

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 State Bar Association,
Workers' Compensation Executive
Committee member

YEAR JOINED

2016

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 authors the New Jersey updates for *What's Hot In Workers' Comp*, the firm's monthly newsletter detailing significant developments in workers' compensation law, and has also been published in *CLM Magazine*.

Kiara sits on the New Jersey State Bar Association's Workers' Compensation Executive Committee, a group charged with studying and developing beneficial changes in the administration and procedures pertaining to workers' compensation.

Kiara earned her Bachelor of Arts in Psychology from New York University, with minors in Mathematics and Chemistry. She went on to graduate *cum laude* and earn 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* and was a semifinalist in the Hunter Moot Court Competition.

During law school, Kiara gained valuable experience as a law clerk assisting family law attorneys. She also worked for a national insurance company drafting discovery motions and answers to discovery requests, and attended various hearings and depositions. 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.

THOUGHT LEADERSHIP

Appellate Division affirmed granting of motion to dismiss a third-party complaint for failure to state a claim.

Mount Laurel
Workers' Compensation
September 1, 2024

The employer's insurance carrier issued a standard workers' compensation and employers liability policy to the employer. What's Hot in Workers' Comp, Vol. 28, No.

Order denying motion to dismiss for lack of coverage and finding an employer liable as a special employer affirmed by the Appellate Division.

Mount Laurel
Workers' Compensation
September 1, 2024

In Urena v. A&D Freight Logistics, LLC, et al., Hartford Underwriters Insurance (Hartford) appealed from a February 15, 2022, order, denying its motion to dismiss for lack of coverage. What's Hot in Workers' Comp, Vol. 28, No.

Attorney Fee Cap in Workers' Compensation Cases Rises to 25%

Mount Laurel
Workers' Compensation
August 23, 2024

On August 22, 2024, Acting Governor Nicholas Scutari signed S2822/A3986 into law. Under R.S.34:15-64, the attorney fee cap in New Jersey workers' compensation cases were at 20%. What's Hot in Workers' Comp – Special NJ Alert – August 23, 2024,

Appellate Division finds that petitioner failed to sustain her burden of proving that her need for treatment was related to work incident, thus, denial of her motion for medical and temporary benefits was affirmed.

Mount Laurel
Workers' Compensation
August 1, 2024

The petitioner appealed a workers' compensation order denying her motion for medical and temporary benefits. By way of background, she worked as a teacher, and on July 6, 2021, a male student kicked her in her left breast. What's Hot in Workers' Comp, Vol. 28, No.

Because plaintiff's reason for remaining at defendant's premises was purely personal and location of accident was not determinative, Appellate Division reversed and vacated the order granting summary judgment to defendant.

Mount Laurel
Workers' Compensation
August 1, 2024

The plaintiff was a Certified Nursing Assistant working for Hackensack University Medical Center (HUMC) on the date of the incident. What's Hot in Workers' Comp, Vol. 28, No.

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.