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Recent Changes in Petitions for Reassignments/ Affidavits of Prejudice

By Chris Yoshimura-Rank

The new e-filing system automatically generates a judge assignment upon the filing of a Claim Petition. Given that Petitions for Reassignment were required to be filed within 10 days after the filing party had received notice of the assigned judge, Employers and Insurers expressed appreciable concern regarding their ability to timely contest judge assignments.

In order to address this concern, Minnesota Statute § 176.132 was amended, effective July 1, 2019. The statute now reads:

176.312 AFFIDAVITS OF PREJUDICE AND PETITIONS FOR REASSIGNMENT.

In accordance with rules adopted by the chief administrative law judge, an affidavit of prejudice for cause may be filed by each party to the claim against a compensation judge assigned to hear a case.

A petition for reassignment of a case to a different compensation judge for hearing may be filed once, in any case, by each party to the claim within **20** days after the filing party has received notice of the assigned judge. Upon receipt of a timely petition for reassignment, the chief administrative law judge shall assign the case to another judge.

An affidavit of prejudice or a petition for reassignment shall be filed with the chief administrative law judge and shall not result in the continuance or delay of a hearing scheduled under section 176.341.

This section does not apply to prehearing, settlement conferences, or administrative conferences.

Accordingly, parties now have 20 days, or double the amount of time, to file a Petition for Reassignment and/or Affidavit of Prejudice after the filing party has received notice of the judge assignment. Despite the recent changes, it is still highly recommended that Claim Petitions and Notice of Judge Assignments be provided to an attorney for further handling as soon as possible in order to ensure that the attorney has ample time to file a Petition for Reassignment and/or Affidavit of Prejudice in a timely fashion.

Please do not hesitate to contact me or any of my colleagues at Brown and Carlson with any questions you may have regarding petitions for reassignment, or any other workers' compensation matter. We are always happy to help with any workers' compensation issues you may have.

Thank you.

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