



## **FORTHRIGHT**

### **Who is Forthright and why isn't National Arbitration Forum (FORUM) administering the NJ No-Fault PIP arbitration program after April 1, 2011?**

Forthright partners with private businesses, non-profits, trade associations, governmental and non-governmental entities to design, automate, and manage processing solutions for complex regulatory and legal compliance issues. Forthright was spun off from the FORUM as an independent company in 2007 and has provided back-end administrative services for arbitration and other claims processing applications since that time. Forthright and FORUM submitted a joint proposal to administer the PIP arbitration program and the contract was awarded to Forthright.

### **What happens to the arbitration cases that I filed with FORUM?**

Pending cases filed with the FORUM will be administered by Forthright after April 1, 2011. The same DRPs and case coordinators will continue handling the cases.

### **What happens to the documents and evidence I submitted with my FORUM cases?**

Any submissions you made remain with the case and will be accessible by Forthright, the case coordinators and the DRPs.

### **Will the hearing dates of scheduled arbitrations be changed?**

No. Forthright will maintain the dates of all currently scheduled arbitration hearings.

### **Do I need to do anything when Forthright takes over?**

Yes. You will need to login to the new online case management system to access your cases using a Forthright user name and password. Instructions on how to obtain a new Forthright user name and password will be sent to you by email.

## **ONLINE CASE MANAGEMENT AND ONLINE FILING**

### **Can I still manage my cases online?**

Yes, cases submitted before and after April 1, 2011, will be managed online using Forthright's new online case management system. In fact, user case management features have been expanded to include:

- Fully automated new case entry without the need to complete a hard copy form
- Ability to view case documents online
- Ability to receive electronic notifications of Forthright generated correspondence
- Enhanced case search capabilities

**When will these new case management features be available?**

New features will be available April 1, 2011.

**What do I need to do to have online access to my cases with Forthright?**

Each attorney user will be required to have a unique e-mail address to be able to access the system. You will receive an email with your new user name and password instructions in mid-March. If your firm currently has multiple profiles using the same e-mail address you will need to have a unique e-mail address for each attorney profile and will need to send an email to [NJPIPWebHelp@forthrightsolutions.com](mailto:NJPIPWebHelp@forthrightsolutions.com) for further instructions.

**Can I still file cases online?**

Yes. On and after April 1, 2011, you can file cases online at [www.nj-no-fault.com](http://www.nj-no-fault.com) or at the website for eLaw®, [www.elaw.com](http://www.elaw.com).

**Are there any changes to filing a case online?**

Yes. When you login to file a case on and after April 1 2011, you will be asked to enter data into fields in the case entry screens. Upon completion, a *Demand for Arbitration* form in PDF format will be generated. You can save the *Demand* electronically or print.

**Do I need to attach a paper *Demand* to my online filing?**

No. Your data is included with the case and a separate paper *Demand* is not necessary.

**Will my *Demand* filed using Forthright's case management system be served upon the respondent I select?**

No. You will still need to serve the respondent on your case with the *Demand*. Forthright does not serve the respondent.

**eLaw®**

**What is eLaw®?**

eLaw® is a private company that partners with Forthright to provide filing and service of process capabilities to Forthright, respondents and claimants using its eServe product. eLaw® is an option for NJ PIP practitioners.

**Is there a separate cost for eLaw®?**

Yes. Please contact eLaw® directly for details.

**Can I file and serve process through eLaw® at the same time?**

Yes. When you select the insurance company you wish to file against in eLaw®, your demand is served on the insurance company and sent to Forthright at the same time.

**How do I know when an insurance company is served when I use eLaw®?**

You will receive a certificate of service from eLaw® as proof of service. The certificate will be located in the file you created for the arbitration.

**If I file with eLaw®, will I be notified of all hearing dates, the names of the DRPs and case coordinators?**

Yes. Forthright will notify eLaw® regarding all case information for the cases that you file with eLaw®, including hearing dates and the names of the DRPs and case coordinators.

**Is there a charge to be trained by eLaw®?**

No, eLaw® provides free training to all of its users. Please call 800-444-4041 x8 to schedule training.

**How do I submit documents to eLaw®?**

If you are filing a demand, the demand document will be automatically created by eLaw® after you fill out a few data fields. In addition, you can attach a document(s) or email a document(s) to eLaw® from your computer or network drives. Finally, you can fax documents to eLaw® using an eLaw® fax cover sheet, which has a barcode exclusively for your case.

**Can I share documents in eLaw®?**

Any case folder in eLaw® can be instantly and securely shared with any other user in your account or outside of your account by using the “Manage Security” option in your case folder.

**ARBITRATION RULES AND FORMS**

*{These FAQs are intended to give a basic overview of some of the PIP arbitration rule changes. Where ever the language of these FAQs varies from the rules, the language within the rules governs.}*

**Does Forthright have new No-Fault Arbitration rules and forms?**

Yes, Forthright has new No-Fault Arbitration rules and forms.

**When are the new PIP arbitration rules effective?**

The rules are effective for new and pending cases on April 1, 2011, unless otherwise stated within the rules.

**What changes have been made to the rules?**

Generally, the rules have been reorganized and reordered to accommodate the more substantive changes. Some rules has been divided and given separate rule numbers and titles to make them easier to read and understand.

**What is “Fully Electronic Case Filing and Case Management” in Rule 4?**

This is a way for users to exchange all communications and documents with Forthright without creating and transmitting paper. See the “Fully Electronic Case Filing and Case Management” section of this FAQ for more details.

**Are Rule 6 (Types of Arbitrations) and PART III (Rules Governing On-The-Papers) effective on April 1, 2011?**

No. The Department of Banking and Insurance is reviewing on-the-papers arbitrations and will advise when these rules will go into effect.

**Until the on-the-papers rules become effective, will every filed case have an in-person arbitration?**

Yes.

**Are there changes to the *Demand for Arbitration* in Rule 7?**

Yes. Please read the rule completely for all changes. Some significant changes to the *Demand for Arbitration* include:

- Item # 4 requires the claimant attorney to provide an email address for the claimant or certify that the claimant attorney will provide the claimant with a copy of the DRPs final determination (See the comment to Rule 23).
- Item # 11 now requires a calculation of the “total amounts claimed after crediting all payments received up to the day before the filing of the Demand for Arbitration (For services subject to the NJ Automobile Medical Fee Schedules, no amount claimed shall be greater that the fee on the appropriate fee schedule)”.
- Item # 15 requires a copy of the internal appeal decision if required by an assignment of benefits, as well as a copy of the assignment.
- Item # 18 relates to on-the-papers arbitration and will become effective in the future.

**Has the rule regarding Requests for Consolidation (Rule 8) been changed?**

Yes. The rule regarding requests for consolidation is now Rule 9 Consolidation of Cases and is more specific in describing the types of cases that are suitable for consolidation. Requests for consolidation made less than 30 days before a hearing date now have a telephone conference process with a DRP. The ruling standard by which a DRP makes his or her decision to consolidate has been changed to promote consolidations.

**Are there any changes in the way DRPs are appointed to cases?**

Yes. Pursuant to Rule 12, beginning on April 1, 2011, “Forthright will endeavor to assign to the same DRP who was assigned the first initiated case, all other cases involving the same insurance company, injured person and date of accident.”

**Is the Rule 12 assignment the same as a consolidation of cases?**

No. It merely attempts to have the same DRP decide cases involving injuries to the same person from the same accident.

**What is an expedited medical necessity determination by an MRO?**

Rule 14 implements N.J.A.C. 11:3-5.4(b) 6 which enables an expedited determination of the medical necessity of future treatment or testing without meeting the standard of immediate and irreparable harm in Rule 34.

**Has the arbitration summary rule changed?**

Other than appearing as Rule 16, the language has not changed.

**Are there changes to the rule governing attorney’s fees and costs?**

Yes. The rule describes the items to be addressed in the Attorney Fee Certification. A sample certification form is appended to the rules.

**Has the rule regarding service of the award on the parties been supplemented?**

Yes. Rule 23 states in part; “...Forthright will send an electronic alert to the respondent and to each claimant when an Award involving that party has been posted on Forthright’s award search website, unless the party representative has certified that it will provide a copy of the Award to the party.”

**FULLY ELECTRONIC CASE FILING AND CASE MANAGEMENT**

**What is “fully electronic case filing and case management”?**

Also known as “eCase Management”, this is a process where all communications and documents relating to a case to and from a party (or its representative) and Forthright are conducted electronically through Forthright’s website or eLaw®.

**Is there a separate charge to use fully electronic case filing and case management?**

No. Forthright provides this as a free service. In fact, for every case in which you utilize fully electronic case filing and case management, Forthright will refund \$15 of your administrative fee. You will also receive a \$15 refund if you use eLaw®.

**How does the process work?**

There are 2 parts to the process: (1) Users receive all Forthright communications and documents electronically in your Case Management portal at the Forthright website, and (2) Users file new cases and

send communications and documents electronically to Forthright by uploading through your portal on Forthright's website or via eServe, a product of eLaw®.

**How do I set up fully electronic case management with Forthright?**

The first step is to agree to receive all Forthright communications and documents electronically. When you first log in to Forthright's new Case Management portal, you will be prompted to indicate whether you want to participate in eCase Management. After reviewing the online agreement, select "I agree to participate in eCase Management" and click "Submit".

**How will I receive electronic communications and documents from Forthright?**

When Forthright generates correspondence or documents for a case, Forthright will send an email notifying you that a new document is in your Case Management portal. To view the document, click on the link contained in the email which will bring you to that case in your Case Management portal. In addition, any new case documents generated by Forthright, organized by file number, will appear in the "New Documents" section. Select the file number to access the case details and the document.

**I am an eLaw® subscriber. Can I use eLaw® to receive case alerts and access my documents?**

Yes. Forthright and eLaw® exchange this information so it is accessible through eLaw®.

**I am an eLaw® subscriber. Can I send electronic documents to Forthright using eLaw®?**

Yes. eLaw® delivers your electronic documents to Forthright and they are placed in your case.

**If I partially manage my cases electronically but also use paper, do I still qualify for eCase Management refunds?**

No. The electronic usage must be consistent throughout the case including post-award administration, such as, requests for modification or clarification of an award and appeals to a panel of three DRPS.

**Does a facsimile transmission qualify for fully electronic case management?**

No. A fax is a picture of a document that does not upload directly into case records.

**What is the benefit of fully electronic case filing and case management?**

For each case in which you use eCase Management and/or eLaw®, you will receive a \$15 refund of your administrative fee. In addition, depending upon your volume of cases you may realize significant savings in your office by avoiding the cost of paper creation, transmittal and storage.