

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

COMMISSIONERS' PREFERENCES

COMMISSIONER-SPECIFIC PREFERENCES

Commissioner J. Gabriel Coggiola

Email address for proposed orders: mroark@wcc.sc.gov

Mailing address: P.O. BOX 1715, Columbia, SC 29202-1715

Standard preferences apply unless otherwise indicated below.

1. A work copy of the APAs should 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. Please have a conversion of the specific body part, if necessary (i.e. upper extremity to shoulder).
4. 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.
5. For fee petitions, in the event an attorney fee is \$50,000 or greater, please complete and submit a Form 61A or the equivalent.
6. Unless otherwise specified, please submit the proposed order within thirty (30) days.
7. 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 that the order accurately reflects my ruling, or failed to respond regarding the order.
8. Please submit all proposed orders in Word format electronically via email ONLY to my administrative assistant.

9. If 1.5 hours or more are needed for a hearing, email my assistant so that she can manage the docket accordingly.
10. 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.
11. 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 reports.
12. 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 for 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. An attorney for the carrier must be present for telephone clincher conferences.
13. Video surveillance tapes should be reviewed and exchanged by the parties prior to the hearing.
14. As soon as possible, please notify my administrative assistant via email of any settlements (i.e., clinchers, 16s, consent orders, withdraw 50, withdraw 21, etc.) so the docket may be updated. Please include, "The file will be returned to General Files to be reset upon the request of either party" in all Consent Orders.
15. Please proof ALL submissions (Orders, etc.) prior to sending to my administrative assistant.
16. Please omit duplicate submissions (be certain only one copy is included).
17. Motions to Postpone Hearings must be timely filed with Judicial at least ten (10) days prior to the hearing date unless the party can show emergency circumstances then the motion may be filed and served as soon as reasonably possible.
18. 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. However, the scheduling of any dates does not guarantee that the record will be left open.