

## KIARA K. HARTWELL

ASSOCIATE



### AREAS OF PRACTICE

Workers' Compensation

### CONTACT INFO

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### ADMISSIONS

New Jersey  
2015

Pennsylvania  
2015

U.S. District Court Eastern District  
of Pennsylvania  
2015

### EDUCATION

Rutgers, The State University of  
New Jersey School of Law-  
Camden (J.D., cum laude, 2014)

New York University (B.A., 2009)

### ASSOCIATIONS & MEMBERSHIPS

Asian Pacific American Bar  
Association of Pennsylvania  
(APABA-PA)

New Jersey Bar Association

### OVERVIEW

Kiara is a member of the Workers' Compensation Department and devotes her entire practice to workers' compensation litigation on behalf of employers, insurance carriers and self-insureds. She is admitted to practice in New Jersey and Pennsylvania.

In 2009, Kiara earned her Bachelor of Arts in Psychology from New York University, with minors in Mathematics and Chemistry. In 2014, Kiara graduated *cum laude* and earned her *juris doctor* from Rutgers School of Law. While in law school, Kiara served as a Notes and Comments Editor of the Rutgers University Law Review (formerly known as Rutgers Law Journal) and was a semifinalist in the Hunter Moot Court Competition.

During her first summer of law school, Kiara served as a law clerk assisting family law attorneys. In her second summer of law school, Kiara worked for a staff counsel office for Travelers Insurance Company, where she drafted discovery motions and answers to discovery requests, and attended various hearings and depositions. In spring 2014, Kiara externed with Chief Justice Stuart Rabner of the New Jersey Supreme Court, where she wrote memorandums to the Court, recommending the grant or denial of certifications.

Prior to joining Marshall Dennehey, Kiara served as a judicial law clerk to the Honorable William E. Nugent, J.A.D. Upon completion of the clerkship term, she worked for an insurance defense firm in Philadelphia, handling a variety of cases in the areas of construction coverage, premises liability and motor vehicle litigation.

### YEAR JOINED

2016

## THOUGHT LEADERSHIP

**Appellate Division finds that paid status during a break does not mandate workers' compensation coverage and affirmed the dismissal of the claim.**

**Mount Laurel  
Workers' Compensation  
May 1, 2024**

The petitioner appealed the dismissal of her workers' compensation claim. She was working for the respondent as a dispatcher, and on her meal break in October 2018, she was rear-ended. What's Hot in Workers' Comp, Vol. 28, No.

**Appellate Division vacated and remanded a trial court order denying employer's application for satisfaction of its workers' compensation lien as premature after the third party settlement.**

**Mount Laurel  
Workers' Compensation  
May 1, 2024**

In October 2019, Darshelle Joseph was injured while working for NJ Transit and filed a workers' compensation case and a third party case against the tortfeasor. What's Hot in Workers' Comp, Vol. 28, No.

**Appellate Division affirmed workers' compensation orders denying medical treatment and finding lack of causation.**

**Mount Laurel  
Workers' Compensation  
April 1, 2024**

The Appellate Division affirmed the workers' compensation order denying the petitioner's motion for medical and temporary benefits and two other orders denying her motions to suppress defenses and compel discovery.

**Appellate Division finds no reason to disturb employer's experts' qualifications, to not accept their testimony, and rejects claim that experts only offered net opinions. Appellate Division found that experts provided the reasons for their conclusions.**

**Mount Laurel  
Workers' Compensation  
April 1, 2024**

The pro se petitioner appealed from a workers' compensation order finding that his injuries were not causally related to his employment. The petitioner filed two claims, both seeking medical and temporary benefits from the respondent.

**Appellate Division affirmed workers' compensation order finding an increase in permanency, but not total disability.**

**Mount Laurel  
Workers' Compensation  
March 1, 2024**

In this case, the Appellate Division affirmed the workers' compensation order for an increase in the petitioner's permanency award but denied his claim that he was permanently and totally disabled. What's Hot in Workers' Comp, Vol. 28, No.

## PUBLISHED WORKS

"Top 10 Developments in New Jersey Workers' Compensation in 2021," Martindale-Hubbell, December 1, 2021

"Consulting the Comp Crystal Ball: What Does the Future Hold for Current COVID-19 Workers' Compensation Claims," *CLM Magazine*, June 2021

"New Jersey Medical Provider Claims Are Contingent Upon Jurisdiction Over Underlying Claim," *Defense Digest*, January 2021, Vol. 27, No. 1

"What's the Alternative? Weighing the Benefits and Risks of Return-to-Work Programs," *CLM Magazine*, February 2019

"Temporary Total Disability Benefits Contingent Upon Proof of Lost Wages," *Defense Digest*, Vol. 24, No. 1, March 2018

"Injuries Occurring During Mutually Beneficial Task Are Compensable Even on Day Off," *Defense Digest*, Vol. 23, No. 4, December 2017

"The Idiopathic Defense: The Most Overlooked Tool in NJ Workplace Injury Litigation," *New Jersey Law Journal*, Workplace Injury Litigation Supplement, November 7, 2016

## RESULTS

### Favorable decision in New Jersey workers' compensation matter.

#### **Workers' Compensation November 23, 2020**

The case involved a compensable claim for right hip and shoulder fractures sustained in a fall. At issue was the level of permanent disability for the compensable injuries and the relatedness of a subsequent hip replacement surgery. The petitioner's demand before trial was more than \$450,000, plus almost \$78,000 for medical expenses. The employer's final offer was \$180,000. After a three-day trial in Ocean County, the judge awarded permanency benefits totaling less than \$153,000.

### Workers' compensation defense verdict for a prominent health care system.

#### **Workers' Compensation May 18, 2020**

The petitioner filed a motion for additional medical and temporary disability benefits, essentially alleging she was permanently and totally disabled from prior compensable shoulder and leg injuries. After a three-day trial and extensive briefing, the judge dismissed the motion. He determined that, despite the compensable injuries, the petitioner had plateaued medically and was not entitled to any further benefits.