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**MEMORANDUM TO ALL CLIENTS OF STEWART GREENBLATT  
MANNING & BAEZ**

**RE: New York State Workers' Compensation Board Launches Virtual Hearings  
Pilot Program**

The New York State Workers' Compensation Board has launched a Virtual Hearings Pilot Program which is gradually being implemented to Board locations thru out New York State. The outline of the program can be found at <http://www.wcb.ny.gov/virtual-hearings/>. There is no doubt that many of you have already received phone calls and e-mails, mostly unsolicited, from attorneys confirming they can handle all of your cases throughout New York State. Frankly, the truth is, any attorney with a laptop can handle a virtual hearing. While our office has already dedicated a room in our office for virtual hearings as well as having wired our library and our attorney offices with virtual access, we continue to recommend to our clients the use of local counsel for these hearings.

First and foremost, we cannot overstate the value of the relationships that we have developed over the years based upon person to person contact with the claimant's bar. We anticipate that claimant's counsel will continue to appear at most hearings with their clients. We have been apprised of several reasons for this and practically we do not anticipate the claimant's firms will want their office full of claimants waiting for their cases to be called. Essentially, once they get in the door, they will not want to leave.

Additionally, the same holds true with regard to the relationships that local counsel have developed with the judiciary. As a result of years of appearing before specific judges we (and we are certain your other attorneys) have developed a reputation to the extent that the judges know and trust that if we say something about either a factual issue or a legal decision that he/she can count on the accuracy of that information.

Furthermore, on those claims involving litigation, including testimony of the claimant, we believe that the person to person confrontation that will occur at the hearings will cause most claimants to realize not only the serious nature of what they are testifying to, but, the fact that they need to look someone in the eyes when they are testifying.

We have already experienced the changes that have occurred when medical testimony was removed from the hearing process to depositions on the phone. We have seen an increase in the comfort level that some claimant's doctors have in giving testimony to incredible opinions. From time to time we have clients that will insist on face to face medical depositions knowing that although it may increase the cost, it generally increases the possibility of a better result for the employer/carrier.

How many times have your assureds asked if they can appear by phone to present testimony? Generally, when we are presented with this request we would not only advise that yes it would be possible however it would be up to the judge but more importantly we would inform you that witnesses that appear at the hearing generally have a better impact on the case.

This is not a question of "that is not how we do it" or "we should continue to do things as we have for years." Undoubtedly, there is value in having virtual hearings. Some examples are where the issue presented by the Board may be quickly resolved or when there are dangerous driving conditions due to inclement weather. In addition, there are occasions where one of the parties may be under the weather and can take advantage of making the appearance virtually. It is our determination that appearing virtually should be the exception and not the rule.

With that said, you can be assured that our office is also available to appear at any location in New York State where there are virtual hearings. However, it is our recommendation that you should continue to consider using your local counsel for those reasons noted above.

Lastly, at this point you may be asking yourself “why would this law firm make such a recommendation and turn down additional business?” Simply put, the reason is because we believe the interest of our clients must come first.

Should you have any questions with regard to the Workers’ Compensation Board’s Virtual Hearings Pilot Program or should you wish to discuss our firm’s position with regard to the pilot program please contact our office at your convenience.

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