hearing request to submit comments or objections. Forthright will submit timely requests and responses to the DRP for a determination. The DRP shall have 5 days to rule on the request. The DRP may grant the request only upon a finding of extraordinary circumstances. The granting of a non-video hearing request will result in the scheduled hearing being postponed and the rescheduling by

Forthright of the non-video hearing to be conducted at the DRP's designated office. The party representative making the request for a non-video hearing shall attend the hearing in-person at the location of the hearing. Any other parties or representatives may appear in-person or by using the videoconference information provided by Forthright. *{The language of this Rule was amended and is effective on August 1, 2022}* Parties and/or their representatives are encouraged to personally appear at all arbitration hearings. Any party or representative who intends to appear by telephone shall use best efforts to notify the other parties and Forthright in advance of the hearing. Any party or representative appearing by telephone, or who has a witness appearing by telephone, must arrange for and bear the cost of teleconferencing for the DRP and all other parties.

The amendments do not affect On-The-Papers (OTP) cases.

2. Why are the rules being amended?

Forthright's videoconference hearing program, implemented in 2020, succeeded beyond expectations, not only by providing an effective forum for dispute resolution, but by providing a safe and secure process for parties to efficiently and persuasively present their cases before a DRP. The use of videoconferencing for in-person hearings satisfies the need to provide a convenient location for hearings, as well as additional benefits to practitioners, witnesses, and DRPs, including:

- Elimination of waste in time and cost associated with parties traveling throughout the state.
- Ease of access for witnesses, medical practitioners, insurance adjusters, et cetera, in attending or observing proceedings with minimal disruption to schedules.
- Increased ability of DRPs to exercise appropriate control over hearings, including the elimination of potential for *ex parte* communications as all parties are admitted to hearings simultaneously.
- Reduction in exposure to COVID-19, its variants, and any future threats to health.

3. When will the amended rules become effective?

The amended rules become effective August 1, 2022. As of that date, claimants filing a Demand for Arbitration will not be able to select a region for an in-person hearing.

4. Will the amended rules change the way I prepare a Demand for Arbitration?

The amendments will not change the way you prepare a Demand for Arbitration, except that claimants will no longer be able to select a region for an "in-person hearing." Effective August 1, 2022, a new demand form will be available and electronic case filing will be updated.

5. What if I selected a region prior to August 1, 2020, but the matter has not yet been assigned a DRP?

Any Demand, or OTP to IP Request, filed with Forthright prior to August 1, 2022, with a region selected will be assigned a DRP previously designated in the selected region, subject to Rule 12 and consolidations.

6. Will the amended rules change the way I appear at a hearing?

The amended rules will not change the way any party, representative, or witness has appeared at a hearing since the end of 2020. The Forthright videoconferences system is the same and will continue to operate as it has since August of 2020. For more information on how the videoconference program works, users may review the [Appearance by Video Program FAQ](#).

7. What if I want to have a Non-Video Hearing?

The amended Rule 42 describes the process to apply for a Non-Video Hearing, including deadlines and required forms. The DRP may grant the request for a Non-Video Hearing only upon a finding of extraordinary circumstances. If granted, the hearing will be postponed and scheduled at the DRP's designated office, as identified [on our website](#). Since the amendment eliminates regions, and a videoconference hearing provided a convenient location, the non-video hearing could possibly not be near the requesting party's locale.