

KIARA K. HARTWELL

ASSOCIATE



AREAS OF PRACTICE

Workers' Compensation

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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 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.

Appellate Division confirms that the trial judge correctly applied the intentional-wrong exception to the insurer's policy.

Mount Laurel
Workers' Compensation
February 1, 2024

The Appellate Division affirmed the Law Division order granting Hartford Underwriters Ins. Co.'s motion to dismiss and denying Sir Electric, LLC's cross-motion for summary judgment. What's Hot in Workers' Comp, Vol. 28, No.

Appellate Divisions affirms a workers' compensation judge's decision that the claimant's testimony was not credible and his medical expert's theory was not supported by objective evidence.

Mount Laurel
Workers' Compensation
February 1, 2024

The Appellate Division affirmed the workers' compensation order denying the petitioner's motion for medical/temporary benefits. What's Hot in Workers' Comp, Vol. 28, No.

Appellate Division affirmed a Law Division order dismissing the plaintiff's complaint with prejudice for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted.

Mount Laurel
Workers' Compensation
January 1, 2024

Hudson Regional Hospital, located in Secaucus, New Jersey, provided treatment to five New York residents for injuries sustained in New York while working for their New York employers. What's Hot in Workers' Comp, Vol. 28, No.

Appellate Division affirmed the trial court, noting the defendants' actions did not reach the high bar to apply the intentional wrong exception.

Mount Laurel
Workers' Compensation
January 1, 2024

The plaintiff injured his right eye while working with a mixer that had been modified, resulting in the loss of his eye and the permanent need for a prosthetic. He filed a workers' compensation claim and a complaint against the defendants. 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.