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March 18, 2014

Elizabeth A. Crum, Director
Workers' Compensation Office of Adjudication
1010 North Seventh Street
Harrisburg, PA 17102

RE: WCAB/WCJ Regulations - Comments

Dear Director Crum:

Please allow this letter to serve as the formal response of the Executive Committee of the Philadelphia Bar Association's Workers' Compensation Section to the request for comments to the Proposed Rulemaking involving changes to the Special Rules of Administrative Practice and Procedure Before the Workers' Compensation Appeal Board and Workers' Compensation Judges. The comments are not to be considered as the comments of The Chancellor, or of the Board of Governors of the Philadelphia Bar Association, rather they represent the views of the Executive Committee of the Workers Compensation Section of the Philadelphia Bar Association.

In particular, this letter specifically addresses the proposed changes relative to Motion filing, bifurcation and summary disposition of motions (Proposed Rules §131.53(a) and §131.53(b).

It is the unanimous opinion of the Executive Committee that the proposed additions and changes to these sections are unnecessary, and further that the proposed changes will have the potential to severely lengthen the time for litigation of a matter.

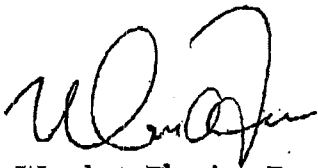
The 45-day Motion period interjects an unnecessary additional delay in a process that can already be difficult and lengthy for Claimants and Employers alike. Workers Compensation Judges have historically, and extremely effectively, resolved issues that would otherwise be handled as "motions" at the bench during the course of regularly scheduled hearings. Occasionally, WCJ's may ask counsel to "brief" their arguments so a decision can be made later on a specific issue, but this is a rare occurrence due to the burden it places on the time it takes to litigate a petition. The addition of another 45 days puts an undue burden on all parties and is further frustrating in that it is not necessary. This would also be a *major* disservice not just to the already backlogged court system, but also to the

Claimants who are going without income as their claims are adjudicated, as well as the Employers who bear the cost of protracted litigation.

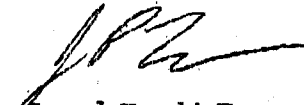
Further, the proposed rule changes appear to leave no mechanism for a responding party to have their say in the matter. The proposed rule changes simply state that a motion is filed and ruled upon within 45 days, without indicating when, or whether, the opposing party may respond. Further, the proposed rule is silent as to whether the response, if one is allowed, prolongs or tolls the 45 day waiting period?

In summary, it is the considered opinion of the Executive Committee of the Workers Compensation Section of the Philadelphia Bar Association, acting on behalf of The Workers Compensation Section of the Philadelphia Bar Association, that turning the practice of Workers Compensation in Pennsylvania into a more motion-based practice is both counterproductive to the system and all who function within it. Accordingly, we ask that the changes and additions to §131.53(b) of the Special Rules be eliminated, and not enacted.

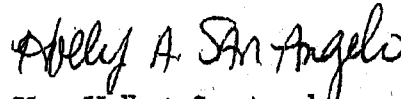
Respectfully,



Wendy A. Fleming, Esq.,
Section Co-Chair



Joseph Turchi, Esq.,
Section Co-Chair



Hon. Holly A. San Angelo,
Section Co-Chair