

**SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
COMMISSIONERS' PREFERENCES**

COMMISSIONER-SPECIFIC PREFERENCES

Commissioner R. Michael Campbell, II

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Standard Preferences apply unless otherwise indicated below.

Revised March 25, 2020

Effective immediately, with the exception of emergency circumstances, all in-person hearings will be postponed until after May 1st, 2020. For hearings in which each party has only one witness to testify, the parties may request the hearing proceed as docketed prior to May 1st, 2020, via Court Call. All parties would need to consent to the hearing moving forward via Court Call and the cost of Court Call's service would be divided equally among the parties. Both the attorneys and the witnesses testifying would need to be capable of being clearly observed at the same time by the Commissioner. It is encouraged for elderly witnesses or witnesses with compromised immune systems to be in a separate location from the attorneys or other witnesses. If a hearing meets this criteria, the parties are responsible for contacting Commissioner Campbell's office to request the Court Call hearing. For additional information on Court Call, please visit:

<https://wcc.sc.gov/news/2020-03/advisory-notice-3232020-court-call>

In addition, with regard to hearings that do not include witness testimony (i.e. putting positions on the record or motion hearings) the parties have the option of requesting the hearing proceed as docketed prior to May 1st, 2020, telephonically. All parties would need to consent to the hearing moving forward telephonically and the parties are responsible for contacting Commissioner Campbell's office to request a telephonic hearing.

With both Court Call and telephonic hearings, APA's and exhibits need to be uploaded to the commission prior to the hearing, however, will not be provided to the commissioner prior to the hearing. Any objections to APA's or exhibits will be addressed at the time of the hearing, as standard procedure.

Until further notice, clincher conferences (with the exception of scarring or disfigurement cases which will be docketed for in-person viewing by the Commissioner after May 1st, 2020) will be conducted telephonically and will proceed as docketed. Any party wishing to have a clincher agreement put on the record, is to advise Commissioner's Campbell's office prior to the docketed date of the conference.

In the event of the need for an emergency in-person hearing, the parties are to notify Commissioner Campbell's office as soon as possible and those requests' will be addressed on a case-by-case basis.

*Preferences # 1 and # 3 below only pertain to in-person hearings and are therefore suspended until after May 1st, 2020. All other preferences remain in effect.

1. A work copy of the APAs are to be bound (i.e., binder clip, notebook, etc.) and submitted at the hearing.
2. For hearings involving specific legal issues (laches, notice, jurisdiction, statute of limitations, etc.), please provide a brief summary of the case law and pertinent facts supporting your client's position. This brief should be no longer than three (3) pages in length, unless the case involves novel issues or a complex set of facts and legal issues. You will be allowed to present this brief, pertaining solely to the legal issues at the hearing.
3. Depending on the circumstances, I may allow duly subpoenaed and listed expert witnesses to testify at the hearing, although I prefer the deposition or submission of the experts. Decisions on whether the record will be left open will be made on a case-by-case basis, and will be determined at the pre-hearing conference or after the hearing. It is helpful to have potential dates already scheduled (i.e. – depositions, doctor's evaluations, etc.) when requesting that the record be left open.
4. Prior to the date of the clincher conference, please send the AA a copy of the treating doctor's last several office notes, as well as any operative notes. Also, please have available at the hearing the rating equivalent of the amount the Claimant is being offered. Clincher Conferences are scheduled five (5) to ten (10) minutes. Please negotiate and discuss settlement with the Claimant prior to the scheduled conference. It is helpful to have a copy of the clincher agreement submitted to the Commissioner's office at least a week prior to the conference.
5. Please have a conversion of the specific body part, if necessary (i.e. upper extremity to shoulder).
6. Absent a detailed estimate and analysis of additional medical treatment and costs for removal of retained hardware, I will not approve clincher settlements that do not include lifetime maintenance for hardware.
7. For fee petitions, in the event an attorney fee is \$50,000 or greater, please complete and submit a Form 61A or the equivalent.
8. Unless otherwise specified, please submit the proposed Order within forty-five (45) days.
9. Please forward a copy of the proposed Order to opposing counsel one (1) week before forwarding to my office. Please note in your cover letter whether opposing counsel agrees that the Order accurately reflects my ruling, does not agree the Order accurately reflects my ruling, or failed to respond regarding the order.
10. Video surveillance tapes should be reviewed and exchanged by the parties prior to the hearing.
11. Please do not copy Commissioner Campbell on emails pertaining to cases (settlements, postponements, etc.); Please notify his administrative assistant via email of any settlements (i.e., clinchers, 16s, consent orders, withdraw of 50, withdraw of 21,

postponements, etc.) Please include, “The file will be returned to General Files to be reset upon the request of either party” in all Consent Orders.

12. If one hour or more are needed for a hearing, preferably, please note when requesting hearing, or on Pre-Hearing Brief; after the docket is set, email my assistant so that she can manage the docket accordingly.
13. If a hearing is scheduled in the afternoon, be prepared for the likelihood of it being moved up. Alert witnesses (to include subpoenaed witnesses) and clients to remain flexible in the event the hearing time changes.
14. Please proof ALL submissions (Orders, etc.) prior to sending to my administrative assistant.
15. Please omit duplicate submissions (be certain only one copy is included).