

Presentation Guidelines to Attorneys for Evidentiary Hearings (Other Than Alternate Care Hearings) Conducted by Deputy Workers' Compensation Commissioner, Helenjean M. Walleser

Contact Information: I leave this with the hearing administrator.

Recording of Hearings:

The hearing shall be officially recorded by a certified shorthand reporter retained by defendant(s).

Enforcement of Allotted Hearing Time:

I expect the parties to complete their case presentations within the time provided to them in the hearing assignment order. I expect that a party who wishes more time than what is allowed in the assignment order to request more time from the hearing administrator in advance of hearing. I expect the parties to monitor their own use of time.

Rebuttal Evidence/Witnesses:

Rebuttal witnesses/evidence will be allowed only if the need for rebuttal arose unexpectedly at hearing from evidence received at hearing but not known to the party before hearing and could not have been reasonably anticipated or discovered before hearing.

Hearing Reports:

I expect hearing reports to be completed prior to the time set for hearing. Time expended to properly complete a report after the time set for start of the hearing shall be assessed against both parties equally and reduce the overall length of time allowed for the receipt of evidence.

Hearing Exhibits:

1. I expect the parties to meet well in advance of hearing to review proposed exhibits and eliminate duplication and extraneous material. Only 50 pages of exhibits shall be received into evidence on the day of hearing from each party unless justice requires otherwise. In enforcing this requirement, a party shall be charged with offering one half of all joint exhibits. If a party wishes to submit more than 50 pages of exhibits, that party shall attach a concise statement in writing to each exhibit that exceeds this 50-page limit explaining its relevancy or materiality to the contested issues.

2. Claimant's shall mark exhibits numerically and defendants shall mark their exhibits alphabetically. Joint exhibits or exhibits from multiple defendants shall be marked differently as needed. Medical treatment records must be organized chronologically by provider and contain consecutive page numbers. All records from each provider shall be grouped together absent good cause for doing otherwise. A provider is defined as an actual individual practitioner of the healing arts. A business association of providers is not a provider. Where records are being submitted from more than one provider in a business association of providers, each provider's records must be organized chronologically for that provider and contain consecutive

page numbers. If an association of providers organizes all medical records from various providers in the association consecutively, a copy of the page or pages containing the records of multiple providers shall be placed in each provider's packet. The duplication shall count as only one page for limitation purposes, however.

3. Time shall not be expanded at hearing to comply with these exhibit requirements.

4. I do not generally find highlighting useful, as I read each medical record for its overall content and in context.

5. I have no personal preference as to the format of video evidence. I recognize that space consideration may make DVD formatting preferable, however. If video evidence is to be part of the evidence presentation at a hearing outside the Des Moines venue, the party introducing the video shall provide the equipment necessary for its presentation.

Oral Argument:

Unless otherwise ordered, oral argument on the merits of a claim shall not be allowed at hearing. All argument must be submitted in writing after hearing within perimeters set by me at hearing.

Opening Statements/Contentions of the Parties:

I prefer succinct written statements of contentions to oral opening statements. Opening statements by counsel to explain the nature of the claim or defense are permitted when the case presents complicated or unusual legal issues; they shall not exceed three minutes in length.

Submission of Written Briefs:

I do not accept trial briefs. I do accept post-hearing briefs, but freely allow the parties to agree to waive briefing. Unless I order otherwise, all written briefs and argument shall be no more than five pages long and shall be filed with the division within seven calendar days of hearing. Faxing to 515-281-6501 by 4:30 p.m. on the seventh calendar day is acceptable. Use of a letter format is encouraged. Briefs need not recite blurb workers' compensation law and should focus on the unique and salient factual or legal issues in the case.

Transcripts

I generally do not request transcript of hearing, except for the testimony of expert witnesses who actually appear at hearing.