



# The Brown & Carlson, P.A. Insight

## Summary of Procedure Changes Effective August 1, 2011

- The same judge can no longer hear both the administrative conference and the formal hearing which results from an appeal of that conference. Also, OAH will not be block assigning judges to .239 or .106 disputes so there is no need to file Petitions for Reassignment when you get a notice of a .239 or .106 Conference.
- OAH will schedule a Settlement Conference within 180 days of the filing of the Claim Petition or 45 days after the filing of a Petition to Discontinue, Objection to Discontinuance or Request for Formal Hearing. That means investigation and discovery will need to start in earnest right away so this deadline can be met.
- Parties are required to serve and file a Pretrial Statement no fewer than 5 days before the Settlement Conference.
- OAH will be taking these Settlement Conferences very seriously. We need to be prepared to outline our position at the Conference and be prepared to discuss settlement, if appropriate. It is my understanding OAH will be considering sanctions if parties appear at a Settlement Conference unprepared or do not show up at all.
- If settlement is not reached, OAH will schedule a Hearing to be held within 90 days from the scheduled Settlement Conference. Therefore, continued investigation, discovery, and trial preparation (doctors' depositions, IVE's, and arranging witness testimony) will be required.
- OAH is also instituting a new interpretation of an already existing statute. Requests for continuances are governed by Minn. Stat. 176.341. That statute currently requires that all requests for continuances must be signed by both the attorney and the party. This means that your signature will now be required on all requests for continuances relating to all proceedings.
- There are also changes to the remodeling statute (Minn. Stat. 176.137) which took effect June 1, 2011. The cost limit was increased from \$60,000 to \$75,000. Also, if certain criteria are met, an architect's certification is no longer required.

Striving to not only meet, but exceed client expectations.

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