

PRETRIAL CONFERENCE

Two weeks prior to trial, a telephonic pretrial conference will be conducted.

Prior to the conference you will be required to prepare a proposed pretrial order and provide it to the Court, the insurer, and any other parties. The proposed pretrial order must set out the following information:

- a statement of jurisdiction,
- a list of all pending motions,
- any uncontested facts,
- any stipulations between the parties,
- a statement of the issues,
- the parties' contentions,
- a list of all exhibits to be offered by each party and any objections to their admission,
- a list of all witnesses who may be called, including their name, address, occupation, and subject matter of their testimony,
- any unusual issues,
- the estimated length of trial.

The final, signed pretrial order must be filed with the Court by the Friday preceding the trial.

EXHIBITS

You must provide the insurer and other parties with copies of all documents you wish to use at trial. The deadline for providing documents will be set out in the Scheduling Order. If you fail to provide documents by the deadline you may not be able to introduce the documents at trial.

By the Friday preceding the trial, you and the insurer (or other party) must also provide the Court with an exhibit notebook containing the exhibits you wish the Court to consider. The exhibits must be accompanied by a written list of all exhibits and a list of any objections either of you may have to the exhibits. The list must be at the front of the notebook and all exhibits must be sequentially numbered and tabbed.

OTHER HELPFUL INFORMATION

A copy of the Court rules may be obtained by writing or calling the Court or from the Court's WEB site at <http://wcc.dli.mt.gov>. If you do not understand the rules, please contact the Court. Our staff is friendly and helpful and will assist you in following the rules.

Samples of a petition for hearing, response, exhibit list, pretrial order, and other documents typically filed in a case are available from the Court upon request or on the WEB site.

"Pro Se" Brochure

REPRESENTING YOURSELF

BEFORE THE

WORKERS' COMPENSATION COURT

A SELF-HELP GUIDE



Workers' Compensation Court
1625 Eleventh Avenue
P.O. Box 537
Helena, MT 59624-0537
(406) 444-7794
FAX: (406) 444-7798
WEB site: <http://wcc.dli.mt.gov>

REPRESENTING YOURSELF

If you choose to represent yourself before the Workers' Compensation Court, there are a number of things you need to know.

Initially, you may hear the term "*pro se*." That term, taken from Latin, means that you are representing yourself.

Now that you know the *lingo*, the most important things you must remember are:

First, and foremost, even though you are not an attorney, you must comply with the **Rules** of the Workers' Compensation Court except as to technical matters such as the requirement that documents filed with the Court must be typed -- we will accept legible handwritten documents if you do not have access to a typewriter or word processor.

Second, unless your injury or occupational disease occurred prior to July 1, 1987, or is within some other limited exceptions, you must mediate your dispute before petitioning the Court. If you have questions regarding mediation, call (406) 444-6534. Our staff can also provide you with information on mediation.

Third, you must send the attorney who represents the insurer or other party involved in your dispute a copy of every document, including letters, you send to the Court.

Fourth, you cannot talk to the Judge about your case unless the attorney for the other party is personally present or on the telephone. The attorney for the other party also may not talk to the Judge unless you are personally present or on the telephone.

Now that you know the most basic rules, here are some more details about what will happen in your case and what you are required to do as your case progresses.

The Rules of the Court are very specific regarding pleadings, motions, and other formal filings. The most important of those rules are:

- All documents must be typewritten or legibly printed on 8½ x 11 plain paper. The paper should not be lined and there should be no line numbers.
- Your name, mailing address, and telephone number must be printed in the upper left hand corner of the **first** page of the document.
- Documents should be single spaced, with double spacing between paragraphs.
- Except for the **Petition for Hearing**, every document filed with the Court must have a written certification that a copy has been sent to the insurer and/or other parties in the case or their attorneys. Copies of the document must in fact be sent to the opposing parties or their attorneys. If the

party has an attorney, the document must be sent to the attorney.

- There are other requirements for documents you file with the Court. Please read the rules and follow them to the extent possible.

FILING A PETITION

If you are seeking benefits from an insurer, you must file a Petition for Hearing with the Court. The petition **must** include the following information:

- the date of your accident at work,
- a description of the accident,
- the place (city or county) where the accident occurred,
- other facts concerning your claim for benefits,
- a statement confirming that you have attempted to resolve your dispute, (You must have done so.)
- if mediation is required, a statement confirming that you have attempted to mediate your dispute,
- a statement confirming that you have provided the insurer with medical records regarding your claim and will do so in the future,
- a list of your witnesses including their name, address, and occupation and what you expect each witness will say when testifying,

- a list of all documents (exhibits) you want the Court to consider in making its final decision,
- what benefits, or other relief, you want the Court to order.

You must provide the Court with an original and 3 copies of your petition. You must also provide the names and addresses of the insurer and other parties involved in your case.

TRIAL LOCATION

Unless another trial location is requested, the county where the accident occurred will determine the location of the trial. Trials are schedule four times a year in Billings, Great Falls, Kalispell, Missoula, and Helena. In an extreme emergency, trials can be specially set.

AFTER A PETITION IS FILED

Scheduling Order: Upon the filing of your petition, the Court will issue a Scheduling Order. That order will set a date and place for the trial. It will also set deadlines for all pretrial matters.

The Scheduling Order is VERY IMPORTANT AND YOU MUST READ AND FOLLOW IT.

- You must comply with the deadlines in the Scheduling Order. Failure to do so may result in postponement or even dismissal of your case.
- If you cannot comply with a deadline, then you may request an **extension of time**. Contact Court staff to find out how to request an extension.

Discovery: Between the time the petition is filed and the trial, every party in the case will be able to conduct **discovery**. **Discovery** is a legal term which refers to various ways you, and the other parties, can find out about the evidence which might be presented at trial. The basic ways are:

- Interrogatories: These are written questions sent by one party to another party which must be answered in writing, under oath.
- Requests for Production: These are written requests made by one party asking another party to provide copies of documents relating to the case.
- Depositions: A deposition is much like testifying in Court, only the Judge is not there. Any party may request a deposition of the other party or of any person who has information about the case. The deposition is typically held in an attorney's office or at the offices of a court reporter. The parties and/or their attorneys ask questions of the witness (who is called a *deponent*), and a court reporter records the answers. Depositions may be submitted to the Court for it to consider in making its final decision. The party requesting the deposition is responsible for the cost.