

CompFile Release 3

Frequently Asked Questions



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Claiming Cases and Managing Assigned Attorneys

Will law firm administrators be able to claim cases on behalf of an attorney user in the same firm, or does the claiming need to be done by the attorney account?

The case claiming process must happen under an attorney's account.

What if I want to claim a case, but there is no case number assigned yet?

If the application was received prior to April 21, 2021, it will be processed and assigned a case number. You can use the "New Case Docket Search" tool in CompFile to search the petitioner's name and confirm the assigned case number.

Do both attorneys have to claim a case or is it only the petitioner's attorney who must claim it?

Only one attorney (either the petitioner attorney or respondent attorney) needs to claim the case. The claiming attorney should then add the opposing counsel to the case during the case claiming process.

Why are people who claim cases responsible for adding opposing counsel information?

By adding the opposing counsel into CompFile, it allows the opposing counsel to receive notice of your filings. You cannot complete **electronic service** of future filings on an attorney if he or she does not appear on the case in CompFile.

Do we have to claim for every file we currently have in our office after April 21, 2021?

Yes, you need to claim all your active legacy cases. You should claim active cases that appear on a call and that you want to make a filing for in CompFile. You should also claim each consolidated case. If a unique attorney appears on one of the consolidated cases, you must add that attorney to all the consolidated cases to ensure that he or she receives proper notice and electronic service of future filings in the consolidated cases.

Is there a way to identify if a case has already been claimed?

The case appears on the "Cases" screen in your list of cases. Additionally, the attorneys added to the case also receive an email notification that the case has been claimed. If you try to claim a case that has already been claimed, you receive an error message.

Am I able to claim the case if I, as the claiming attorney, am not the same attorney as the one listed on the case?

Yes, the attorney who claims the case can select the "Remove" option for the previous attorney (if no longer on the case) and add himself or herself to the case.

If not claimed, should it be claimed before or after we file the entry of appearance?

When you claim the case, do NOT add yourself to the case. Only add your opponent. Then, enter your appearance in CompFile.

What about subbing into a case?

If an attorney is subbing in from the same law firm, the law firm administrator can handle the change through the "Manage Assigned Attorneys" function in CompFile.

What about subbing from one respondent firm to another respondent firm?

You can easily file an appearance through CompFile. You can also file a stipulated substitution in CompFile and identify the departing law firm and the new firm.

What if an attorney has left the firm? How do we switch the names on existing cases?

Using the "Managed Assigned Attorneys" function, law firm administrators can reassign another attorney within the firm to the case.

If the respondent's attorney changes, do we as petitioner's attorney need to go in and make changes ourselves?

No, the respondent attorney is responsible for entering an appearance or filing a motion to dismiss or substitute attorney. When you claim the case, you should indicate the respondent attorney who is the current attorney of record for the respondent.

Can the assigned attorney email address be updated if the handling attorney of record within the firm changes during litigation of the case?

You need to use the "Manage Assigned Attorneys" function in CompFile to change the handling attorney. The assigned attorney should not make changes to his or her email address just to allow someone else to handle the case.

Will firm name changes make a difference when searching old claimed cases?

If you have an active case in your office and you need to claim it in CompFile, you can update the case to your firm when you claim it.

Can more than one lawyer in a firm claim a case?

No, but the law firm administrator can add an attorney from the same firm to the case as co-counsel.

Can any lawyer in a firm file a motion in a case in which his/her firm is the counsel for the respondent?

Yes.

What if we are dealing with adjusters?

You still claim the case even if a respondent attorney has not entered an appearance on the case. When you go to make a filing on the case, the case parties list will only contain your attorney. That would be a signal to you that there is not a respondent's attorney on the case to receive notice of the filing in CompFile. So, you would continue to serve the motion on the employer or insurance company outside of CompFile like you do today and just attach proof of the service to the filing you submitted in CompFile. If the employer or insurance company eventually retains an attorney, that attorney would file an appearance in the case in CompFile to gain access to the case.

After correcting the attorneys on file, will it also correct the call sheets?

Yes.

We have several cases with approved settlement contracts that still show up on the call sheets. Can we claim the cases and request under 'Changes Needed' that the case reflect the settled status and be removed from the call sheets?

Yes, you can claim the case, explain that the case is no longer active, and request that it be removed from the call.

What happens if another firm mistakenly claims one of my cases?

You would need to re-enter your appearance in CompFile, which is a simple process. Then you would contact the other firm and have them file a voluntary dismissal of the attorney.

For case claiming, if an attorney is not in CompFile, do you leave it blank?

When searching for an attorney from the legacy law firm to add to the case, you may not be able to find him or her in the search list. Only attorneys with registered CompFile accounts appear in the search list. Under the "Add" label, check the box indicating that you could not find the attorney. You can then complete the case claim process without adding the attorney or legacy law firm. Please note, however, that you cannot complete electronic service of future filings on an attorney if he or she does not appear on the case in CompFile. You will need to continue to serve the attorney outside of CompFile and attach proof of service to the filing you submit in CompFile.

For new cases, does filing an application just list the case and the attorney claims it whenever they decide to do so?

You do not have to claim cases that originated in CompFile. The case claiming process is only necessary for cases that originated on paper.

Do we have to claim the firm's closed "legacy" cases?

No, only claim your active cases (i.e., those case that appear on calls that you want to make filings for in CompFile).

Applications

If a respondent is d/b/a, would that go in the notes section or would that be a separate respondent?

You can add such information in the "Other Additional Information" field (such as d/b/a Acme Co).

You can only make changes to the application before you submit it?

If you submit the application and then need to make changes, you must submit an amended application.

If we need to amend an app, do we go about it through the "Applications" tab?

No, click on the "Cases" button, find your case, and click the drop-down arrow at the end of the row. You can then select the "Initiate Amended Application" option.

Will we have to attach the original application when we amend pre-CompFile apps?

If originally filed on paper, you would initiate an amended application in CompFile and add a copy of the original application that you filed with the IWCC.

Once the case number is received, how can we print a copy of the file stamped app?

Go to "Cases" and find the case in the case list. Once you open the case, you can scroll to the application and print the application documents.

How do I add that I am mailing the application to an insurance adjuster?

You would indicate how you served the application on the proof of service that you attach to the application.

If filing an application with a 19(b) Petition, do we also need to attach the request for hearing form and a notice of motion in Word or PDF format?

Yes, attach all documents you include today when filing the application and indicate that you are filing a 19(b) petition for immediate hearing. The case will get set on a status call with the pending 19(b) petition.

As a respondent firm, can we pre-populate settlement contracts that we draft even though we do not file the initial application as petitioner's attorney?

Yes, it will pre-populate the settlement contract based on the application submitted in CompFile. The prepopulate function does not work if the original application was filed on paper.

Will the new amended app numerate the amendment automatically (first amended, etc.) or will we need to note that in your system? Will that change depending on legacy cases or ones that originate in CompFile?

It will not specifically note second amendment, third amendment, etc. However, the date filed field will let you know which amended application was filed first, second, or third. There is also a document number associated with each application and amended application submitted in CompFile.

If the change on the amended application is location, will that automatically change venue too?

No, you must file a motion to change venue.

Fee Petitions

For fee petition cases - once we obtain the entered order, we mail it certified to the previous attorney and opposing counsel - if the entered order is in CompFile – will there be a need to send certified to all parties anymore?

Arbitrators have a method for tracking fee petitions until final disposition. As such, they will "catch" fee petitions from previous attorneys when issuing orders and decisions. That said, CompFile will not automatically email attorneys no longer in the case. You will need to deliver notice to them outside of CompFile.

If I have been substituted out but have filed a fee petition, will I still be listed as an attorney on the case?

No, you will only be listed if the attorney claiming the case lists you.

Legacy Cases and Fee Petitions

- CompFile will only contain information about motions or petitions filed on or after April 21, 2021.
- Information about motions or petitions in legacy cases, which were created prior to April 21, 2021, will not be in CompFile.
- If an attorney filed a fee petition in a legacy case, and the Arbitrator continued it to disposition, this petition will not be in CompFile.

- The simplest way to ensure that a record of your fee petition exists in CompFile is to file a new petition in CompFile on or after April 21, 2021, and attach a copy of the prior fee petition filing to the new petition.
- You do not have to appear in the case in order to file a fee petition.
- You can indicate to the Arbitrator at the status call that the fee petition was already considered, and the Arbitrator can continue the fee petition to disposition to properly ensure that the petition is in place in CompFile.

Serving the Opponent / Notice of Motion

Will filing in CompFile and having CompFile serve the motion by email on opposing counsel eliminate the need to serve paper copies on opposing counsel? Can the language on our forms be changed to indicate service through CompFile?

Yes, if your opponent appears on the case in CompFile, you can serve them directly through CompFile. This is compliant with our administrative rules. You can simply note "Served through CompFile" if you so choose on the motion you attach in CompFile.

Will we still be required to mail a paper copy of motions to the respondent or respondent's attorney?

If the respondent attorney has not yet appeared on a case in CompFile, you will be required to serve the respondent directly outside of CompFile. You can name non-CompFile parties on the Notice of Motion that gets generated by CompFile. Then, you can print the generated Notice of Motion for non-CompFile service.

Do we still need to serve motions via US Mail?

CompFile shows who will receive the notice via CompFile. If you need to serve someone and they are not listed as being served via CompFile, you need to accomplish service in another manner.

Where is the proof of service, or do we not need that anymore?

Please refer to our administrative rules. If your opponent appears on the case in CompFile, they will be served electronically through CompFile. You only attach a proof of service if you are serving someone outside of CompFile. If you need to serve someone outside of CompFile, you can download the CompFile-generated Notice of Motion and serve that party outside of CompFile.

Do you need to file proof of service with all motions, or can you have it as part of the attachment with the notice of motion and or the 19b petition?

Separate proof of service attachments are only necessary if you are also serving the filing outside of CompFile.

What if there is no attorney on file? And you need to add the employer & adjuster. Would you list both in that field?

The "Status/Review Call" screen contains a field that allows you to list any recipients that will be served the Notice of Motion outside of CompFile. These recipients will appear on the electronic Notice of Motion, which you can print on the filing confirmation screen.

What about when there are adjusters on the case and not attorneys?

When you go to make a filing on the case, the case parties list will only contain the petitioner attorney. That would be a signal to you that there is not a respondent's attorney on the case to receive notice of the filing in CompFile. So, you would continue to serve the motion on the employer or insurance company outside of CompFile like you do today and just attach proof of the service to the filing you submitted in CompFile. If the employer or insurance company eventually retains an attorney, that attorney would file an appearance in the case in CompFile to gain access to the case.

How do you serve a pro se claimant?

Attorneys and pro se litigants must electronically file all cases and documents in CompFile. If the pro se litigant does not appear on the case in CompFile, then you must continue to serve the motion on the pro se litigant outside of CompFile until he or she properly registers and gains access to the case in CompFile.

If there is Co-Counsel, are they served the same way, electronically?

Co-counsel are served electronically if they have appeared on the case in CompFile.

Are the attorney's signature automatically inserted?

Yes, CompFile automatically applies the attorney signature to the generated Notice of Motion.

The Notice of Motion cover sheet - Is that still required? If so, how to we prepare the form?

CompFile automatically generates the Notice of Motion for all filings that appear on a status call or review/motion call.

If the opposing counsel does not appear in CompFile, we still submit the filing via CompFile, and then serve with the generated notice of motion to the opposing counsel as usual?

Yes.

When we file a 19b, do we also have to submit a request for hearing with it like we do now or just the notice of motion?

No, you must attach the substantive motion. A motion must be attached to every Notice of Motion. That is a requirement noted on the Notice of Motion form. Again, CompFile generates the Notice of Motion for you but you still need to attach the actual motion.

The hard copy/attachment of my prepared motion includes a proof of service. Do we need to prepare a separate proof of service in CompFile?

Again, proof of service attachments are only necessary if you are also serving the filing outside of CompFile. You do not need to attach proof of service separately if the second page of your prepared motion already contains the proof of service.

You are still preparing motions, petitions, etc. with the current form from the IWCC website and/or forms created from your current database. That form/document is attached with any "Notice of Motion" you prepare? And you need add the prepared form w/ the attorney signature to CompFile?

The actual motion or filing being attached will be generated in the same way you do today. If an attorney needs to sign the actual motion, they will still need to sign or e-sign it prior to attaching it in CompFile. CompFile only generates the Notice of Motion and applies the filing attorney's e-signature automatically to the Notice of Motion only.

Forms

Do we have to initiate all the forms through CompFile? Or can we use our own merge documents and upload a PDF into CompFile?

You will process forms just like you do today - you will just need to attach them in CompFile.

Will there not be “electronic forms” per se in which you would complete the fields as we do now with the settlement contracts?

When submitting a filing via CompFile, you will still use all the same forms you use today. You will attach them - the way you attach documents in CompFile now - before submitting the motion.

Will we be using different forms now?

You use the same forms that you use today. It could be a standard IWCC form or a motion that you draft in a Word document.

Can we download the documents our opponents upload? That was a glitch that I think has been remedied with settlements. We may need to later see and download medical reports and other documents for settlements. We may need our opponent’s motion.

Yes, you can access whatever document opposing counsel attached to the filing.

Will the attorney rep agreement be available on CompFile with the possibility of being e-signed by the petitioner or will we need to have the agreement signed the old fashion way by the petitioner and then attached to the application when routing for filing?

Signed the old fashion way. We heard from petitioner attorneys that they often mark up the form with their own language. We wanted to provide flexibility with that document.

Multiple Filings

When filing a 19(b) with a penalties petition, we also have to file a request for hearing form, notice of motion, penalties petition, and proof of service. How do we file all of these in one filing on CompFile?

You would file each motion separately. All the motions you file would then appear as pending motions for the selected status call. This is a change from current practice where IWCC previously allowed multiple "checkboxes" on the Notice of Motion and Order.

If you need to file an 8(a) and 19(b) you need to do those as separate filings.

You can select the Petition for Immediate Hearing under Sect. 19(b) filing type and then attach the substantive motion that you are seeking benefits under Sections 19(b) and 8(a).

What if we need to file a 19(b) off the call/the months in between the official status call? Will we have that option in CompFile?

Yes. 19b filings allow you to "chase" the Arbitrator around to his or her different call locations.

If I have a claimant with multiple cases assigned to different arbitrators and I want to file a motion to consolidate all of the cases before the arbitrator assigned the earliest filing, how would I do so?

A motion to consolidate will electronically serve all attorney parties on all cases being consolidated. When consolidating, the Arbitrator assigned to the oldest still active case becomes the assigned Arbitrator for all consolidated cases. The motion to consolidate filing type allows you to select multiple cases for consolidation.

If you have a petitioner with three cases, can you type all three WC case numbers on a notice of motion?

For consolidated cases, you should submit filings and documents only under the primary case number (i.e., the case filed first with the lowest case number). You do not need to submit filings separately under each case number.

Transcripts

Are you able to download the transcript and save it to your firm's database? Or can the electronic transcript only be accessed on CompFile and/or the IWCC website?

You will be able to download a PDF copy of the transcript from CompFile after payment is provided to the preparing Court Reporter.

What if we need to redact information from transcript to comply with Supreme Court Rules?

You will not upload the transcript back into CompFile, but only the authentication page. The transcript that you authenticate will be available to the Commissioner in CompFile. If there is information about the transcript that must be removed, you should contact the Court Reporter directly or the Arbitrator who admitted the exhibit.

Should the authentication page have real, scanned signatures of the attorneys?

Yes, coordinate the signatures outside of CompFile, scan the transcript authentication page, and upload it.

If a Petition for Review was filed on paper, and the return transcript is due in May, do we return/file to the IWCC the old way or do we upload the transcript in CompFile?

If the petition for review was filed on paper, the transcript and the authentication page should be on paper.

Pro Se Settlements

Does the pro se petitioner need to have something filed in CompFile before the respondent's attorney can initiate pro se settlement contract?

No. You can create the case with a pro se settlement contract just as is possible today.

What about for respondent attorneys that receive referrals where an adjuster reaches an agreement with an unrepresented worker? Will the respondent attorney need to file an application or will the pro se need to do so? Right now, a case number is generated when a pro se contract is filed.

You can create the case by filing the pro se settlement contract in CompFile. This mirrors the practice today.

Will the respondent's attorney have to instruct the pro se petitioner to set up an account in CompFile to e-sign?

When you add them to the contract, they are sent an email to register an account. This is very easy to do. There are instructional materials on the web site to assist with this process.

If we have a pro se case, how will we obtain a case number after April 21, 2021?

Pro se settlements will be filed in CompFile, and you will receive the case number and Arbitrator assignment when you submit the contract.

Notifications

When you file a motion, is a copy sent to the Arbitrator?

Yes, Arbitrators can view and access all motions submitted in CompFile.

When a request for hearing or motion is filed for a specific status call, will the arbitrator receive a copy or notice of the filing through CompFile?

Yes, the Arbitrator will have the ability to view your filed motions.

Do we still need to email the Arbitrator and opposing counsel 48 hours prior to the call date with a copy of the motion?

No, do not send filings for the May 10, 2021 status call or any status call after this date to Arbitrators via email or any other method. All filings for the May 10 status call and all status calls thereafter must be filed through CompFile.

Will the atty get an email on anything that is happening on CompFile? Whether it gets granted or something is withdrawn, etc.? Or will it be up to the atty to check CompFile for updates on their cases?

Yes, email notifications go to the attorneys on a case in CompFile when a case is claimed, a filing is submitted, an order or decision is issued, a case is dismissed, etc.

If I file something in CompFile, does my opponent automatically get a copy of the filing?

If your opponent is registered in CompFile and is listed as a party on the case, he or she will see all filings in the case. They will also get an email notice of the filing.

Does the motion that is uploaded get emailed to opposing counsel automatically?

The email notification that goes to all attorneys who have appeared on the case in CompFile provides a link to the document.

Does the attorney who filed the appearance receive an email about the filing (i.e., does attorney receive confirmation of filing?)

Yes, you and your opponent, if they appear on the case in CompFile, will receive an email notification.

The IWCC E-notices for our firm are sent to me. Once all the cases are "claimed," will they be sent to the attorney of record only, or to the firm address?

Automatic notifications will go out to the attorney accounts that are on the case, as they do with settlements today. You can set up a forwarding rule on the attorney's email account if you want to receive email notifications sent to that attorney.

Other

Are motions submitted through CompFile going to be date-stamped?

Yes, there will be an email receipt showing the date filed.

What is the deadline for filing motions through CompFile? Specifically, how many days prior to the status call do motions need to be filed?

You can submit motions at any time prior to a status call. Please refer, however, to the administrative rules for the days required to provide proper notice to your opponent.

Are we to assume we cannot file a motion or the case will not show up unless we have filed our appearance?

Yes, you can use the case claim process for existing cases originally filed on paper to note yourself as the attorney of record – or you would file an application, appearance, or stipulation to substitute attorneys to access a case and make future filings.

Per the Special Circumstances procedures - we need to file a motion/RFH in order to get a pre-trial date from the arbitrator even for redline cases - will this still be the case using CompFile?

Yes.

We won't have line numbers anymore.

The call sheets in CompFile use the term "sequence number" to refer to a case's line number.

Will we still email the arbitrators continuance requests for red line cases or will there be something to file to ask them to be continued?

Yes, continue to email the Arbitrator.

Will attys not be able to file motions off the call anymore? For non 19b motions - if it only lists the next sc's for that case?

Only 19b's can be filed in CompFile "off the call."

Will 8(a) petitions have the option to be set off cycle if they don't also have a 19(b)?

Only selecting the Petition for Immediate Hearing under Sect. 19(b) filing type will allow the filer to notice the case off cycle.

How is CompFile working with the emergency measures? We currently email the arbitrator. I assume we simply need to do both - put the motion into CompFile and email the arbitrator?

No, you do not need to email the Arbitrator. The Arbitrators and Commissioners will have access to the motions you submit in CompFile.

Can electronic appearances be e-filed on the same day as an arbitrator's status call or on an arbitrator's hearing date or are there restrictions?

Yes, there are no restrictions on when you can submit the filing.

Will the calls be in person?

CompFile will not change how status calls are conducted. They will be held via Webex.

Can you tell me if the Call Sheets are being updated during the shutdown period?

Yes, you may see a brief delay for some later status calls.

Will our current "Settlement" cases show up as active cases?

If the case is settled, it will show up as an inactive case.

Will the administrative rules be updated to reflect CompFile being the primary way to provide service?

The rules were amended several years ago to establish electronic filing.