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5

Better Not Be Late!
Workers' Compensation
Occupational Exposure
Claims and the Statute
of Limitations

9

PIP Arbitrations move
to Video Conferencing
(Zoom) amid Pandemic

10

How Changing Cannabis
Laws are Affecting HR
Policies in New Jersey

13

Defending Commercial
Property Owners for
Criminal Third Party Acts

PIP ARBITRATIONS MOVE TO VIDEO CONFERENCING (ZOOM) AMID PANDEMIC

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On March 15, 2020 Forthright Solutions, the Third Party Administrator of all PIP arbitrations in New Jersey announced that there would be no in person arbitration hearings until further notice due to the Coronavirus. Quickly thereafter, on March 21, 2020, Executive Order 107 was implemented to effectively shut down most of the business normally conducted within the State of New Jersey. While most of the legal community became immobilized during this unprecedented time, NJ PIP Arbitrations continued without interruption.

At first, all NJ PIP arbitrations continued via telephone conference. While telephone conferencing was always an option for the parties, for some Claimants and Respondents, this option was used on a limited basis before the pandemic. After the lockdown, telephone conferencing became the normal process which had to be coordinated and initiated by either or both parties in coordination with the DRPs. In consolidated cases where there were multiple attorneys and/or witnesses, conference call services were engaged by the parties to ensure the hearings could proceed smoothly. This process continued through the months of April and May, and nearly all arbitrations proceeded without adjournments.

On August 3, 2020, Forthright implemented the Forthright Videoconference Pilot Program. Initially, a handful of DRPs began using the Video Conference Pilot Program. By October 10, 2020 all 52 DRPs were trained and began conducting arbitration hearings via Forthright's Videoconference Pilot Program. The Videoconference program was set up via Zoom and the parties have the option to call in using the Zoom telephone call-in number or by utilizing the video capability. During 2020, over 4,500 hearings were conducted with at least one party utilizing the Zoom capability provided by Forthright for in-person hearings. Since full implementation of Zoom's platform in the beginning of October, 96% of all in person cases have utilized the videoconference option.

Forthright's Videoconference program has allowed for the PIP community to continue moving their cases with the same rules applying as if the parties were physically in front of the DRPs. As a Respondent's counsel, we prepare, review and argue as if we were sitting in the DRP's office. Having eliminated travel time to hearings, Zoom has given both sides the opportunity to have back to back hearings proceed seamlessly. Further, for DRP offices that are not located in close proximity to the

parties, the parties now can attend the hearing via videoconference and not feel as if they did not attend the hearing in person.

There are also practical advantages of arbitrating a case via Zoom versus arbitrating over the telephone. The most important advantage is that it allows the parties the ability to observe the DRPs reactions to the arguments being made. This provides some possible insight as to how the DRP may rule on the issue.

Prior to coronavirus, as a Respondent's counsel, our firm attended 95% of all hearings in person. The videoconference program has become the closest opportunity we have to being in person and provides our clients with the same level of defense quality.

Going forward, Forthright has advised that for now there is no scheduled date to return to "in person" hearings. If and when that day does come, the video conference option will remain intact. Parties that choose to call in can continue to "call in" using the Zoom phone number or use the videoconference option.

For now, we continue to zoom through our arbitrations.