

Snow Delays with No Delays: Why Remote Workers' Comp Hearings Should Be Part of a Post-COVID World

By Joseph L. Ring



Unfortunately, winter weather has little regard for our plans, or even the court's docket. In the past, heavy snow could wreak havoc on trial schedules and lead to costly delays. A few inches of snow or icy roads led to hundreds of postponed hearings and depositions.

These delays were often to the detriment of our clients, whether a claimant waiting for a check or an employer incurring additional litigation costs. Additionally, they would often require the court to juggle slots on an already crowded dockets. In some instances, depending on the timing of storms, a hearing would need to be rescheduled two or even three times.

This winter began relatively mildly; however, in February, it arrived in Philadelphia with a vengeance, dumping several inches of snow on the area under

freezing conditions.

This time was different than usual, though, because we were ready for it. Hearings and depositions proceeded as planned. Many witnesses, attorneys, and court reporters were spared the need to venture out under potentially dangerous road conditions. This was possible because of adaptations made in response to the COVID-19 pandemic, namely our ability to conduct business remotely via technology.

While some events, such as live testimony, can never fully be replaced by telephone or video, recent experience has shown that adverse weather should not bring our entire system to a halt. If we incorporate remote technology into our winter-weather contingency planning, many hearings and depositions could be conducted remotely under any weather conditions. This is something we should consider for the post-COVID world.

For example, if a winter storm is predicted, a judge might have the option of only cancelling hearings with live testimony and proceeding with others remotely.

Parties could be notified via WCAIS or email, and, due to our practice during COVID, attorneys should be trained and ready to proceed. This would keep many cases moving and facilitate rescheduling the others by reducing the demand for future hearing slots.

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Additionally, despite conditions, attorneys could proceed with more straightforward depositions that would normally be cancelled due to weather. This would prevent the need for continuance requests or additional costs, further increasing efficiency.

To this end, attorneys, judges and litigants must work together to make the technology work for the good of everyone involved, and as seen over the past year, we are capable of doing so. Hopefully, we can learn from our successes and continue utilizing this technology for the benefit of our clients and the workers' compensation system as a whole.

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