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23rd Annual Las Vegas Seminar:
Workers' Compensation:
It's Been A Long, Strange
Trip

Technology in the Hearing Room
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TECHNOLOGY IN THE HEARING ROOM

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Advantages and Disadvantages of Paperless files

- First - Unless you are just starting your practice, it is not likely that you are going all paperless out of the gate!
- Advantages
 - *Storage space and cost*
 - *Updating your files while away from the office*
 - *Searching*
- Disadvantages
 - *It takes some getting used to*
 - *You won't have that copy to give to the Hearing Officer at the table*
 - *Staff buy in*

Is There a Right Way and a Wrong Way?

- There is more than one way to implement this!
- Most articles I've read advocate scanning going forward
 - *Establish a Uniform Scanning Program*
 - Set up a naming protocol
 - *YYYYMMDD [type of scanned item, i.e. letter, noh, rop, photo][from to whom][general description]*
 - *20170208 letter mwo to client regarding \$50 settlement offer*
 - *Don't be afraid to tweak the system*

Things you'll need

- Computer
- Dropbox, or other Cloud service
- iPad, or tablet, or laptop
- Data
- Dolphin/ICON
- Stylus
- Bluetooth keyboard
- Scanner

Applications/Programs to assist you

- Adobe Acrobat Standard or similar PDF program
- Good Reader
- PDF Expert
- Evernote
- Browser

Connecting to the Internet

- Wi-Fi
- Cellular

The Process

- Pre-hearing
 - *Assemble the file*
 - *OCR or not*
 - *Mark up the file*
- The hearing
 - *Make notations*
 - *Use of paper notes*
- Post-hearing
 - *Save the file back to your computer/server*

The Industrial Commission

- **Memo R7 Presentation of Audiovisual Evidence**
- **Memo R11 Use of Cellular Phones, Telephonic Pagers, Personal Computers, and Other Audible Devices in the Hearing Area**
- **Memo S4 Tampering with Claim File Documents**
- **Recording of Hearings**
 - *R97-1-02 - Video Taping, Photographing, Filming or Recording of Public Hearings*
 - *R97-1-03 - Modification of R97-1-02*

Memo R7 Presentation of Audiovisual Evidence

- The presentation of audiovisual evidence is permitted in Industrial Commission hearings.
- A written synopsis of the audiovisual evidence shall accompany the audiovisual evidence that is filed with the Industrial Commission shall be filed at least 7 calendar days prior to the date of hearing.
- A copy of the synopsis is to be provided to the opposing party or opposing party's counsel, if represented.
- A request for additional time must accompany the appeal or motion that is creating the issue for at hearing.

Memo R7 (con'd)

- The IC will make reasonable efforts to ensure that audiovisual evidence is available as a document in ICON.
- But, it is obligation of the party filing to evidence to ensure the IC has been able to format the evidence for viewing.
- If the evidence can't be formatted and viewed on ICON, it is the obligation of the party offering the evidence to bring equipment to the hearing to present the evidence.
- The date and time of the recording of the audiovisual evidence shall be incorporated into the audiovisual medium that will be clear during the presentation of the audiovisual evidence.

Memo R7 (con'd)

- If the party offering the evidence has not complied with the policy, the hearing officer shall continue the hearing at the request of the opposing party.
- Due to length or otherwise, to prevent disruption, a hearing officer may move a hearing to the end of the hour or end of the docket, or seek the assistance of other hearing officers not scheduled for hearing that day.

Memo R11 Use of Cellular Phones. Telephonic Pagers. Personal Computers, and Other Audible Devices in the Hearing Area

- Cellular phones, telephonic pagers, personal computers, and other electronic devices must be placed in a silent/mute activation or vibrating mode while in the hearing room.
- Personal computers may be used in the hearing room for the limited purpose of facilitating participation in the hearing process.
- PCs shall not be employed to photograph, record (audio or video), broadcast transmit or televise any proceeding, scene, discussion, or event in the hearing room without first obtaining Industrial Commission permission pursuant to Adjudications before the Ohio Industrial Commission Memo R7, Industrial Commission Resolution 97-1-02, and Industrial Commission Resolution 97-1-03.

Memo S4 Tampering with Claim File Documents

- Once a document that is reasonably related to the claim is entered into a claim file, it cannot be removed unless mutually agreed to by all parties.

R97-1-02 - Video Taping, Photographing, Filming or Recording of Public Hearings; and R97-1-03 – Modification of R97-1-02

- THEREFORE BE IT RESOLVED that standard #1 set forth within Resolution No. R97-1-02 shall be modified to provide as follows:
 - *1. Requests for permission to videotape, film, photograph, or record hearings before the Commission and its Hearing Officers shall be made in writing to the Hearing Administrator no later than twenty-four hours prior to the scheduled hearing.*