



State of New Jersey

DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
PO BOX 381
TRENTON, NEW JERSEY 08625-0381

CHRIS CHRISTIE
Governor


KIM GUADAGNO
Lt. Governor

HAROLD J WIRTHS
Commissioner

MEMORANDUM

January 28, 2011

To: All Judges and Attorneys

From: Peter J. Calderone, Director and Chief Judge 

Subject: Specialized Medical Expert Allowances

N.J.S.A. 34:15-64 provides an allowance schedule for reports and appearances by evaluating and treating physicians. A Task Force appointed by Bar Section Chair Jerry Rotella recognized that there are situations where petitioner attorneys must retain specialized medical experts that could not be retained under the evaluating or treating physician allowance limits. The Task Force, chaired by Marie Rose Bloomer, Esq. has recommended the following language for inclusion in the Court Rules:

Where extraordinary and specialized medical causation or treatment in a particular case require the testimony of medical experts who do not regularly appear as evaluating physicians and are not case treating physicians, the petitioner may request that the Judge of Compensation authorize a maximum fee not covered by the general statutory evaluating and treating physician allowances. When represented by counsel, the petitioner's counsel shall represent that petitioner has been advised and has approved the need for a specialized medical expert with the understanding that the cost of the specialized medical expert would be assessed as a cost to the petitioner should the petitioner receive an award in the case.

This recommendation has been endorsed by the full Executive Committee of the Bar Section and reviewed and recommended by the Administrative Supervisory Judges.

I have accepted the recommendation for a Court Rule proposal. Pending the process to formally adopt a Court Rule, the above language shall be considered agency policy and may be implemented in appropriate cases.

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