

Summary Table of Amendments to PIP Arbitration Rules – March 1, 2013

[This table is intended to guide practitioners through a review of the rules' amendments. It is not intended to replace the language in the Rules. *Wherever there is a variance between the language in this table and the language in the Rules, the Rules shall govern*]

Rule No.	Title	Amendments
PART I	Rules of General Application	N/A
6	Types of Arbitration Proceedings	Adds the word "proceedings" in the title and text
		Inserts effective date of March 1, 2013 for 2 types of arbitration proceedings
		Adds the word "total" before "amount claimed" in paragraph 6b. and the two paragraphs thereafter
		The form referred to in the last paragraph is renamed as "Respondent In-Person Proceeding Selection Form"
7	Demand for Arbitration	In item 18, inserts effective date of March 1, 2013, for filer to designate case as in-person or on-the-papers
9	Consolidation of Cases	In definition of interdependent case, changes "same injured person" to same injured person name."
		Provides separate definitions for consolidation of in-person cases and consolidation of on-the-papers cases.
		In subparagraphs a. and b., changes "prior to" (the last date for final submissions) to "on or before"
		Limits ¶ 9b.2 telephone call to in-person cases
		Separately describes Administrative consolidation for in-person and on-the-papers cases and gives effective date of March 1, 2013 for consolidation of on-the-papers cases.
		Refers to Rule 54 for the effect of consolidation on the deadlines for initial and final party submissions for on-the-papers cases.
12	Appointment of Dispute Resolution Professionals	Clarifies rule by changing "injured person" to "same injured person name."
15	Request for Report by MRO	Changes time to request an MRO report for an on-the-papers case from 20 days prior to the last date for final party submissions to "on or before the last date for final party submissions."
		Refers to Rule 54 for the effect of MRO request on the deadlines for initial and final party submissions for on-the-papers cases.
18	Counsel Fee Disputes	Changes "prior to" (last date for final party submissions) to "on or before"
19	Stay of Case or Abeyance	In ¶ 2, replaces "arbitration" with "case"
		Refers to Rule 54 for the effect of abeyance or court

		stay on the deadlines for initial and final party submissions for on-the-papers cases.
22	Attorney Fees and Costs	Deleted “in an amount consonant with the amount of the Award and with Rule 1.5 of the Supreme Court’s Rules of Professional Conduct”. Inserted “in accordance with N.J.A.C. 11:3-5.6”.
25	Appeals to 3 DRP Panel	Adds DRP challenge as grounds for appeal of an on-the-papers case only.
PART II	RULES GOVERNING IN-PERSON CASES	
37	Change of Claim [In-Person]	Clarifies that the new or amended claim relates to the same injured person for the same accident.
PART III	RULES GOVERNING ON-THE-PAPERS CASES	Inserts effective date of March 1, 2013 for on-the-papers cases.
49	Appointment of Dispute Resolution Professionals [On-the-Papers]	Clarifies rule by changing “injured person” to “same injured person name.”
		States that parties will receive notice of assigned DRP at the time the decision is issued.
50	Withdrawal of Claim [On-the-Papers]	Replaces “anytime prior to” with “on or before”
51	Change of Claim [On-the-Papers]	Clarifies that the new or amended claim relates to the same injured person for the same accident.
		New or changed claim must be received on or before 105 days from date the case was initiated or reinitiated because of <i>Amended Demand</i> adding new respondent
		Change permitted unless other party(ies) object within 10 days (same as current Rule 37 for change of claim for in-person case)
		If a new or changed claim results in the PIP benefits equaling or exceeding \$1,000, then either party may request an in-person hearing <u>only if</u> <ol style="list-style-type: none"> 1. Submits the <i>Request for In Person Hearing/Change of Claim</i> form within 15 days from claim amendment, and 2. Designates the region for the hearing, and 3. Pays \$25 in-person fee
		\$25 in-person fee from non-requesting party is immediately due.
52	Addition of New Respondent [On-the-Papers]	Can be added within 150 days from initiation (last date for final party submissions)
		Deletes reference to <i>Amended Demand</i> and effect on initial and final party submissions
		Refers to Rule 54 for the effect of addition of respondent upon the deadlines for initial and final

		party submissions for on-the-papers cases.
53	Party Submissions [On-the-Papers]	Changes 100 day period for initial submissions to 120 days and eliminates extension request for additional 20 days
		Changes due date for final submissions from 130 days to 150 days from initiation
		Refers to Rule 54 for time extensions
54	Party Submissions – Modified Deadlines [On-the-Papers]	New Rule - Describes modification of submission deadlines for certain case events
		Addition of Respondent – dates begin anew from initiation of <i>Amended Demand</i>
		Consolidation
		<ul style="list-style-type: none"> For consent, administrative and DRP ruling consolidations, 120 days from consolidation for initial submissions and 150 days for final submissions
		<ul style="list-style-type: none"> If consolidation request denied, parties will have a minimum of 30 days from the date of Forthright’s letter to the parties sending the DRP’s denial ruling for initial submissions and 30 days thereafter for final submissions.
		Abeysance or court ordered stay - parties will have a minimum of 30 days from the date of Forthright’s letter to the parties advising that the case is removed from abeyance or stay for initial submissions and 30 days thereafter for final submissions.
		MRO request - parties will have a minimum of 30 days from the date of Forthright’s letter to the parties sending the MRO report for initial submissions and 30 days thereafter for final submissions.
PART IV	FEES	
F-1	Claimant’s Fees	Adds fees for on-the-papers proceedings
		Clarifies that electronic refund is on fees paid
		States that \$25 in-person fee is due upon transfer of proceedings from on-the-paper to in-person
F-2	Respondent’s Fees	Adds fees for on-the-papers proceedings
		Clarifies that electronic refund is on fees paid
		States that \$25 in-person fee is due upon transfer of proceedings from on-the-paper to in-person
F-3	Dismissal Application Fee	No change except for reference to prior rule