

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 compulsion in an activity could render it a non-social or recreational activity.

Mount Laurel
Workers' Compensation
June 1, 2024

The petitioner had worked for the respondent since 2007. On December 14, 2013, he reported for mandatory snow duty and as a result, he had to stay at the assigned Marriott Hotel for 12 hours and work the other 12 hours. *What's Hot in Workers' Comp*, Vol. 28, No.

The Appellate Division reversed and remanded a trial court order denying the plaintiffs' motion to amend their complaint and dismissed their matter with prejudice.

Mount Laurel
Workers' Compensation
June 1, 2024

The plaintiffs had filed a complaint for survival and wrongful death against the defendants, asserting the defendants caused the decedents to become infected with COVID-19 and pass away in March 2020. *What's Hot in Workers' Comp*, Vol. 28, No.

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.

CLASSES/SEMINARS TAUGHT

Workers' Compensation May Day Seminar, panelist, Bridgeton Workers' Compensation Court, May 1, 2024

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.