



STATE BOARD OF WORKERS' COMPENSATION

Judge Frank R. McKay
Chairman
Judge Benjamin J. Vinson
Director
Judge Terry H. Chastain
Director

Information
(404) 656-3875

ORDER OF THE STATE BOARD OF WORKERS' COMPENSATION

On June 12, 2020, the Honorable Harold D. Melton, Chief Justice of the Georgia Supreme Court, issued a Third Order Extending Declaration of Statewide Judicial Emergency which extends the judicial emergency through July 12, 2020. Consistent with the Chief Justice's order, the Board hereby extends its order dated May 12, 2020, through July 12, 2020, with the following clarifications, modifications, and directions.

Hearings

Pursuant to the Chief Justice's June 12, 2020, judicial emergency order, courts have discretion to conduct in-person judicial proceedings in compliance with public health guidance. The order directs each court to develop and implement operating guidelines as to how in-court proceedings will be conducted to protect the health of litigants, lawyers, judges, court personnel, and the public. The Board is in the process of developing guidelines that are in compliance with public health guidance for in-person hearings in Atlanta and all field locations in which Board hearings are held. In order to have these guidelines in place for all Board hearing locations, **in-person hearings will not be held until July 6, 2020, and in-person hearings will continue to be postponed until July 6, 2020.** Prior to July 6, 2020, notice of the guidelines for in-person hearings will be posted on the Board's website and provided to the parties of scheduled hearings. If the parties are ready to go forward with a hearing scheduled for July 6, 2020, or later, they should contact the office of the presiding judge to schedule a conference call to discuss the hearing logistics, including in-person hearing guidelines, number of witnesses, estimated length of the hearing and **to determine the actual date and time that the in-person hearing will take place.** A conference call is also appropriate when one party is ready to go forward with the hearing, and the other party objects to proceeding with the hearing at that time.

Mediations

In-person mediations will also not be held until July 6, 2020. Parties wanting to proceed with an in-person mediation should contact the Board's Alternative Dispute Resolution

Division to discuss the logistics of the mediation, including in-person mediation guidelines, number of people expected to attend the mediation, the estimated length of the mediation and **to determine the actual date and time that the in-person mediation will take place.**

Board Appellate Proceedings

Appellate oral arguments will continue to be held virtually via the Zoom video-conferencing platform. The Board may compel litigants and lawyers to participate in virtual appellate oral arguments until further notice. Parties may also elect to waive oral argument and submit the issues for decision on briefs. **In-person oral arguments will require a conference call with the Appellate Division Director to discuss logistics and determine the actual date and time the in-person oral argument will take place.**

Virtual Proceedings Still Available and Strongly Encouraged

Parties to workers' compensation hearings, mediations, and appellate oral arguments are strongly encouraged to continue to utilize virtual proceedings as an alternative to in-person proceedings for prompt and efficient resolution to disputes during and after the period of the judicial emergency.

Deadline Extensions

The deadline extensions found applicable to workers' compensation cases in the Board's previous orders of March 17, 2020, April 7, 2020, and May 12, 2020, such as statutes of limitations and time within which to appeal or seek the right to appeal any order, ruling, or other determination, will continue through July 12, 2020. However, in accordance with the Chief Justice's order of May 11, 2020, and reiterated in the order of June 12, 2020, judges may reimpose or establish other deadlines on a case-by-case basis after considering the particular circumstances of the case, including any public health concerns and known individual health, economic, and other concerns regarding the litigants, lawyers, witnesses, and other persons who may be involved in the case. The judge must enter a written order in the record for the case identifying the deadlines that are being imposed. Judges should in particular consider re-imposing deadlines that do not require any or only insignificant in-person contact, such as deadlines for filing and responding to pleadings, motions, briefs, written discovery, and scheduling depositions that may be taken remotely or require few participants.

Payment of Benefits; Provision of Authorized Medical Treatment

Payment of timely weekly benefits, payments pursuant to Board awards and orders approving settlement agreements, and provision of authorized medical treatment constitute essential functions necessary to protect the health and safety of individuals.

Therefore, the statutory requirements and Board rules relating to payment of benefits or provision of authorized medical treatment are not affected by this order.

Professionalism

During this challenging time as always, attorneys practicing before the State Board of Workers' Compensation are reminded of their obligations of professionalism and requirement to comply with the ethical rules of the State Bar of Georgia.

It is so ordered, this 17th day of June, 2020.

Frank R. McKay /s/

CHAIRMAN

Benjamin J. Vinson /s/

DIRECTOR

Terry H. Chastain /s/

DIRECTOR