



VWC
2016
EDUCATIONAL
CONFERENCE

Behind the Curtain...

In this session...

The Commissioners, the Clerk of the Commission and a Staff Attorney will discuss the review process and offer suggestions on best practices.

Wesley G. Marshall Chairman

R. Ferrell Newman Commissioner

Lauren M. Hill Staff Attorney

Marjorie Platt Clerk

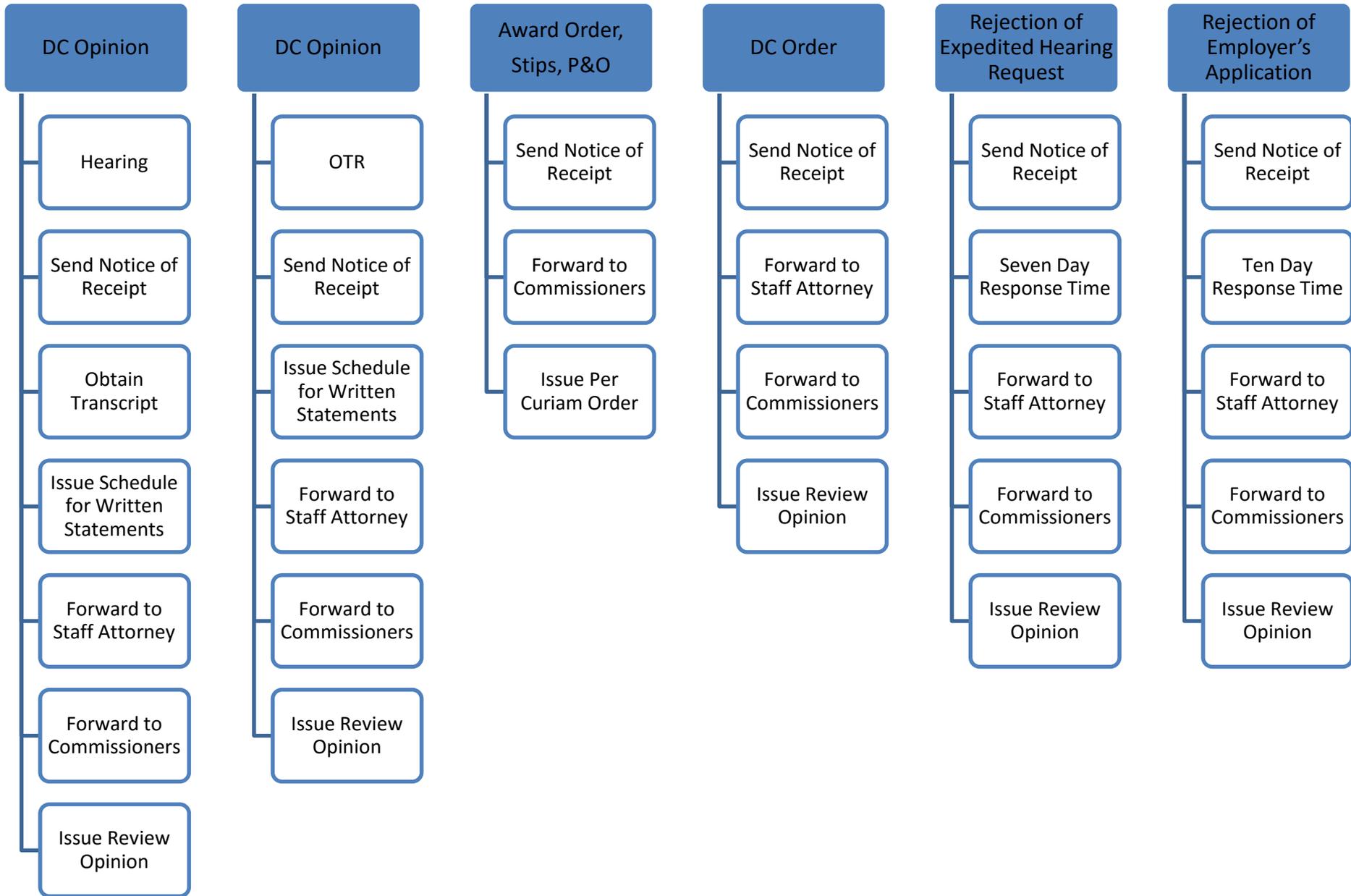


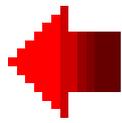
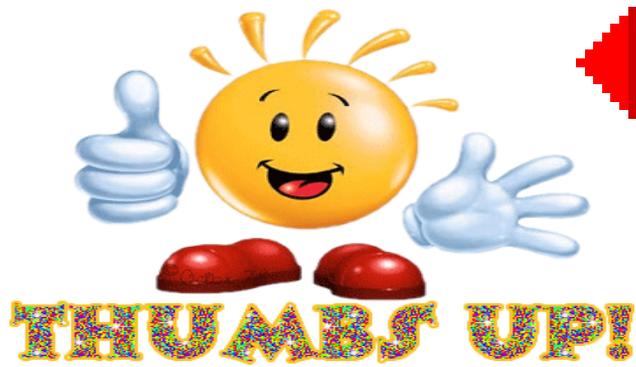
TYPES OF REVIEWS

- Deputy Commissioner opinions
 - hearings & OTR
- Deputy Commissioner orders/interlocutory
- Award orders
- Stipulations
- P & O Settlements
- Expedited Hearing
- Employer Applications

REQUEST RECEIVED

- Check for accuracy 
- Upload notice of receipt 
- Order & receive transcript, if applicable
- Upload schedule for written statement (if applicable) 
- Assign to staff attorney 

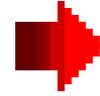




CASPER

v.

Mailing



- Receipt is immediate/task created in processing
- mail slow, processed manually, more chance for error
- Receipt of Notice - Review usually uploaded same day
- receipt delay /more time to do manually
- Hearing transcripts sent & received electronically
- very costly to mail & slows processing
- Schedule for Written Statements uploaded same day
- Written statements are submitted immediately when WebFiled & creates task for Clerk's Office
- could get lost in mail /slower processing



Best Practices from Customers



- Make certain request is submitted timely;
- Always provide file number, name of injured worker & date of injury;
- State clearly that you are requesting review;
- Provide information to indicate if review is of an opinion, award order, settlement, etc.;
- If you have requested review & you do not receive receipt within a week, contact Clerk's Office.



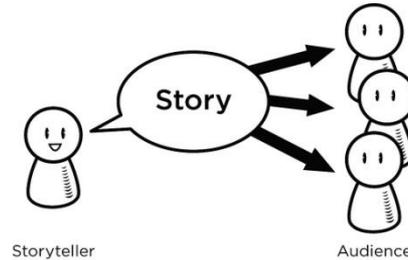
Staff Attorney Role

Review Process

1) Review



2) Present



3) Draft



Review and Circulation

Review Process

The assigned Commissioner reviews and revises the opinion.

The remaining Commissioners review the opinion and:

- ❖ notes and suggestions are exchanged
- ❖ revisions/rewrites occur when necessary
- ❖ dissents/concurrences are drafted

Opinion is issued.



Preserving Issues for Review

Best Practices

Success on review begins at the hearing level.

Remember to state your objections on the record.



Request the Deputy Commissioner to describe, on the record, witness demonstrations of mechanism of injury.

In some cases, photographs of accident areas are essential, especially during the review process. Specifically request the Deputy Commissioner to enter any photographs in the record.



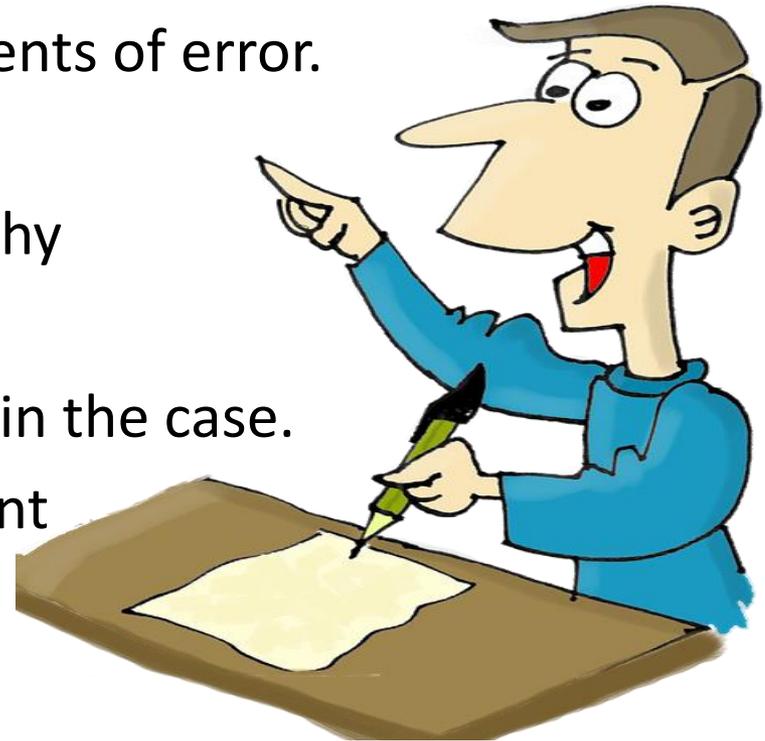
Requests for Review

Best Practices

Specificity is Key!



- Specifically set forth all assignments of error.
- If requesting oral argument, specifically provide the reason(s) why oral argument would be helpful to the Commission and the parties in the case.
- Consider expedited oral argument offered by the Commission.





Written Statements

Best Practices

- Address all assignments of error.
- Omit discussion of issues not addressed before the Deputy Commissioner or in the Request for Review.
- Make your statement easy to read with appropriate formatting and organization.
- Brevity is best: value quality over quantity.
- Candidly concede contrary facts and law-it bolsters your credibility.

Written Statements

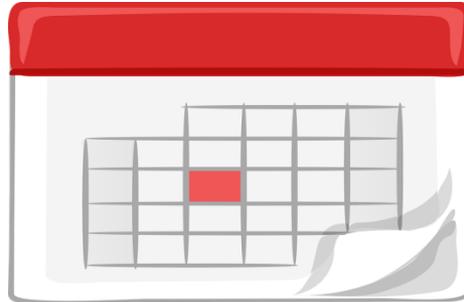
Best Practices

- Be an advocate but keep it professional: write only what you would be willing to assert in person.
- Provide relevant case law.
- Always indicate where cited documents are in the record.
- If one or a few documents in the record are critical, attach them as exhibits.
- In addition to asserting an error by a Deputy Commissioner, clearly state what outcome/determination you seek from the Commission.

Requests for Reconsideration

Best Practices

- Note specific reasons for reconsideration other than general disagreement of the decision.
- Watch the calendar:



File your request for reconsideration promptly. The Commission requires time to review the reconsideration request prior to the expiration of the appeal period.