

# COVID-19: Tennessee Workers' Compensation Update | March 17, 2020

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## **Tennessee Court of Workers' Compensation Orders Expedited Hearings, Compensation Hearings and Mediations to Proceed as Scheduled, With the Exception of Settlement Approvals**

On Monday, March 16<sup>th</sup>, the Court of Workers' Compensation Claims issued a statement on its procedures for the indefinite future. It should be noted that the Court of Workers' Compensation Claims is an executive agency that is not subject to the Tennessee Supreme Court's Order closing the courts to all in-person hearings with some exceptions.

First, the Court of Workers' Compensation Claims has been set up to handle an interruption of this sort because all filings are submitted online and most status conferences and hearings are handled via telephone. Therefore, the four in-person matters subject to this morning's amended procedures are expedited hearings, compensation hearings, mediations and settlement approvals.

**Expedited Hearings and Compensation Hearings:** The Court has stated that all expedited hearings and compensation hearings currently on the docket will proceed as scheduled. The Court specifically noted that there are typically only a handful of individuals in the courtroom during such a hearing – 6-8 being the norm – so there is a limited risk associated with having that number of individuals in what is typically a large room. The Court did state that if there are any concerns from parties or counsel, then it would consider a continuation following the timely filing of a motion.

**Mediations:** All mediations currently scheduled will remain on the mediation calendar. The Court stated that it was waiving the requirement for in-person mediation found in the TDOL/TBWC's Rules and Regulations, but that all mediations currently scheduled will proceed as scheduled in one form or another.

**Settlement Approvals:** All approval hearings are going to continue as normal for this week (3/16-3/20), but, starting next week, all settlement approvals will need to be scheduled to be heard via telephone. Furthermore, the Court is waiving the requirement that the Employee sign an affidavit in order to ensure that there are not unnecessary obstructions to the Employee's having his approval heard. However, we will continue to utilize Rule 72 Declarations under penalty of perjury to ensure that no employee is given the opportunity to later claim that s/he did not understand the terms of the settlement or what rights are being waived.

Therefore, while it appears that most other business are closing down, the Tennessee Court of Workers' Compensation Claims remains open for business.

A copy of the response may be found [here](#).

Questions? [Contact one of MGC's workers' compensation attorneys](#).

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