

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)

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.

ASSOCIATIONS & MEMBERSHIPS

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

New Jersey Bar Association

YEAR JOINED

2016

THOUGHT LEADERSHIP

TOP 10 DEVELOPMENTS IN NEW JERSEY WORKERS' COMPENSATION IN 2021

Mount Laurel
Workers' Compensation
December 1, 2021

1. The Appellate Division affirmed a Judge of Compensation's decision to include the petitioner's portion of attorneys' fees and costs in the employer's Section 40 lien. What's Hot in Workers' Comp is prepared by Marshall Dennehey Warner Coleman & Goggin to provide information on recent legal developments of interest to our readers.

The New Jersey Appellate Court reverses dismissal of the workers' compensation claim under premises rule.

Mount Laurel
Workers' Compensation
November 1, 2021

The Appellate Division reversed the Workers' Compensation Judge's dismissal of a claim based on the conclusion that the accident had not taken place in the course of the petitioner's employment. What's Hot in Workers' Comp is prepared by Marshall Dennehey Warner Coleman & Goggi

The Appellate Court affirms dismissal of claim for plaintiff's failure to demonstrate his injury was in the course and scope of his employment.

Mount Laurel
Workers' Compensation
October 1, 2021

The Appellate Division affirmed a workers' compensation decision to dismiss a claim petition with prejudice and deny the petitioner's motion for benefits. What's Hot in Workers' Comp is prepared by Marshall Dennehey Warner Coleman & Goggi

According to Appellate Division, judges are in the best position to assess credibility and giving more weight to one expert's opinion is not a basis to reverse a judgment.

Mount Laurel
Workers' Compensation
September 1, 2021

The Appellate Division affirmed a workers' compensation court order denying additional medical and temporary benefits to the petitioner. The petitioner slipped and fell on April 1, 2016, and a left knee injury was accepted as compensable. What's Hot in Workers' Comp

In four back-to-back appeals, the Appellate Division finds the triennial redetermination of average current monthly earnings was not applicable in New Jersey as a reverse offset state.

Mount Laurel

Workers' Compensation

September 1, 2021

In four back-to-back appeals, the Appellate Division again affirmed the workers' compensation court's decisions, noting the petitioners were not entitled to a redetermination of benefits. What's Hot in Workers' Comp

PUBLISHED WORKS

"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.

