

## Specification for the Class of

## INDUSTRIAL APPEALS JUDGE 1

**Abolished Effective June 1, 2005**

Definition: This is the entry level appeals judge for the Board of Industrial Insurance Appeals. Positions allocated to this classification preside over pre-hearing conferences and hearings where evidence is presented, and issue written decisions resolving appeals filed under the Industrial Insurance Act, Crime Victims Compensation Act, Washington Industrial Safety and Health Act, Health and Safety-Asbestos Act, Safety-Crime Prevention Act (Late Night Retail Establishments), Charter Boat Safety Act, Washington State Explosives Act, Worker and Community Right to Know Act, and other Acts as determined by the Legislature.

Typical Work

Convenes pretrial conferences and original hearings pursuant to the Superior Court Rules of Evidence and Superior Court Civil Rules where the parties and the judge engage in open and informal discussion of the issues raised by that particular appeal; assists each party in clarifying its positions; explores settlement options; if settlement is reached, ascertains its legal and factual bases and determines its sufficiency, drafts the agreement in proper format and prepares the agreement for the Board's signature; in those cases in which a settlement is not reached, entertains pre-hearing evidentiary and procedural matters and sets the case for future proceedings;

Ensures preservation of a clear and concise record of the respective positions, supporting offers of proof and legal authority, and the judge's ruling in the dispute, so that the rights of further appeal based upon this record are protected; in ruling upon pre-hearing motions, weighs the interests of the parties' privacy, rights to discovery, and public policy, while ensuring to all a fair, complete and impartial proceeding;

Convenes the original hearings, ensuring proper venue, and jurisdiction; identifies the issues in dispute; applies Superior Court Rules of Evidence to rule upon disputes as to the admissibility of testimony and documentary evidence, at the hearings; questions witnesses to complete or clarify the record; evaluates the testimony of lay and expert witnesses, including experts from medicine or other healing arts, psychology, chemistry, vocational counseling and rehabilitation, engineering, occupational safety and health, ergonomics, and criminology; analyzes and evaluates exhibits admitted in the appeal, which may include x-rays, CT scans, MRIs, medical and business records, blueprints, technical data, photographs, video tapes, police reports, and other material; may also on his/her own initiative call additional witnesses in order to ensure a complete record; may order a worker to submit to a physical or mental examination pursuant to Rule 35 of the

Civil Rules, or a vocational examination pursuant to WAC 263-12-095; upon receipt of a motion from a party, schedules a timely hearing on the motion, hears arguments for the parties, and issues a ruling, either in writing or from the bench, on the motion;

Where a party is not represented by an attorney, assists in the presentation of evidence on his or her behalf including the impartial examination of witnesses to develop facts deemed necessary to fairly and adequately decide the appeal;

Weighs the merits of competing policy concerns or conflicting statutory interpretations; assures that each order outlines the issues, discusses, evaluates and weighs the evidence, analyzes the applicable law, and contains findings of fact to address all of the issues raised in the appeal and corresponding conclusions of law;

Issues a variety of orders in the disposition of any appeal, including determinations of jurisdiction and proper venue, orders establishing litigation schedules, orders on motions made pursuant to the Civil Rules, the scope of the relief sought during the pendency of the appeal, orders regarding motions for summary judgement and Proposed Decisions and Orders, which contain Findings of Fact and conclusions of law that are based on the evidence in the record; in the case of Orders on Agreement of Parties or Orders Dismissing Appeal, reviews the order to determine whether interest should be awarded to a prevailing party;

Performs other work as required.

#### Knowledge and Abilities

Knowledge of: state and federal substantive and procedural law; legal rules of evidence and procedure applicable in the courts; industrial insurance law including federal and state statutes, court decisions and agency regulations; departmental policies relevant to the hearings and review process.

Ability to: render sound legal and policy judgments on points of law; maintain a judicial temperament and display an exemplary degree of professional competence and responsibility in the conduct of hearings; write decisions, opinions, and orders clearly, completely, concisely; deal effectively with individuals and/or groups.

#### Minimum Qualifications

Active membership in the Washington State Bar Association.

#### AND

Two years of experience in general trial practice under court rules of evidence; or two years of service as a judge of a court of general jurisdiction which observes the rules of evidence.

New class: 2-12-88 (effective 7-1-88)

Revised class code: (formerly 4719A) 7-1-91  
Revised definition: 5-9-96 (effective 7-1-96 - part of 911)