

**BY-LAWS OF THE SECTION OF WORKERS' COMPENSATION LAW OF THE
PENNSYLVANIA BAR ASSOCIATION**

BY-LAWS OF THE SECTION ON WORKERS' COMPENSATION
LAW OF THE PENNSYLVANIA BAR ASSOCIATION, AS AMENDED 2014

ARTICLE I

Name and Purpose

Section 1: This Section shall be known as the Section on Workers' Compensation Law.

Section 2: The purpose of the Section on Workers' Compensation Law shall be to bring together for an interchange of ideas, for an awareness of legislative change and appellate court interpretation and for mutual advantage, those members of the Pennsylvania Bar Association who are interested in the improvement, development and working of the law, both substantive and procedural, relating to workers' compensation and other forms of employers' liability.

ARTICLE II

Membership and Dues

Section 1: Any member of the Pennsylvania Bar Association, upon request to the Secretary of the Association and upon payment of the Section dues in full for the current calendar year, shall be enrolled as a member of the Section.

Section 2: Annual Section dues shall be established by the Section Council and approved by the Board of Governors of the Pennsylvania Bar Association.

Section 3: Section dues shall be paid in advance each year on a calendar year basis. Any member whose dues shall be more than twelve months past due and who shall fail to make payment within one month after receipt of notice thereof by mail shall cease to be a member of the Section.

ARTICLE III

Officers and Council

Section 1: The officers of the Section shall be a Chair, a Chair-Elect, a Vice-Chair, a Secretary, a Treasurer and a Section Delegate.

Section 2: There shall be a Council which shall consist of the Immediate Past Chair of the Section, the Officers of the Section specified in Section 1 and fifteen elected members. All past Chairs of the Section except the Immediate Past Chair shall be ex-officio members of the Council and shall be entitled to notice of and right to attend all meetings of the Council and to participate in any discussions at Council meetings but shall not have the right to vote.

Section 3: Only members of the Section shall be entitled to serve as an Officer or on Council. Membership on Council shall be limited to no more than three Workers' Compensation Judges and membership on the Council shall be limited to no more than two members of the Workers' Compensation Appeal Board. A Council member's status shall be determined at the time of their election and shall be presumed to continue for the remainder of their term.

Section 4: Elected members of Council shall not serve more than three consecutive terms.

Section 5: The Officers and members of the council shall be nominated and elected in the manner hereafter provided at each Annual Meeting of the Section. All Officers except the Section Delegate shall hold office for a one-year term beginning at the close of the Annual Meeting at which they have been elected and ending at the close of the Annual Meeting one year thereafter or when their successors have been elected and qualified. The Section Delegate shall hold office for a two-year term beginning at the close of the Annual Meeting at which he or she has been elected and ending at the close of the Annual Meeting two years thereafter or when his or her successor has been elected and qualified. The Chair shall not succeed himself or herself. Except as provided in Section 6, Council members shall hold office for three-year terms beginning at the close of the Annual Meeting at which they have been elected and ending at the close of the Annual Meeting three years thereafter or when their successors have been elected and qualified.

Section 6: By Amendment of the By-Laws adopted by the Council and approved by the Section at the 2007 Annual Meeting, the number of Council members was increased from twelve to fifteen. Accordingly, in addition to the three members of Council to be elected at the Annual Meeting, three additional Council members will be elected. After the election of the three additional Council members, they shall draw lots so that one shall serve for a one-year term, one shall serve a two-year term and one shall serve for a three-year term. Thereafter, five Council members shall be elected at each Annual Meeting for the terms specified in Section 5.

ARTICLE IV

Nomination and Election of Officers and Council

Section 1: At least ninety days before the first session of each Annual Meeting of the Section, the Chair shall appoint a Nominating Committee of at least three members of the Section to be chaired by the Immediate Past Chair. The Nominating Committee shall make and report nominations to the Section membership for Officers, except the Chair of the Section, and members of the Council to succeed those whose terms will expire at the close of the Annual Meeting and to fill vacancies existing for unexpired terms. The report shall be in writing and shall be submitted to the Chair of the Section at least forty-five days prior to the Annual Meeting. Other nominations may be made in writing by petition to the Chair of the Nominating Committee signed by fifteen members of the Section and received by the Chair of the Nominating Committee at least fifteen days prior to the Annual Meeting of the Section.

Section 2: All elections except for the election of the Section Delegate shall be at the Annual Meeting of the Section unless otherwise ordered by resolution duly adopted by the Section.

Section 3: The election of the Section Delegate shall be at the Annual Meeting in odd numbered years and for a term commencing and ending in accordance with and as otherwise provided by the By-Laws of the Pennsylvania Bar Association and Section 902 thereof.

Section 4: No person shall be nominated as Chair-Elect unless such person has been an Officer or a member of the Council.

Section 5: The Nominating Committee shall endeavor to nominate Section members so as to achieve a fair geographic distribution throughout the State. The Council, to the extent possible, should be diverse and evenly balanced between lawyers representing employees and employers.

ARTICLE V

Duties of Officers

Section 1: The Chair shall preside at all meetings of the Section and of the Council. He or she shall formulate and present at each Annual Meeting of the Pennsylvania Bar Association a report of the work of the Section for the past year. The Chair shall also represent the Section at the Pennsylvania Bar Association Mid-Year Meeting. The Chair shall be reimbursed by the Section for all expenses incurred in connection with attendance at the Mid-Year Meeting, including travel, hotel and meal expenses. He or she shall perform such other duties and acts as usually pertain to the office of Chair.

Section 2: The Chair-Elect shall, upon the expiration of the Chair's term of office or upon the Chair's death, resignation or inability to act, become Chair of the Section. In the event of the temporary absence or disability of the Chair, the Chair-Elect shall act as Chair for the period of absence or disability. The Chair-Elect shall perform any other functions designated by the Chair or the Council.

Section 3: The Vice-Chair shall be in charge of promoting and maintaining membership in the Section, serving on and chairing any Committees which the Chair shall specify and shall otherwise aid the Chair in the proper functioning of the Section.

Section 4: The Secretary shall be the custodian of all books, papers, documents and other property of the Section. He or she shall keep a true record of the proceeding of all meetings of the Section and of the Council, whether assembled or acting under submission.

Section 5: The Treasurer will keep appropriate records of all receipts and all expenses of the Section. At each Annual Meeting of the Section, he or she shall make a report of the financial status of the Section and a statement of any balance on hand which will be carried into the ensuing year.

Section 6: The Chair and the Treasurer shall be empowered to sign requisitions upon the Pennsylvania Bar Association treasury for disbursement of Section funds.

ARTICLE VI

Duties of Council

Section 1: The Council shall have general supervision and control of the affairs of the Section subject to the provisions of the By-Laws of the Pennsylvania Bar Association and the By-Laws of the Section. It shall authorize or approve all commitments or contracts which shall entail the payment of money and shall authorize or approve the expenditure of all moneys appropriated for the use or benefit of the Section.

Section 2: The Council or the Chair may appoint Committees of Section members to perform any duties and to exercise any powers which the Council may direct, subject to the limitations of the By-Laws of the Pennsylvania Bar Association and they By-Laws of the Section.

Section 3: The Council, during the interim between Annual Meetings of the Section, may fill vacancies in its own membership or among the Officers.

Section 4: All actions of the Council shall be by a vote of a majority of the voting members of the Council, which vote may be taken by mail, electronic mail, or telephone conference vote, after due notice to all members of the Council.

Section 5: Voting members of the Council not present at a meeting of the Council may communicate their vote in writing upon any proposition to the Secretary and have their vote counted with the same effect as if the voting member of the Council was present at the meeting of the Council.

ARTICLE VII

Meetings

Section 1: An Annual Meeting of the Section shall be held in the same place at the same time as the Annual Meeting of the Pennsylvania Bar Association. The program and order of business of the Annual Meeting of the Section shall be as arranged by the Chair and approved by the Council.

Section 2: Special, adjourned or telephone conference meetings of the Section may be called by the Chair upon approval of the Council or in accordance with the provisions of the By-laws of the Pennsylvania Bar Association. Special, adjourned or telephone conference meetings shall be held at places and times determined by the Council.

Section 3: The members of the Section present at any meeting constitute a quorum for the transaction of business.

Section 4: All binding action of the Section shall be by a majority vote of the members present.

Section 5: Meetings of the Council shall be held at places and times determined by the Chair or by the Council.

ARTICLE VIII

Standing Committees

Section 1: Pursuant to Article VI, Section 2 of the By-Laws, the Council or the Chair may appoint Section members to perform any duties and to exercise any powers which the Council may direct, subject to limitation of the By-Laws of the Pennsylvania Bar Association and the By-Laws of the Section.

Section 2: The Standing Committees of the Section on Workers' Compensation Law are as follows:

- a. Bench Bar Committee
 1. Purpose

a) The Bench Bar Committee is established for the purpose of identifying goals to achieve streamlined litigation/adjudication/mediation processes; identify barriers to achieving these goals; and, to make recommendations for potential solutions to remove these barriers.

2. Members

a) The Bench Bar Committee shall consist of six (6) attorneys representing employees, six (6) attorneys representing employers, and twelve (12) representatives of the Bench. The Section Chair, in consultation with the Director of Adjudication, shall appoint a Chair to the Committee. The individual appointed by the Section Chair shall serve as Co-Chair along with the Director of Adjudication.

b) The Co-Chairs shall appoint such members to the Bench Bar Committee so that the Committee is diverse and achieves a fair geographic distribution.

c) All Committee members shall serve a one (1)-year term, and shall be eligible for reappointment at the discretion of the Co-Chairs of the Committee.

b. By-Law Committee

1. Purpose

a) The By-Law Committee is established for the purpose of reviewing the By-Laws and proposing amendments in order to carry out the purpose of the Section.

2. Members

a) The By-Law Committee shall consist of five members to be appointed by the Section Chair.

c. Issue Expedition Committee

1. Purpose

a) The Issue Expedition Committee acts as a liaison between the Section and the appropriate appellate bodies on issues that are important to the Workers' Compensation Bar. The Committee, on request by a Section member, is authorized to

contact the Workers' Compensation Appeal Board or the Pennsylvania Commonwealth Court and request that a particular appeal be placed on a "fast track" for decision. Only those issues of general interest to the Bar or issues that can provide counsel with direction and guidance are to be expedited.

2. Members

a) The Issue Expedition Committee shall consist of two members, one member whose practice is comprised of representing employees and one member whose practice compromises representation of employers, appointed by the Section Chair.

d. Kids' Chance Committee

1. Purpose

a) The Kids' Chance Committee is authorized to act with the Board of Directors of Kids' Chance of Pennsylvania, Inc. for the purpose of identifying or soliciting contributions from the legal community. Kids' Chance of Pennsylvania, a non-profit, 501(c)(3) organization, provides college and vocational school scholarship grants to children of Pennsylvania workers who have been killed or seriously injured in work-related accidents.

2. Members

a) The Kids' Chance Committee shall consist of one member who is appointed by the Chair and is preferably also serving as a Kids' Chance of Pennsylvania Board member.

e. Legislative Committee

1. Purpose

a) The Legislative Committee is established for the purpose of analyzing all proposed legislation impacting on the practice of Workers' Compensation Law within the Commonwealth and convey that analysis, through the Council, to the Pennsylvania Bar Association by Resolution for action by the Pennsylvania Bar Association's House of Delegates and, as well, when it is determined appropriate, propose legislative amendment in that regard by the same process.

2. Members

a) The Legislative Committee shall consist of three members, one from the claimant's bar, one from the defense bar and one from the ranks of Workers' Compensation Judges or Workers' Compensation Appeal Board. The Section Chair shall appoint one of the three members to serve as the Chair of the Committee.

f. Liaison Committee

1. Purpose

a) The Liaison Committee, which is to meet bi-annually, is established for the purpose of encouraging the free flow of information, ideas, and concerns among representatives of the stakeholders and the workers' compensation system.

2. Members

a) The Liaison Committee shall consist of 16 members as follows:

- Liaison Committee Chair as designated by the Section Chair;
- Section Chair;
- Section Chair-Elect;
- Director of the Bureau of Workers' Compensation;
- Director of Adjudication;
- Deputy Secretary of Labor & Industry for Compensation and Insurance;
- Judge of the Commonwealth Court;
- Representative of the Office of the Commonwealth Court Prothonotary;
- Chair of the Workers' Compensation Appeal Board;
- Member of the Workers' Compensation Appeal Board;
- Chair of the Section Program Committee;

b) The Section Chair, in designating members to the Liaison Committee, shall designate one employee attorney and one employer attorney from the Western part of the Commonwealth and one employee attorney and one employer attorney from the Eastern portion of the Commonwealth, with the Susquehanna River serving as the dividing line;

- Two attorneys, as designated by the Section Chair, who represent employees.

- Two attorneys, as designated by the Section Chair, who represent employers; and
- Section Historian as designated by the Section Chair;

g. Program Planning Committee

1. Purpose

a) The Program Planning Committee is charged with developing the Program for the Fall Section Committee Meeting. The Program Planning Committee works with the appropriate representatives of the Pennsylvania Bar Association and the Pennsylvania Bar Institute in coordinating the Program, speakers, vendors and site.

2. Members

a) The Section Chair shall appoint the Chair of the Program Planning Committee. The Program Planning Committee Chair shall appoint such other members as is deemed necessary for the purpose of fulfilling the duties of the Committee.

h. Publication Committee

1. Purpose

a) The Publication Committee is established for the purpose of producing the Section Newsletter. The Newsletter shall report on recent Decisions, recent Legislative developments and other matters of interest to the Workers' Compensation Bar.

2. Members

a) The Section Chair shall appoint the Chair of the Publication Committee who, in turn, will have the authority to nominate other members for inclusion on the Committee.

i. Regulation Committee

1. Purpose

a) The Regulation Committee is established for the purpose of tracking changes and/or additions to the Bureau Regulations, Special Rules of Administrative Practice and Procedure Before Workers' Compensation Judges, Special Rules of Administrative Practice and Procedure Before the Workers'

Compensation Appeal Board and any other regulatory changes that would impact on the practice of workers' compensation in the Commonwealth.

2. Members

a) The Regulation Committee shall consist of three members, one from the claimant's bar, one from the defense bar and one from the ranks of the Workers' Compensation Judges or Workers' Compensation Appeal Board. The Section Chair will appoint one of the three members to serve as the Chair of the Committee.

j. Stander Committee

1. Purpose

a) The Irvin Stander Memorial Award pays tribute to the contributions of the late Workers' Compensation Judge. The mission of the Committee is to choose a recipient who, in the spirit of Judge Stander, embodies the Judge's devotion to the administration of workers' compensation law and unselfish sharing of knowledge and information to improve the practice, and who inspires high professional ideals.

2. Members

a) The Stander Committee shall consist of the five most recent recipients of the award. The Section Chair shall appoint the Chair of the Stander Committee from the members of the Committee.

k. Unreported Opinion Committee

1. Purpose

a) The Unreported Opinion Committee is established for the purpose of reviewing unreported Opinions from the Commonwealth Court, and determining whether a request should be made to have the Opinion reported where the Opinion would have an impact on the practice or which, to some degree, may impact on current reported case law. The Committee also serves the purpose of encouraging the Commonwealth Court to limit the number of unreported Opinions.

2. Members

a) The Unreported Opinion Committee shall consist of five members, two from the claimant's bar, two from the defense bar and one from the ranks of Workers' Compensation Judges or the Workers' Compensation Appeal Board. The Section Chair shall appointment one of the five members to serve as Chair of the Committee.

ARTICLE IX
Certification Committee

Section 1:

The Committee shall be responsible for the certification of members of the Bar of the Pennsylvania Supreme Court as Workers' Compensation Specialists in accordance with all requirements of the Pennsylvania Supreme Court, the Pennsylvania Bar Association Review and Certifying Board and the provisions of this Article.¹

Section 2:

a. Members of the Committee

1. The Committee shall consist of twelve members appointed by the Chair of the Section.
2. The Committee, Committee Chair and Committee Vice-Chair appointed by the Chair of the Section for the 2010-2011 Section year shall continue until they are reappointed or their successors are appointed.
3. Commencing with the 2011-2012 Section year all Committee members shall serve three-year terms and shall be eligible for reappointment for two additional three-year terms.
4. Committee members appointed for the 2011-2012 Section year shall draw lots to select four Committee members for one year terms, four Committee members for two-year terms and four Committee members for three-year terms. Committee members selected for one- or two-year terms shall be eligible for reappointment for two additional three-year terms.
5. The Chair of the Section shall appoint the Chair of the Committee from the membership of the Committee. The Chair of the Committee shall appoint the Vice-Chair of the Committee from the membership of the Committee.
6. The Chair of the Committee, or in the absence or inability to serve of the Chair of the Committee, the Vice Chair of the Committee, may appoint any Subcommittees and Subcommittee Chairs from the membership of the Committee which will facilitate the efficient functioning of the Committee.
7. All Committee members and other persons in any manner involved in the preparation, administration, or grading of the Examination specified in Section 8 of this Article of these By-Laws, except employees of Pennsylvania Bar Institute, grading the multiple choice questions contained in the Examination, shall meet the qualifications specified in Section 3.2.5.3 of the Pennsylvania Bar Association Review and Certifying Board Guidelines or any subsequent revisions thereof.

Section 3:

a. Authority of the Committee

1. The Committee shall have authority to:
 - a) Amend or revise any of the provisions of Sections 6, 7, 8, 9 and 10 of this Article of these By-Laws provided that all amendments or revisions shall comply with all requirements of the Pennsylvania Supreme Court, the Pennsylvania Bar Association Review and Certifying Board and provided further that all Amendments or revisions are approved by at least three-quarters of the entire membership of the Committee.
 - b) Determine fees to be paid by an Applicant seeking certification or recertification as a Workers' Compensation Specialist.
2. The activities of the Committee shall be governed solely by the provisions of this Article of these By-Laws which shall supersede any other provisions of these By-Laws.

Section 4:

a. Meetings of Committee

1. The Committee shall meet at the call of the Chair or the Vice Chair.
2. Meetings may be held in person, by telephone conference call or by other available electronic means.
3. Seven members of the Committee shall constitute a Quorum.
4. Committee action at a meeting at which a Quorum participates may be taken by a majority of those Committee members participating in the meeting, except as otherwise specified in Sections 3, 6, 7 and 11 of this Article of these By-Laws.
5. Committee members may vote at a Committee meeting only by participating in the meeting.

Section 5:

a. Communication to Committee

1. All communication to the Committee shall be in writing and addressed to Certification Committee of the Section on Workers' Compensation Law, Pennsylvania Bar Association, P.O. Box 186, Harrisburg, PA 17108-0186.
2. The Committee may change or revise the address specified in Subsection a.1. of this Section by written notice to all Applicants for Certification or Recertification and Workers' Compensation Specialists addressed to the address specified as provided in Section 10: a.2. of this Article of the By-Laws.

Section 6:

a. Criteria for Certification:

1. An Applicant seeking certification as a Workers' Compensation Specialist must establish by appropriate documentation that the Applicant has:
 - a) Been admitted to practice in the Commonwealth of Pennsylvania and is actively engaged in the practice of law for a minimum of five (5) years
 - b) Devoted a minimum of fifty percent (50%) of his/her practice to the specialty field of workers' compensation
 - c) Directly participated over the past five (5) years in a minimum of seven (7) of the following categories of workers' compensation litigation:
 - (i) Claim Petitions
 - (ii) Fatal Claim Petitions
 - (iii) Specific loss claims
 - (iv) Utilization Review
 - (v) Occupational Disease claims under Section 108 of the Workers' Compensation Act
 - (vi) Termination Petitions
 - (vii) Suspension Petitions
 - (viii) Modification Petitions
 - (ix) Compromise and Release proceedings
 - (x) Appeals Before the Workers' Compensation Appeal Board
 - (xi) Appeals Before the Commonwealth Court
 - (xii) Appeals Before the Supreme Court
 - d) Directly participated in both direct and cross-examination of at least twenty-five (25) medical, vocational or other expert witness depositions
 - e) The Applicant shall submit three (3) samples of any of the following documents which the Applicant personally authored:
 - (i) Proposed Findings of Fact, Conclusions of Law and Brief submitted to a Workers' Compensation Judge

- (ii) Briefs filed before the Workers' Compensation Appeal Board
 - (iii) Petition for Supersedeas and/or Answer to Supersedeas before the Workers Compensation Appeal Board and/or Commonwealth Court
 - (iv) Briefs filed with the Commonwealth Court or the Supreme Court
- f) The Applicant shall submit a detailed description of ten (10) cases involving the above matters including all information requested in the Application and shall further describe the nature of the action or proceeding, names and address of the counsel, names of the Workers Compensation judges, and any other information the Applicant may deem relevant
- g) The Applicant shall submit detailed documentation with regard to Mandatory Continuing Legal Education. At least seventy-five percent (75%) of the Mandatory Continuing Legal Education (MCLE) hours over the past five (5) years must be in the field of workers' compensation including, but not limited to, medical, trial advocacy, etc. A list of approved examples of MCLE hours which qualify for the MCLE credit required by this subsection will be posted on the PBA website
- h) The Applicant shall submit a list, if any, of writings published in recognized publications in the field of workers' compensation
- i) Upon showing of exceptional circumstances, certain of the criteria specified in this Section may be waived by at least three-quarters of the entire membership of the Committee

Section 7:

a. Applications for Certification and Recertification

1. A Subcommittee of the Committee shall prepare an Application for Certification and an Application for Recertification which Application shall elicit all of the information necessary to determine whether the Applicant complies with all of the criteria specified in Section 6 of this Article of these By-Laws.
2. The Application for Certification and the Application for Recertification and any revisions thereto shall be approved by a majority of the entire membership of the Committee.

- b. Any Applicant for certification or recertification shall have the right to appeal any actions or decisions relating to any Application in accordance with the following provisions:

1. All Appeals by an Applicant must:
 - a) Be filed within 15 days from the date of receipt by the Applicant of written notice of the action or decision from which the Appeal is filed
 - b) Be mailed or delivered to the Certification Committee c/o Pennsylvania Bar Association, 100 South Street, P.O. Box 186, Harrisburg, PA 17108-0186
 - c) Specify the actions or decisions from which the Appeal is filed and the reasons for filing the Appeal and attach to the Appeal all documents of any nature to explain and support the Appeal
2. All Appeals shall be heard and decided by a Panel of at least three members of the Committee designated by the Chair of the Committee, none of whom were in any manner involved in the actions or decision which are the subject to the Appeal.
3. The Panel may, in its discretion, hold a hearing at which the Applicant is present or decide the Appeal based on any relevant information.

Section 8:

a. Certification Examination

1. Examination Parameters
 - a) The examination shall be in written form only
 - b) The examination shall be four hours in length
 - c) The examination shall be composed of two essay questions and 100 multiple-choice questions
 - d) The time allotment for each essay question shall be 45 minutes
 - e) The total time allotment for the multiple-choice questions shall be 150 minutes
2. Subjects of Examination
 - a) Preparation of all types of Petitions and Answers
 - b) Elements of:

- (i) Disability Claims
 - (ii) Specific Loss Claims
 - (iii) Death Claims
- c) Jurisdictional Issues
- d) Exclusions from coverage of the Workers' Compensation Act
- e) Occupational Disease Claims under Section 108 of the Workers' Compensation Act
- f) Exclusive Remedy
- g) Time Limitations
- h) Average Weekly Wage
- i) Depositions and Discovery
- j) Direct and Cross Examination of Fact Witnesses, Medical Witnesses, Vocational Rehabilitation Witnesses and other Expert Witnesses
- k) Presentation of Medical Evidence
- l) General Evidentiary Principles Applicable to Workers' Compensation Proceedings
- m) Supersedeas Fund and Subsequent Injury Fund Claims
- n) Offsets, Credits and Subrogation
- o) Interest, Costs, Attorney Fees and Penalties
- p) Change of Status (Suspension, Modification and Termination of Benefits)
- q) Commutation and Compromise and Release
- r) Mediation
- s) Briefs, Findings of Fact and Oral Argument before Workers' Compensation Judges
- t) Special Rules of Administrative Practice and Procedure before Workers' Compensation Judges
- u) Appeals to Workers' Compensation Appeal Board

- v) Original Petitions to Workers' Compensation Appeal Board
- w) Special Rues of Administrative Practice and Procedure before The Workers' Compensation Appeal Board
- x) Supersedeas before Workers' Compensation Judges, Workers' Compensation Appeal Board and Commonwealth Court
- y) Appeals to Commonwealth Court and Supreme Court
- z) Pennsylvania Rules of Appellate Procedure
- aa) Briefs and Oral Argument before Workers' Compensation Appeal Board, Commonwealth Court and Supreme Court
- bb) Pennsylvania Rules of Professional Conduct

3. Scoring

- a) Essay questions
 - (i) Maximum of 10 points per question
 - (ii) If the number of points in any Read when added to the number of points the Applicant scored on the Multiple-choice Questions totals 80 or more, the Applicant has passed the examination and no further Reads are necessary
- b) Multiple-choice Questions - 1 point per question
- c) Total Points — 120

4. Grading Procedure

- a) Essay Questions:
 - (i) If an Applicant scores 80 or better on the multiple-choice questions the essay questions will not be read
 - (ii) A grading matrix and suggested answers will be prepared for each essay question by the persons preparing the questions
 - (iii) First Read - The essay question answers will be scored by a Reader designated by the Certification Committee. Applicants who score a total of 69 or less points, including multiple-choice question points, fail the examination and will not be afforded a Second Read of the essay question answers
 - (iv) Second Read — An Applicant who scores a total of between 70 and 79 points, including multiple-choice question points, on the First Read of the essay question answers will be

afforded a Second Read of the essay question answers by a different Reader designated by the Committee

- (v) Third Read - If after a Second Read an Applicant continues to score a total of between 70 and 79, including multiple-choice question points, the Applicant will be afforded a Third Read of the essay question answers by a different Reader designated by the Committee

b) Multiple Choice Questions:

- (i) Multiple choice questions will be graded by computer by the Pennsylvania Bar Institute based on correct answers supplied to Pennsylvania Bar Institute by the Committee

c) In order to receive a passing grade an Applicant must score 80 or more points on the entire examination

- (i) An Applicant who fails the first examination taken by the Applicant shall be permitted to retake the examination one additional time without permission of the Committee. Thereafter, permission to retake the examination must be granted by the Committee

d) Conducting and Revision of Examination and Security

- (i) The examination will be given annually or more frequently if circumstances require
- (ii) Examination questions will be revised annually to incorporate new developments and eliminate frequent annual repetition of questions
- (iii) Future examination essay questions and multiple choice questions will be prepared by a Subcommittee of the Committee and will be carefully reviewed to eliminate any unintentional biases
- (iv) Following preparation of each future examination questions, provisions will be adopted to restrict access to the examination to the persons preparing the examination and to those persons who are administering and grading the examination

Section 9:

a. Terms of Certification and Recertification

1. The term of certification shall be five years. The certification shall automatically terminate at the end of five years unless an Application for Recertification is filed six months prior to the expiration of the certification.

2. At the beginning of the second, third, fourth and fifth years of Certification, the Certified Specialist shall pay the annual fee fixed by the Committee. After the end of each year of the second, third, fourth, and fifth years of the Certification, the Certified Specialist shall submit evidence within two months of the completion of nine hours of MCLE during the immediately preceding Certification Year in the fields as specified in Section 6:a.1.g) of this Article of these By-Laws. A list of approved examples of MCLE hours which qualify for MCLE credit required by this subsection will be posted on the PBA website. Hours of MCLE may not be carried forward to subsequent years. Upon showing of exceptional circumstances, the requirements of this subsection may be waived by at least three-fourths of the entire Committee.⁷
3. The Application for Recertification shall contain all of the information required in the initial Application for Certification.
4. If an Applicant for Recertification has complied with all of the requirements for initial Certification, except that no examination will be required for recertification, the Applicant will be recertified for a new term of five years.

Section 10:

a. Revocation of Certification

1. Certification may be revoked in the event the Applicant:
 - a) Has provided inaccurate or fraudulent information in the Application for Certification or in the Application for Recertification
 - b) Failed to comply with any of the Criteria specified in Section 6 of this Article of these By-Laws
 - c) Retires or has been suspended or disbarred by the Supreme Court or has assumed inactive status as defined by the Supreme Court
 - d) Fails to promptly pay any fees adopted by the Committee in accordance with the provisions of Section 3:a.1.b) of this Article of these By-Laws
 - e) Fails to comply with the MCLE requirements specified in Section 9:a.2. of this Article of these By-Laws
2. A Workers' Compensation Specialist whose certification is being considered for revocation or has been revoked shall be notified of the reasons for the consideration for revocation or revocation by United States Postal Service, First Class Certified Mail Return Receipt Requested, Postage Prepaid, addressed to the Workers' Compensation Specialist at the address specified in the Application for Certification or in the Application for Recertification or at such other address as the Workers' Compensation Specialist has specified in writing to the Committee.

Section 11:

a. Appeal Procedures

1. Any Applicant for certification or recertification or any Workers' Compensation Specialist whose certification is being considered for revocation or has been revoked shall have the right to appeal any actions or decisions of the Committee or its Subcommittee under any of the provisions of this Article of these By-Laws in accordance with the provisions of this Section.
2. All Appeals by an Applicant or a Workers' Compensation Specialist must:
 - a) Be filed within 60 days from the date of receipt by the Applicant or Workers' Compensation Specialist of written notice of the action or decision from which the Appeal is filed
 - b) Be mailed or delivered to the Committee at the address specified in accordance with the provisions of Section 5 of this Article of these By-Laws
 - c) Specify the action or decision from which the Appeal is filed and the reasons for filing the Appeal.
3. All Appeals shall be heard and decided by a Hearing Panel of at least three members of the Committee designated by the Chair of the Committee, none of whom were in any manner involved in the action or decision which is the subject of the Appeal.
4. The Hearing Panel may, in its discretion, hold a hearing at which the Applicant or Workers' Compensation Specialist filing the Appeal is present or decide the Appeal based on any relevant written information.

¹ Article IX of the By-Laws approved by the Pennsylvania Bar Association Board of Governors on November 17, 2010.

² Article IX, Sections 6:a.1.i) and 7:b. added on July 19, 2012 by action of the Certification Committee in accordance with the provisions of Article IX, Section 3:a.1.a);

³ Article IX, Sections 8:a.4.a)(i); 8:a.4.a)(iii); 8:a.4a)(iv); 8:a.4a)(v); and 8:a.4.c) were amended on December 14, 2012 by action of the Certification Committee in accordance with provision of Article IX, Section 3:a.1.a).

⁴ Article IX, Sections 6:a.1.f); 6:a.1.g); 7:b.1.a); 7:b.1.c); 9; and 10:a.1.d) were amended or added on September 30, 2014 by action of the Certification Committee in accordance with the provision of Article IX, Section 3:a.1.a).

⁵ Article IX, Sections 7:b.; 9:a.2.;10:a.1.d) 10:a.1.e) were amended or added on September 24, 2015 by action of the Certification Committee in accordance with the provision of Article IX, Section 3:a.1.a).

⁶ Article IX, Section 8: a.3.a)(ii) was amended on December 15, 2015 by action of the Certification Committee in accordance with the provision of Article IX, Section 3:a.1.a).

⁷ Article IX, Section 9:2. was amended on September 29, 2016 by action of the Certification Committee in accordance with the provision of Article IX, Section 3:a.1.a).

ARTICLE X

Amendments

Section 1: These By-Laws may be amended at any meeting of the Section by a majority vote of the members of the Section present and voting provided that:

- a. any proposed amendment shall first have been submitted by the By-Laws Committee;
- b. proposed amendments are approved by the Council;
- c. a notice of the proposed amendment shall have been included in the Notice of Meeting;
- d. the proposed amendment is approved by the Board of Governors;
and
- e. the proposed amendment does not conflict with the Charter and By-Laws of the Pennsylvania Bar Association.

ARTICLE XI

Miscellaneous Provisions

Section 1: The Fiscal Year of the Section shall be the same as that of the Pennsylvania Bar Association.

Section 2: Any action by the Section must be approved by the Pennsylvania Bar Association as provided in its By-Laws before the same becomes effective as the action of the Pennsylvania Bar Association.

Section 3: The By-Laws of the Section on Workers' Compensation Law of the Pennsylvania Bar Association, approved by the Section on May 13, 2010, are hereby repealed in their entirety.

****Unanimously approved by the Board of Governors, June 24, 2016.***