

## **Addendum B to Court Administrator Rules Comment Chart (45 Day Revision)**

### **District Offices**

Labor Code section 110(f) provides that “court administrator” means the administrator of the workers’ compensation adjudicatory process at the trial level.” Labor Code section 127.5 provides that the “court administrator shall further the interests of uniformity and expedition of proceedings before workers’ compensation administrative law judges, assure that all workers’ compensation administrative law judges are qualified and adhere to deadlines mandated by law or regulations, and *manage district office procedural matters at the trial level.*” Labor Code section 5307(b) even more specifically sets forth the district office rules and procedures that are within the court administrator’s authority: the rules regarding conferences, hearings, continuances, and other matters deemed necessary to expeditiously resolve disputes; and the kind and character of forms to be used at all trial level proceedings. (Also see section 5500.3, which sets forth that the court administrator shall establish uniform district office procedures, uniform forms and uniform time of court settings for all district offices. Labor Code section 5502 provides authority for the court administrator to establish a priority calendar.) Workers’ compensation administrative law judges are employed by the administrative director and supervised by the court administrator. (Labor Code section 123.5.) Also, the administrative director employs the district office staff and supplies the offices, furniture and provides for the district offices. (Labor Code sections 123 and 138.2.)

Although it is not disputed that 1) the Labor Code often refers to district offices as “district offices of the appeals board,” 2) the court administrator is responsible for the trial level procedures and uniformity, and 2) the funding for the district offices flows from the Division of Workers’ Compensation, lack of clear terminology to distinguish the workers’ compensation trial level from the appellate level causes confusion. For example, *In Scott Pontiac GMC v. WCAB (Olsen)*, Court of Appeal, 2d App. Dist., Div. 8, Mar. 13, 2007, No. B193817, certified for nonpublication, the court of appeal annulled a Board dismissal of an applicant’s petition for reconsideration, hand-delivered to the San Francisco district office instead of the WCAB office on the ninth floor. By the time the petition reached the 9<sup>th</sup> floor, the filing time had elapsed. (Also see *Frank M. Hampton, Petitioner v. Workers Compensation Appeals Board, General Motors Corporation* (1997) Court of Appeal, First Appellate District, Division Two 62 Cal. Comp. Cas 1227; where the petition for reconsideration was filed with the district office instead of with the appeals board.) The cases of *City of San Bernardino v. Workers' Comp. Appeals Bd. (Tull)* (1997) 62 Cal.Comp.Cases 798 (writ den.) [petition from decision of the Workers' Compensation Appeals Board in San Francisco dismissed per section 10840 because filed in the San Bernardino district office instead of at the Board's San Francisco office] and *Phelps v. Workers' Comp. Appeals Bd.* (1997) 62 Cal.Comp.Cases 377 (writ den.) [dismissed as untimely because filed in Van Nuys, not San Francisco] are examples of cases where the petition for reconsideration was dismissed because the applicants failed to file with the appeals board, but instead filed at the district offices. Thus, using terms that clarify rather than muddy the distinction between the trial level and the appellate level is in the best interests of the public.

In an attempt to clarify the confusion caused by the lack of clear terminology to distinguish trial and appellate levels, the proposed court administrative regulations define the district office as follows:

"District Office" means a trial level workers’ compensation court.