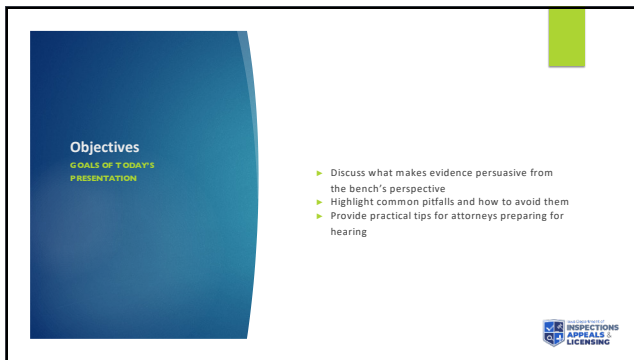
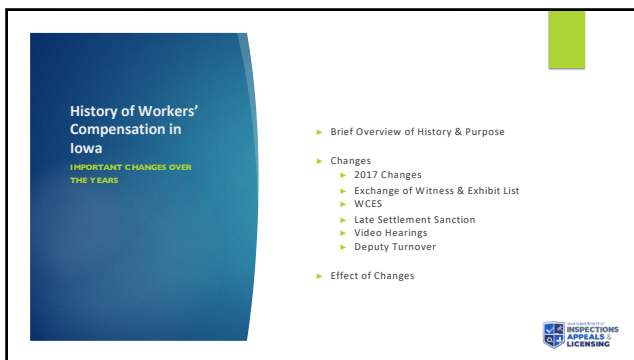


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The Hearing Process

BRIEF OVERVIEW

- ▶ Parties have the burden of proof
- ▶ Judges are triers of fact: we weigh credibility and persuasiveness
- ▶ Evidentiary records drive our findings – Clarity and relevance are key
- ▶ Hearings often involve voluminous records; Organization matters



4

Types of Evidence in Work Comp Hearings

- ▶ Medical Records
 - ▶ Treating Physician Records
 - ▶ Expert Reports
- ▶ Witness Testimony
- ▶ Other Documents & Surveillance
 - ▶ Personnel Records
 - ▶ Wage Records
 - ▶ Job Descriptions
- ▶ Post-hearing Briefs




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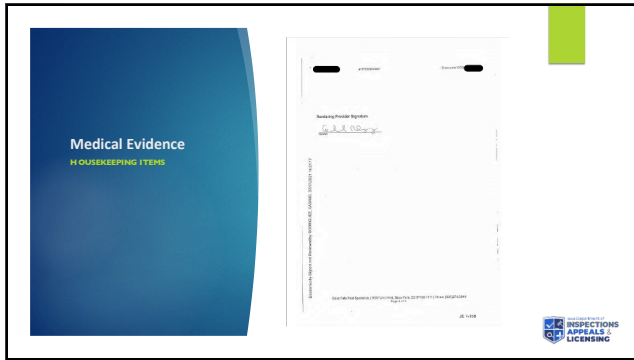
Medical Evidence

HOUSEKEEPING ITEMS

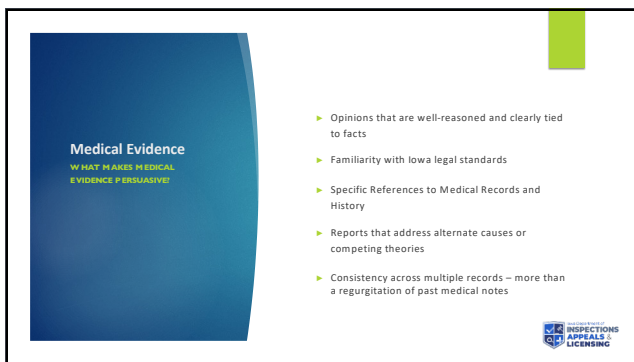
- ▶ Uniform Guidelines
 - ▶ Limitations
 - ▶ Organization of Medical Records
 - ▶ Page Numbers
 - ▶ Contents of WC File
- ▶ Keeping the Medical Evidence Focused
 - ▶ "Do I need every page of every record?"



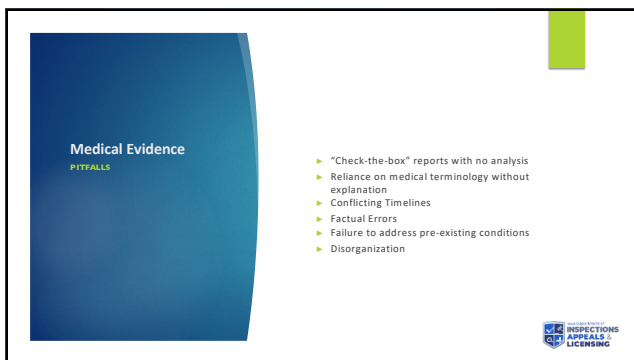
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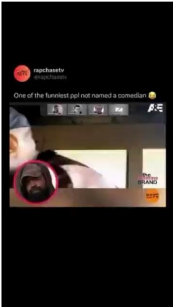



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Testimonial Evidence
MAXIMIZING THE IMPACT OF TESTIMONY






10

Testimonial Evidence
MAXIMIZING THE IMPACT OF TESTIMONY


- ▶ Prepare Witnesses Thoroughly
- ▶ Focus on Relevance
- ▶ Encourage Clarity, Not Memorization
- ▶ Explain subjective complaints in a compelling way
- ▶ Additional Witnesses – What are they bringing to the case?



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Testimonial Evidence
CREDIBILITY AND CONSISTENCY


- ▶ Consistent with prior testimony
- ▶ Alignment with medical records in evidence
- ▶ Demeanor and Responsiveness under cross-examination
- ▶ Concrete examples demonstrating limitations or symptoms
- ▶ Red Flags



12

Documentary & Miscellaneous Evidence


- ▶ Parties need to include exhibits for secondary disputed issues such as:
 - ▶ Rate
 - ▶ Penalty
 - ▶ Temporary Benefits
 - ▶ Medical Expenses
- ▶ Overlooked Exhibits
 - ▶ FCEs
 - ▶ Vocational Reports
 - ▶ Job Descriptions
 - ▶ Employer Descriptions



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Post-Hearing Briefs
WRITING PERSUASIVE POST-HEARING BRIEFS

- ▶ Provide clear structure and roadmap
- ▶ Address all issues
- ▶ Unfavorable Facts
- ▶ Citations to the record



14

Questions?



15
