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MEMORANDUM

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SUMMARY MARCH 30, 2018 INTERVIEW WITH COMMISSIONER JOSEPH CORTESE

FROM: Pete Thill, IAWC President

DATE: March 30, 2018

Commissioner Joe Cortese began his tenure at the Division of Workers' Compensation (DWC) just over three years ago on 2/16/15. There are a lot of exciting developments going on at DWC and I had an opportunity to sit down and speak with Commissioner Cortese about the current state of the agency.

In the fall of 2017, a \$1.2 million dollar contract was signed between the agency, Tybera and ISO to develop and implement WCES (Workers' Compensation Electronic System) for electronic filing, case management, hearing scheduling and EDI enhancements. Commissioner Cortese has been working hard with several members of the agency including Assistant Commissioner Janna Martin, Deputy Commissioners Jim Elliott and Bill Grell, and Administrative Secretary Sandy Breckenridge, along with IWD IT Project Manager Dave Moraniec and Business Manager Stephen Martin to implement WCES, which will hopefully improve the efficiency and administration of DWC for all employees and all stakeholders in the Iowa workers' compensation community. WCES is tentatively scheduled to go live in December 2018 if all goes as planned. IAWC will be working with DWC at the appropriate time to arrange for training of practitioners and support staff for daily usage of the system. Details are still being worked out on security and access issues with updates to be provided later this year. WCES is designed to help practitioners with scheduling, filing, and day-to-day case management. Also, there will be significant EDI improvements with WCES. The ISO group is responsible for implementing EDI Release 3.1. This is a significant improvement over Release 2.0 currently utilized at the agency.

Another development Commissioner Cortese is excited to announce is the hiring of a new Deputy Workers' Compensation Commissioner. Stephanie Copley, formerly an Assistant Iowa Attorney General who represented the Second Injury Fund and the State of Iowa in all aspects of workers' compensation cases, commenced employment with DWC on 3/23/18. Please help welcome Stephanie to the agency!

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Commissioner Cortese explained there have been some changes regarding word processing for arbitration and review-reopening decisions. The agency currently has three word processors who work very hard finalizing arbitration and review-reopening decisions, rulings and orders for filing. The word processors work directly with the Deputy Commissioners and they are currently caught up with their work.

Concerning the current appeal docket, Commissioner Cortese said the number of fully submitted appeals has been reduced from 202 in August 2017 to 151 as of February 28, 2018. There are currently over 300 total appeals on file when those which are not fully submitted are included. An appeal is fully submitted when the briefing is completed and the appeal is then placed in line for a decision. Many cases on appeal settle before they are fully submitted.

Commissioner Cortese cannot handle all of the appeals on his own. At times he delegates authority to Deputy Commissioners to write appeal decisions, particularly if he has a conflict of interest with a case from his time in private practice. Although there is not presently a specific deputy commissioner assigned to assist with appeals, consideration is being given to choosing one deputy who would have the responsibility of writing appeal decisions in addition to handling some arbitration hearings. There will be more updates to come later this year in that regard.

Commissioner Cortese strongly encourages all practitioners to settle cases as early as possible to free up the Deputy Workers' Compensation Commissioner's calendars and to reduce travel time as much as possible. A major frustration for DWC is last-minute notification of settlements after a deputy has already left Des Moines to travel to a venue outside of Des Moines. There is not presently a late settlement penalty in workers' compensation but that is an option for the future being considered by the agency. Commissioner Cortese urges all parties to notify both Hearing Administrator Siri Chanthavong and the presiding deputy of any settlements by telephone, email and text as soon as possible.

Also, Commissioner Cortese requests the parties who settle a case which is fully submitted on appeal to send an email immediately upon settlement to the Appeal Administrator, Brenda Johnston at [brenda.johnston@iwd.iowa.gov](mailto:brenda.johnston@iwd.iowa.gov) and also to the Administrative Secretary, Sandy Breckenridge at [sandra.breckenridge@iwd.iowa.gov](mailto:sandra.breckenridge@iwd.iowa.gov). The goal with sending emails to both Brenda and Sandy is to reduce the possibility that additional time will be spent on appeals that become moot due to settlement.

Commissioner Cortese noted that there are no specific updates regarding Pro Se settlements or other settlements. No walk in settlements are currently allowed at the division.

Commissioner Cortese noted that documents mailed to the commission for filing should still be sent to 1000 E. Grand Avenue, Des Moines, IA 50319-0209. However, documents filed in person must be taken directly to 150 Des Moines Street, Des Moines, IA 50319.

Commissioner Cortese and I discussed the CourtCall system which is now available to practitioners for video conferencing for arbitration hearings. Although the commission has not yet hosted a hearing via CourtCall, all practitioners are encouraged to try CourtCall and to discuss the benefits and the cost savings with clients and colleagues.

Commissioner Cortese stated there are no plans to expand or reduce the number of hearing venues outside of Des Moines. There are currently seven outlying venues.

Commissioner Cortese is pleased to announce there are two new staff members at the agency working in the docket area, which involves setting up new files and routing all petitions, motions and other documents that come into the agency. The new docket personnel are doing an excellent job and docket is running very smoothly at this time.

Lastly, Commissioner Cortese and I discussed recent trends regarding the filing of petitions. While there was a dramatic increase in the filing of arbitration petitions from February 2017 through the end of June 2017 while the new legislation was pending, and there also was an increase in the number of petitions for partial commutation during May and June 2017 to beat the July 1, 2017, legislative change, once the new legislation went into effect, the number of filings leveled off to more typical levels. Commissioner Cortese noted that while there does not appear to be a substantial overall increase or decrease in the filing of arbitration petitions after the new legislation went into effect, it may be premature to draw any conclusions in that regard as the legislation has only been in effect for approximately nine (9) months.

END