

**VIRGINIA:
IN THE WORKERS' COMPENSATION COMMISSION**

ORDER

In light of the COVID-19 pandemic and the declaration of a State of Emergency by the Governor of the Commonwealth of Virginia, the Commission will conduct all evidentiary hearings via video conference until such time as in-person hearings can resume.

With respect to all such video hearings, it is hereby ORDERED:

- 1. Video Hearings: Evidentiary hearings will be conducted by video conferencing, where available, until further notice. Deputy Commissioners retain the discretion to grant continuances upon a showing of good cause, including, but not limited to, requests of the parties. On-the-record proceedings remain available and are encouraged as an alternative to a video hearing in cases where the parties are able to stipulate to the facts necessary for the dispute to be adjudicated.**
- 2. Objection to Video Hearing: Any objection to the Commission's conducting a video hearing in any particular case must be filed with the Commission, and copied to parties who do not have access to WebFile, within seven (7) calendar days of the issuance of the hearing notice for that case. Specific reasons for an objection must be provided.**
- 3. Pre-filing of Exhibits and Medical Records Designations Mandatory:**
 - (a) Filing deadline: A copy of each party's medical designation, as well as all proposed exhibits, must be filed no later than seven (7) calendar days prior to the scheduled hearing.**

(b) Objections: Objections to any item in the medical designation or to a proposed exhibit must be filed with the Commission by any opposing party no later than four (4) calendar days prior to the scheduled hearing.

(c) Late filings: Any medical record or exhibit submitted less than seven (7) calendar days prior to the hearing, other than a response to a record timely submitted under this Order for which leave is granted to file a response, will be excluded from evidence or may serve as a basis for the continuance of the hearing, in the sole discretion of the Deputy Commissioner.

(d) Copies required for witnesses: If a party anticipates questioning an adverse party or witness about a particular exhibit or medical record, an identical electronic or paper copy of the exhibit must be sent by the questioning party to the adverse party or the witness so the party or witness may view the documents while testifying. No other written explanatory or instructive materials may accompany the documents. Failure to provide the witness with such copies will be grounds for excluding the anticipated testimony from the record.

4. Oaths Required: Witnesses will be sworn remotely and all witnesses must aver prior to their testimony that they shall not receive any undisclosed or other assistance from any source while testifying.

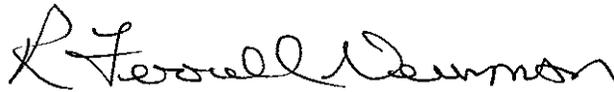
5. Witnesses: It is the sole responsibility of the party seeking to call a witness to provide that witness with the link and log-in information necessary for the witness to attend the video hearing. Continuances will not be granted solely because a witness fails to appear because the calling party failed to provide

this information, subject to the discretion of the Deputy Commissioner. Nothing in this Order shall preclude the parties from obtaining evidence by de bene esse deposition or as otherwise permitted by the Commission

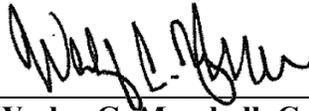
- 6. Minimum Technical Requirements: Parties and witnesses attending the video hearing must participate remotely using a PC, laptop, tablet or smartphone equipped with a video camera and microphone. All parties and witnesses should use up to date browsers and operating systems with a reliable high-speed internet connection and participation in the hearing will be subject to such other technical requirements as are published from time to time. Deputy Commissioners have broad discretion to continue or cancel the hearing if attendees cannot meet the minimum technical requirement for participants.**
- 7. Recording Prohibited: Parties and witnesses attending the video hearing may not record the hearing by any means except upon advance leave granted by the Deputy Commissioner. The Commission's recording of the hearing will be the sole official record of the proceedings.**
- 8. Proper Decorum Required: Parties and witnesses attending a video hearing are attending a formal judicial proceeding and must dress appropriately just as if personally appearing in court. All attendees must participate from a quiet location free of distractions. Deputy Commissioners have broad discretion to continue or cancel hearings or exclude witnesses if noise or extraneous activity disrupts the proceedings and to impose contempt sanctions for inappropriate conduct where necessary.**

This Order applies to all video evidentiary hearings and will continue in force and effect until further Order of the Commission. This Order does not replace or alter the terms and requirements of any other Order entered by a Deputy Commissioner in any particular case, including Pre-Hearing Motions Orders and Pre-Hearing Statement Orders. Except as stated, this Order does not modify any other Rules of the Commission, which shall remain in effect until revoked or modified.

ENTERED this 6th day of April, 2020.



R. Ferrell Newman, Chairman



Wesley G. Marshall, Commissioner



Robert A. Rapaport, Commissioner

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