



## **Rules Governing the Advisory Council for Arbitration of No-Fault Disputes In the State of New Jersey**

1. Establishment and Purpose. In accordance with N.J.S.A. 39:6A-5.1 et seq. and N.J.A.C. 11:3-5.4, there shall be a New Jersey No-Fault Advisory Council consisting of users of the dispute resolution system to assist Forthright in connection with selection of dispute resolution professionals (“DRPs”) and the periodic review of rules and processes.
2. Appointment and Membership. The Advisory Council shall consist of two ex-officio members and fourteen user members.
  - i. Seven user members shall be representatives of claimants and an equal number shall be representatives of respondents.
  - ii. The Commissioner of Banking and Insurance or his or her designee shall be an ex-officio member of the Council.
  - iii. The Vice President of the NJ No-Fault Program, or his or her designee, shall be an ex-officio member of the Council and shall serve as the Presiding Officer at all Council Meetings.
3. Selection of User Members. Forthright shall, in its sole discretion, select individuals to serve or to continue to serve as user members. Criteria for user member selection include, but are not limited to, knowledge of the No-Fault dispute resolution process, ability to offer recommendations for improvement, demonstrated commitment to preserve and enhance the neutrality of the dispute resolution process, availability for regular attendance at Advisory Council meetings and willingness to devote the necessary time to Advisory Council business.
4. Membership Term and Vacancies. Four respondent user members shall serve two (2) year terms and three respondent user members shall serve one (1) year terms, as designated by Forthright in its sole discretion. Four claimant user members shall serve two (2) year terms and three claimant user members shall serve one (1) year terms, as designated by Forthright in its sole discretion. In the event any member is unable or unwilling to serve for his or her entire term, Forthright shall select a replacement to serve the unexpired term.
5. Duties. The Advisory Council shall have the following duties:
  - i. To preserve and protect the integrity of the dispute resolution process and the neutrality of the DRPs,
  - ii. To advise Forthright on development or revision of rules governing the dispute resolution process,
  - iii. To identify and review potential DRP candidates and to make recommendations to regarding qualifications of candidates to serve as DRPs,
  - iv. To consider input for program improvements from individuals within the user community,
  - v. To generally advise Forthright as to other matters of importance to the dispute resolution process.

6. Recommendations Regarding Qualifications of DRP Candidates. Recommendations for DRP candidates shall be by written ballot, either in person or via email or other electronic media as may be established by Forthright from time to time. A DRP candidate shall be deemed recommended by the Council if he or she receives 60% or more of the votes cast. Abstentions shall not be counted. A representative of Forthright will tally the votes and report the vote count to the council members. Members are not required to disclose their votes to any other person. Forthright shall only report the voting results to council members. The Council's vote on recommendations is advisory only."
7. Confidentiality. Council members shall maintain in strictest confidence, and shall not disclose to any person, any written or oral reports, comments, deliberations or communications whatsoever relating to DRP candidates or current or former DRPs.
8. Avoidance of Improper Influence and Conflict of Interest. Council Members shall not use their position on the Council to influence the decisions of any DRP, to state or imply that the member influenced the decision of Forthright to contract with the DRP or to create the impression of control or influence over the continued participation of any individual as a DRP.
9. User Community Liaison. Advisory Council members shall serve as liaisons to the user community and may disseminate program information to the extent that such information is not deemed confidential. Members shall provide Forthright with their business addresses and telephone numbers and authorize Forthright to publish the information for use by the No-Fault community.
10. Meetings. The Council shall meet three (3) times per year, and more often as the Commissioner or Forthright may deem necessary and prudent to reasonably fulfill the Council's duties hereunder. The Vice President or his representative will establish the Council meeting agenda, arrange for the meeting space and provide administrative support for the Council meetings.
11. Amendments. Forthright may amend these rules at any time subject to approval by the Commissioner.