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Workers' Compensation Practices in Pennsylvania, New Jersey and Delaware During the COVID-19 Outbreak - as of 11:30 a.m. March 16th, 2020

Weber Gallagher's three-state workers' compensation practice is fully electronic and paperless (as it has been for years), allowing our attorneys, paralegals and support staff to work from any location with their laptops. Although the influx of paper file materials has dwindled substantially over the years, all remaining incoming paper file materials are scanned on receipt, while electronic file transfers are seamlessly incorporated into our firm's advanced case management system. All of our attorneys, paralegals and support staff are fully tech-savvy and promote seamless and electronic case advancement.

In addition to these steps, which are refined and updated continuously, Weber Gallagher is 100 percent focused on the safety of its attorneys, clients, and members of the general public during the COVID-19 outbreak. As a result, Weber Gallagher has interfaced with counsel and law firms across all three states, and state workers' compensation leadership personnel, to implement effective workarounds for in-person hearings as courts close. We are also prepared to have all non-court legal interactions (meetings, depositions or similar) by telephone, teleconference, Skype, FaceTime, or other electronic means.

Below are state-specific updates, which we will continue to supplement as needed in the coming days and weeks.

COMMONWEALTH OF PENNSYLVANIA

We have recruited attorneys from across the state to work with the Bureau on maintaining a strong and active workers' compensation system in our Commonwealth, as much as possible, throughout the extent of this COVID-19 state of emergency.

- Hearing offices in the below locations are also closed until at least Sunday, March 29th. Other closures are expected soon, with this situation remaining very fluid.
- Dresher, Upper Darby, Malvern, Bristol, Doylestown, Easton, Harrisburg, Chambersburg, Gettysburg and York are all closed.
- The Philadelphia Judge's hearing office is open as of today, Monday, March 16th, but all hearings in Philadelphia are canceled until Sunday, March 29th.
- It is important to note that the closing of the Bureau headquarters office does not mean the closure of individual hearing offices. This link will provide updated alerts both hourly and daily and should be checked often: <https://www.oa.pa.gov/Pages/AlertDetails.aspx>
- All Judges can work from home to review evidence, issue decisions and conduct hearings telephonically, including Skype, FaceTime, teleconferencing and additional methods. If there is a wide shut down of offices across the state, these same tools will be used. Not every Judge is equally tech-savvy, but all have been ordered by the Commonwealth to exercise discretion to permit phone hearings, depositions of witnesses, mediations by phone, etc. Those Judges who are more tech-savvy will fill in for less tech-savvy Judges; there will be a liberalization of case transfers for this purpose.

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- The Bureau will develop a method of expedited and consolidated Compromise and Release hearings during this time frame. These hearings will be conducted with technology to the extent offices remain closed.
- The Bureau has plans to welcome attorney involvement to provide the needed technology and court reporters for the proceedings referenced above. All Judges will receive specialized training on the above procedures.
- Should personal observation issues be relevant to a particular case, hearings will be held until ordered otherwise by Commonwealth health authorities. The Courts will hold time-slotted hearings to reduce the number of people in courtrooms. This will eliminate "cattle call" hearings where, for example, everyone shows up at 9 a.m.
- Requests for phone/other technology hearings or requests for law firms to provide superior technology should be uploaded via WCAIS as a miscellaneous request. Judges will put their requirements under "WCAIS Alerts." The Judges will also accept emails directly.
- The Bureau has also set up a link to advise Pennsylvania workers on the mechanics of filing COVID-19 claims. Click here to view: <https://www.dli.pa.gov/Businesses/Compensation/Pages/default.aspx>

Please review WCAIS regularly for up to the minute updates concerning these operations, or contact our office for more details. The Bureau's role here involves a massive administrative undertaking, and conditions are changing daily, requiring some patience and forbearance on everyone's part. As this situation remains in flux, with it expected to get worse before getting better, please stay connected to our firm for regular updates.

STATE OF NEW JERSEY

As of Tuesday, March 17th, all New Jersey Workers' Compensation Courts will be closed with the projected opening date of Friday, April 3rd, 2020. The only exception is Emergent Motions, and they should be handled with as little court time as possible by the use of phone and video.

STATE OF DELAWARE

As of 11:30 a.m. on Monday, March 16th, 2020, the Industrial Accident Board has suspended all workers' compensation hearing in Delaware until Friday, April 3rd, 2020. There will be no public access to hearing offices.

As it relates to depositions, mediations and other litigation related events, The Delaware Supreme Court's standing order remains in place directing the parties to work together to conduct proceedings electronically whenever practicable.

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For more information, please contact one of the attorneys listed on the right.