

**NAWCJ COMPARATIVE LAW PROJECT
WORKERS' COMPENSATION JUDGES:
NUMBERS, APPOINTMENT, TERMS OF SERVICE**

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	Personnel	Appointment Process (WCJ)	Appointment Qualifications (WCJ)	Term of Service (WCJ)	Reappointment Qualifications (WCJ)	Reappointment Process (WCJ)
Alabama	Alabama's civil courts, rather than a commission, adjudicate disputed worker's compensation claims. ¹ Still, the Workers' Compensation Division within the Alabama Department of Labor maintains a voluntary dispute resolution process. Should all parties agree to participate in the "Ombudsman Program," an impartial third party mediator will attempt to negotiate a mutually satisfactory settlement of the dispute. The costs of mediation are borne by the Workers' Compensation Division, and the services of the Ombudsmen are free to all parties. ²					
Alaska³	The Workers' Compensation Board consists of 18 members (9 represent labor, and 9 represent industry) ⁴ ; Appeals Commission has Chair and 4 Commissioners	Board members appointed by the Governor, and subject to confirmation by a majority of the Legislature in joint session	Disclosure of relevant personal financial activity ⁵	Three years	Same as Appointment Qualifications	Same as appointment Process

¹ See ALA. CODE. § 25.5.30 (2013).

² *Overview of Mediation*, ALA. DEPARTMENT LAB., http://labor.alabama.gov/docs/law/wc_mediation_overview.pdf (last visited June 28, 2014).

³ ALASKA STAT. § 23.30.005 (2013).

⁴ *Board Factsheets*, DIVISION WORKERS' COMPENSATION, <http://gov.alaska.gov/parnell/services/boards-commissions/board-factsheets.html?i=110>.

⁵ <http://gov.alaska.gov/parnell/services/boards-commissions/boards-commissions-process.html> (last visited June 25, 2014).

NAWCJ 2014: Workers' Compensation Judges: Numbers, Appointment, Terms of Service

	Personnel	Appointment Process (WCJ)	Appointment Qualifications (WCJ)	Term of Service (WCJ)	Reappointment Qualifications (WCJ)	Reappointment Process (WCJ)
Arizona ⁶	18 Administrative Law Judges (ALJs)	Hired by the Industrial Commission of Arizona as salaried state officers.	Must be an attorney with five or more years' experience in worker's compensation, occupational safety and health, employment, or in a related field	No specific term of service; ALJs are at-will employees (as of 2012)	_____	_____
Arkansas ⁷	11 Administrative Law Judges (ALJs); 3 Commissioners	Three Commissioners are appointed by the Governor for a term of six years. The Commission may appoint ALJs as necessary	None specified	ALJs serve at the pleasure of the Commission	_____	_____
California ⁸	168 Administrative Law Judges (WCJs); Board: Chair and 6 Commissioners	Employed by the Administrative Director of the Division of Workers' Compensation	Must be an attorney licensed to practice law in CA for five or more years prior to appointment, with experience in workers' compensation law	Tenured, provided that the ALJ remains in good standing	_____	_____

⁶ ARIZ. REV. STAT. ANN. § 23-108.02 (2013); ARIZ. REV. STAT. ANN. § 23-942 (2013); *Administrative Law Judge (ALJ) Division*, INDUS. COMMISSION ARIZONA, http://www.ica.state.az.us/ALJ/ALJ_main.aspx (last visited June 10, 2014).

⁷ ARK. CODE ANN. § 11-9-205 (2013); *Administrative Law Judges*, ARK. WORKERS' COMPENSATION COMMISSION, <http://www.awcc.state.ar.us/alj1.html> (last visited June 10, 2014).

⁸ CAL. LAB. CODE §§ 111, 123.5 (West 2013); *2012 Annual Report*, ST. CA. DEPARTMENT INDUS. REL., <https://www.dir.ca.gov/dwc/ethrpt12.pdf> (last visited July 26, 2014).

NAWCJ 2014: Workers' Compensation Judges: Numbers, Appointment, Terms of Service

	Personnel	Appointment Process (WCJ)	Appointment Qualifications (WCJ)	Term of Service (WCJ)	Reappointment Qualifications (WCJ)	Reappointment Process (WCJ)
			<p>Must maintain membership in CA Bar throughout tenure</p> <p>Must pass the state civil service examination</p>			
Colorado ⁹	18 Administrative Law Judges (ALJs); 5 Industrial Claim Appeals Panel (ICAP) Appellate ALJs	Appointed by the Director of the Office of Administrative Courts	<ol style="list-style-type: none"> Licensed to practice law for at least five years Must be a resident of district during term of office 	Classified as a civil service employee; subject to retention review	<p>Subject to performance review plan with respect to Colorado Code of Judicial Conduct</p> <p>Otherwise, same as Appointment Qualifications</p>	_____
Connecticut ¹⁰	16 Administrative Law Judges (Commissioners); Compensation Review Board (CRB) is Chair of Commission plus 2 sitting commissioners	Nominated by the Governor, and appointed by the General Assembly as prescribed by law (appointment shall be by a concurrent resolution)	<ol style="list-style-type: none"> Competent person Member in good standing of the CT bar for at least five years preceding nomination 	Five years	Same as Appointment Qualifications	Re-nominated by Governor, and Re-appointed by General Assembly
Delaware ¹¹	9 Hearing	Appointed by the	Appointees shall be	Five years	Reappointments	Re-appointed by

⁹ COLO. REV. STAT. §§ 8-47-101, 24-30-1003 (2013).

¹⁰ CONN. GEN. STAT. § 31-276 (2013).

NAWCJ 2014: Workers' Compensation Judges: Numbers, Appointment, Terms of Service

	Personnel	Appointment Process (WCJ)	Appointment Qualifications (WCJ)	Term of Service (WCJ)	Reappointment Qualifications (WCJ)	Reappointment Process (WCJ)
	Officers; 10 Industrial Accident Board members	Secretary of Labor	residents of the State, who are admitted to practice law before the Delaware Supreme Court		are at discretion of the Secretary of Labor	the Secretary of Labor
District of Columbia	7 Administrative Law Judges (ALJs) and one Chief ALJ; 4 Administrative Appeals Judges, 1 Chief Administrative Appeals Judge	Appointed by the Mayor through power delegated to the Chief Administrative Law Judge and the Director of the Department of Employment Services	Must be an attorney admitted to the bar of the District of Columbia or another U.S. jurisdiction	WC formal hearings are heard by ALJs in the "Office of Hearings and Adjudication, Administrative Hearings Division (AHD)," in the Department of Employment Services. The ALJs in the AHD are appointed by the Mayor by delegated authority to the Chief ALJ and the Director, DOES. The ALJs are career civil service employees. The Chief ALJ is selected by and	_____	_____

¹¹ DEL. CODE ANN. tit. 19, § 2301A (2013); See *16th Annual Report on the Status of Workers' Compensation Case Management*, DEL. DEPARTMENT LABOR, <http://dia.delawareworks.com/workers-comp/documents/16th%20Annual%20Report%20on%20the%20Status%20of%20Workers'%20Compensation%20Case%20Management.pdf> (last visited July 8, 2014).

NAWCJ 2014: Workers' Compensation Judges: Numbers, Appointment, Terms of Service

	Personnel	Appointment Process (WCJ)	Appointment Qualifications (WCJ)	Term of Service (WCJ)	Reappointment Qualifications (WCJ)	Reappointment Process (WCJ)
			law 4. Professional reputation			
Georgia ¹⁴	21 Administrative Law Judges (ALJs); Board is Chair and 2 Directors	Appointed by the State Board of Workers' Compensation	None specified	Employed at will, and serve at the pleasure of the Board	_____	_____
Hawaii ¹⁵	16 Hearing Officers; 3 members sit on the Labor & Industrial Appeals Board (LIRAB)	Civil Service position, hired by the Hawaii Department of Human Resources	Knowledge of: 1. Pertinent provisions of the HI Workers' Compensation Laws 2. Sources of information regarding similar laws of other jurisdictions 3. Principles and practices of conducting administrative hearings 4. Knowledge of various kinds of	Indefinite term; civil service position	_____	_____

¹⁴ GA. CODE ANN. §§ 34-9-47, 34-9-52 (2012); *Organization Chart*, ST. BOARD WORKERS' COMPENSATION, http://sbwc.georgia.gov/sites/sbwc.georgia.gov/files/related_files/site_page/org_chart2.pdf (last updated July 1, 2013).

¹⁵ HAW. REV. STAT. §§ 386-73, 386-87, 386-88, 386-91 (2013); *Workers' Compensation Claims Specialist / Hearings Officer Series*, DEPARTMENT PERSONNEL SERVICES, http://files.hawaii.gov/dhrd/main/eccd/Class%20Specifications%20and%20Minimum%20Qualification%20Requirements/Group_III/3876.pdf (last visited June 10, 2014).

NAWCJ 2014: Workers' Compensation Judges: Numbers, Appointment, Terms of Service

Personnel	Appointment Process (WCJ)	Appointment Qualifications (WCJ)	Term of Service (WCJ)	Reappointment Qualifications (WCJ)	Reappointment Process (WCJ)
		disabilities and loss of bodily functions incurred as a result of injury or disease			
Idaho ¹⁶	3 Commissioners and five Referees ¹⁷	<p>Commissioners are appointed by the Governor with the approval of the Senate</p> <p>Referees are hired by the Idaho Industrial Commission</p>	<p>Commissioners:</p> <p>30+ years of age</p> <p>A resident of ID for three or more consecutive years preceding appointment</p> <p>Good moral character</p> <p>Sufficient previous experience and training to efficiently and justly discharge the duties of office</p> <p>One appointee must be a representative of employer, one appointee must be a representative of workmen, and one</p>	<p>Commissioners: six years</p> <p>Referees: indefinite</p>	<p>Same as Appointment Qualifications</p> <p>Commissioners are re-appointed by the Governor with the approval of the Senate</p>

¹⁶ IDAHO CODE ANN. §§ 72-501, 72-506 (2013).

¹⁷ Pursuant to Section 72-506, the Industrial Commission may appoint Hearing Officers to undertake investigations, inquiries, or hearings with regard to a disputed workers' compensation claim. However, the Hearing Officer's decision/order must have approval and confirmation of the commission. No administrative appeals process exists beyond the Industrial Commission's decision, other than a motion for reconsideration or rehearing. Appeal to supreme court.

NAWCJ 2014: Workers' Compensation Judges: Numbers, Appointment, Terms of Service

Personnel	Appointment Process (WCJ)	Appointment Qualifications (WCJ)	Term of Service (WCJ)	Reappointment Qualifications (WCJ)	Reappointment Process (WCJ)	
		<p>appointee must be an attorney licensed to practice in ID</p> <p>None specified for Referees</p>				
Illinois ¹⁸	26 Arbitrators (no fewer than three per hearing site); Chair and 9 Commissioners of the Commission	Appointed by the Governor with the advice and consent of the Senate	<p>Able to demonstrate, in writing, his or her knowledge of, and expertise in, the law and procedure of the Worker's Compensation Act</p> <p>Authorized to practice law by the IL Supreme Court</p> <p>Maintain authorization throughout the term of employment</p>	Three years	<p>Required to complete 20 hours of training, every two years in office</p> <p>Reviewed by the Chairman on an annual basis.</p>	<p>Upon expiration of a term, the Chairman evaluates the performance of the arbitrator</p> <p>The Chairman May then recommend reappointment to the Governor for a second or subsequent term</p> <p>Appointed by the Governor, with the advice and consent of the Senate</p>
Indiana ¹⁹	Seven (one Chair)	Appointed by the Governor, with no more than four	Attorney in good standing admitted to practice of law in the	Four years	Same as Appointment Qualifications	Same as Appointment Process

¹⁸ 820 ILL. COMP. STAT. 305/13 (2013) (establishing a Workers' Compensation Commission, which consists of three panels of three Commissioners, to act as the appellate body for workers' compensation claims); 820 ILL. COMP. STAT. 305 / 14 (2013) (stating that Arbitrators serve as the first-level hearing officers).

¹⁹ IND. CODE § 22-3-1-1 (2013).

NAWCJ 2014: Workers' Compensation Judges: Numbers, Appointment, Terms of Service

	Personnel	Appointment Process (WCJ)	Appointment Qualifications (WCJ)	Term of Service (WCJ)	Reappointment Qualifications (WCJ)	Reappointment Process (WCJ)
		members belonging to the same political party	state of Indiana May be removed for incompetency, neglect of duty, misconduct, or other good cause			
Iowa ²⁰	12 Deputy Commissioners 1 Commissioner	Appointed by the Commissioner	Must be an attorney admitted to practice in Iowa	Deputy Commissioners serve at the pleasure of Commissioner	_____	_____
Kansas ²¹	Ten Administrative Law Judges (ALJs); Board: 1 Chair and 4 members	1. Must submit application to the Director of Workers' Compensation 2. Upon two-thirds approval of the Nominating Committee, the nomination is sent to the Secretary of Labor	Attorney admitted to practice law in the state of Kansas At least five years of experience as attorney At least one year of experience practicing law in area of workers' compensation	Four years	ALJ wishing to be considered for reappointment shall be deemed to have met the qualification requirements	1. Must submit application for reappointment to the Director no sooner than 150 days before and no later than 90 days prior to the end of term 2. Within 60 days prior to end of term, Nominating

²⁰ IOWA CODE §§ 86.1, 86.3 (2013).

²¹ KAN. STAT. ANN. §§ 44-551, 44-555c(a) (2013). Note: The statute was amended in 2013 “to change the name of makeup of the ‘workers compensation and employment security boards nominating committee.’ The 2013 amendments created a new body that reviews applications for ALJ’s, candidates for the Workers Compensation Appeals Board, and candidates for the Employment Security Board of Review. The 2013 amendments also increased ALJ compensation from 75% to 85% of the annual salary paid to a state district court judge.” Memorandum to WCJ Torrey from Judge Bruce E. Moore (July 18, 2014).

NAWCJ 2014: Workers' Compensation Judges: Numbers, Appointment, Terms of Service

	Personnel	Appointment Process (WCJ)	Appointment Qualifications (WCJ)	Term of Service (WCJ)	Reappointment Qualifications (WCJ)	Reappointment Process (WCJ)
		3. The Secretary may accept or reject the nomination				Committee will submit to Secretary for reappointment unless two-thirds of Nominating Committee votes not to submit for reappointment
Kentucky ²²	<p>Statutory maximum of 19 Administrative Law Judges (ALJs)</p> <p>Currently: 17 ALJs (including the Chief ALJ):</p> <p>Board is Chair and 2 members</p>	Appointed by the Governor, with the consent of the Senate (based upon nominations presented by the Workers' Compensation Nominating Commission)	<p>Five years' experience in Kentucky worker's compensation law or in a related field</p> <p>Extensive knowledge of worker's compensation law</p>	Four years	Same as Appointment Qualifications	<p>At least 30 days prior to expiration of an ALJ's term, the Governor shall provide the name of the person for appointment to the Senate</p> <p>Each ALJ may be employed for additional terms with the consent of the Senate</p>
Louisiana ²³	Statutory minimum of ten Administrative Law Judges (ALJs)	Appointed by the Director of the Office of Worker's Compensation	Licensed and actively engaged in practice of law in LA for not less than five years	Five years	Same as Appointment Qualifications	May be appointed for additional terms, but must reapply in the same manner as

²² KY. REV. STAT. ANN. §§ 342.230, § 342.213 (West 2012).

²³ LA. REV. STAT. ANN. § 1310:1 (2012).

NAWCJ 2014: Workers' Compensation Judges: Numbers, Appointment, Terms of Service

	Personnel	Appointment Process (WCJ)	Appointment Qualifications (WCJ)	Term of Service (WCJ)	Reappointment Qualifications (WCJ)	Reappointment Process (WCJ)
	Currently: 16 ALJs					new applicants
Maine ²⁴	8 Hearing Officers	Contracted or employed by Worker's Comp. Board	Qualified by background and training to serve as Hearing Officers	Unclassified; ALJs serve at the pleasure of the Board	_____	_____
Maryland ²⁵	10 Commissioners	Appointed by the Governor with the advice of the Senate	<ol style="list-style-type: none"> At least 30 years old Minimum five-year residency in MD immediately prior to appointment, and Admitted to practice law in MD Distinguished for integrity, sound legal knowledge, and wisdom 	12 years	Same as Appointment Qualifications	Re-appointed by the Governor with the advice of the Senate
Massachusetts ²⁶	21 Administrative Judges (AJs); 6 Appellate Administrative Law Judges	Appointed by the Governor with the advice and consent of the council	Nominating panel shall review applications and consider following factors: <ol style="list-style-type: none"> Skills in fact- 	Six years	Evaluation based upon: (1) average time for disposition of cases, (2) three decisions written	Prior to expiration of term, conduct of the ALJ is reviewed by the nominating panel, which may

²⁴ ME. REV. STAT. tit. 39-A, §§ 151, 152 (2013).

²⁵ MD. CODE ANN., LAB. & EMPL. §§ 9-301, 9-302 (West 2013).

²⁶ MASS. GEN. LAWS ch. 23E, § 4 (2013).

NAWCJ 2014: Workers' Compensation Judges: Numbers, Appointment, Terms of Service

Personnel	Appointment Process (WCJ)	Appointment Qualifications (WCJ)	Term of Service (WCJ)	Reappointment Qualifications (WCJ)	Reappointment Process (WCJ)	
		finding 2. Basic understanding of human anatomy and physiology 3. Bachelor's degree or demonstrated writing ability as evidenced by four or more years in positions in which writing skills are a major job responsibility		and selected by applicant, (3) total number of orders and decisions filed, and (4) any decisions of an appellate body which reference the candidate's judicial demeanor	recommend the ALJ for retention The ALJ then must be re-appointed by the Governor	
Michigan ²⁷	17 Magistrates; 8 Members of the Appellate Commission	Appointed by the Governor with the advice and consent of the Senate	Must be member of the Michigan state bar in good standing	Four years	Same as Appointment Qualifications	Reappointed by the Governor with the advice and consent of the Senate
Minnesota ²⁸	26 Worker's Compensation Judges; 5 judges of the Minnesota Worker's Compensation Court of Appeals	Appointed by the Chief ALJ of the Office of Administrative Hearings	1. Must be learned in the law 2. Free of any political or economic association that would impair his or her ability to function in a fair	Tenured; provided that Judge remains in good standing	_____	_____

²⁷ MICH. COMP. LAWS § 418.213 (2013).

²⁸ MINN. STAT. § 14.48 (2013); *Workers' Compensation Judges*, MINN. OFF. ADMIN. HEARINGS, <http://mn.gov/oah/workers/judges> (last visited June 10, 2014).

NAWCJ 2014: Workers' Compensation Judges: Numbers, Appointment, Terms of Service

	Personnel	Appointment Process (WCJ)	Appointment Qualifications (WCJ)	Term of Service (WCJ)	Reappointment Qualifications (WCJ)	Reappointment Process (WCJ)
			and impartial manner 3. Demonstrated knowledge of administrative procedures 4. Demonstrated knowledge of worker's compensation laws			
Mississippi ²⁹	8 Administrative Judges; 3 Commissioners of the Commission	Appointed by the Worker's Compensation Commission with the consent of the Governor	Member of Mississippi State Bar and a minimum of three years' experience in the practice of law	Serves at the will of the Commission	Same as Appointment Qualifications	Same as Appointment Qualifications
Missouri ³⁰	Statutory maximum of 40 Administrative Law Judges (ALJs); Currently: 28 ALJs 3 members of the Labor and Industrial Relations	Appointed by Workers' Compensation Division based on necessity, measured by the requirements and needs of each division office.	Shall be duly licensed lawyers under law of Missouri	12 years	Same as Appointment Qualifications	ALJs are subject to a retention vote at end of each term Any ALJ who has received two or more votes of "no confidence" under performance audits shall not receive a vote of

²⁹ MISS. CODE ANN. § 71-3-93 (2012); *The Mississippi Workers' Compensation Administrative Judges*, MISS. WORKERS' COMPENSATION COMMISSION, http://www.mwcc.state.ms.us/welcome/_Ajudges.asp (last visited June 26, 2014).

³⁰ MO. REV. STAT. § 287.610 (2013).

NAWCJ 2014: Workers' Compensation Judges: Numbers, Appointment, Terms of Service

	Personnel	Appointment Process (WCJ)	Appointment Qualifications (WCJ)	Term of Service (WCJ)	Reappointment Qualifications (WCJ)	Reappointment Process (WCJ)
	Commission					retention ³¹
Montana ³²	1 Workers' Compensation Judge ³³	Appointed by the Governor from a list of nominees submitted by the Judicial Nomination Commission	Must be a U.S. citizen who has resided in the state for two years immediately before taking office Must be admitted to practice law in Montana for at least five years ³⁴	Six years	Same as Appointment Qualifications	May be reappointed by the Governor for an additional six-year term
Nebraska ³⁵	Seven Judges	Appointed by the Governor	At least 30 years of age United States Citizen Engaged in the practice of law in	Initial term of three years	Same as Appointment Qualifications	Judges may remain on the bench for successive six-year terms upon approval of the

³¹ Administrative Law Judges are subject to a retention vote at end of the term by Administrative Law Judge Review Committee. The retention votes are staggered: 13 most senior Administrative Law Judges have retention vote on August 28, 2020, next 13 most senior Administrative Law Judges have retention vote on August 28, 2024, and all other judges appointed and not previously referenced shall have retention vote on August 28, 2016.

³² MONT. CODE ANN. §§ 39-71-204, 39-71-320, 39-71-2401, 39-71-2905 (West 2013); *General information about the Court*, MONT. DEPARTMENT LAB. AND INDUSTRY, <http://wcc.dli.mt.gov/whoweare.asp> (last visited July 26, 2014).

³³ Montana's implementation of the workers' compensation program is focused on resolution by informal proceedings prior to adjudication by the Montana Workers' Compensation Court presided over by the Workers' Compensation Judge. Any dispute arising after denial of claim by employer's claim adjuster may be appealed to the Workers' Compensation Court, but only after completing mandatory, non-binding mediation as set out in § 39-2401.

³⁴ See MONT. CONST. art. VII, § 9.

³⁵ NEB. REV. STAT. ANN. § 48-153 (West 2012); NEB. CONST. Art. V, § 21; *History, Mission, & Organization*, NEBRASKA WORKERS' COMPENSATION COURT, http://www.wcc.ne.gov/about/history_mission_organization.aspx (last updated Dec. 2012).

NAWCJ 2014: Workers' Compensation Judges: Numbers, Appointment, Terms of Service

	Personnel	Appointment Process (WCJ)	Appointment Qualifications (WCJ)	Term of Service (WCJ)	Reappointment Qualifications (WCJ)	Reappointment Process (WCJ)
			Nebraska for at least five years Admitted to practice before the Nebraska Supreme Court Resident of Nebraska			electorate
Nevada ³⁶	7 Hearing Officers; 9 Appeals Officers.	Appointed by Director of Department of Administration	None as listed by the Nevada Revised Statutes or the Nevada Administrative Code	Unclassified service; Serve at the pleasure of Director	Same as Appointment Qualifications	Same as Appointment Process
New Hampshire ³⁷	7 Hearing Officers; Multiple-member (28) Compensation Appeals Board ³⁸ (Seemingly part-time)	Appointed by Labor Commissioner	Shall have experience in workers' compensation Commissioner shall set forth the job qualification necessary to ensure Hearing Officer is qualified	Unclassified position, none as stated	Same as Appointment Qualifications Must complete 15 hours of continuing education every year	Same as Appointment Process
New Jersey ³⁹	47 Judges	Appointed on a bipartisan basis	Shall be licensed attorney in New	Three-year initial term	During initial three-year term,	Upon favorable evaluations,

³⁶ NEV. REV. STAT. ANN. § 616C.300 (West 2013);

³⁷ N.H. REV. STAT. ANN. § 281-A:42-b (West 2013); *60th Biennial Report*, ST. N.H. DEPARTMENT LABOR, <http://www.nh.gov/labor/documents/biennial-report-2012-2013.pdf> (last visited July 26, 2014).

³⁸ See <http://www.nh.gov/labor/about-us/council-board/compensation-appeals.htm>; See <http://www.nh.gov/labor/workers-comp/hearings.htm>.

³⁹ N.J. STAT. ANN. §§ 34:15-49 (West 2013); *Staff & Services Directory*, ST. N.J. DEPARTMENT LAB. AND WORKFORCE DEV., <http://lwd.dol.state.nj.us/labor/wc/content/dwc-dir.html#Judges> (last updated June 1, 2013).

NAWCJ 2014: Workers' Compensation Judges: Numbers, Appointment, Terms of Service

	Personnel	Appointment Process (WCJ)	Appointment Qualifications (WCJ)	Term of Service (WCJ)	Reappointment Qualifications (WCJ)	Reappointment Process (WCJ)
		by the Governor, with the advice and consent of the Senate	Jersey for ten years prior to their appointment	Tenure upon reappointment	each Judge subject to annual evaluation.	reappointed by Governor, with advice and consent of the Senate Upon reappointment, Judges have tenure
New Mexico ⁴⁰	Five Judges	Appointed by director of Workers' Compensation Administration	Shall be lawyers licensed to practice law in New Mexico	One year (initial term) Five years (subsequent terms)	Same as Appointment Qualifications	90-days prior to expiration of initial term, Director reviews Judge's performance If approved by the director, a Judge may be reappointed to a subsequent five-year term
New York ⁴¹	96 Workers' Compensation Law Judges 1 Chair and	Appointed by Chair of Workers' Compensation Board	Qualifications determined based on Competitive Class rules as established by the Department of	Indefinite, may be removed for cause	_____	_____

⁴⁰ N.M. STAT. ANN. § 52-5-2 (West 2013); *WCA Judges*, N.M. WORKERS' COMPENSATION ADMIN., <http://www.workerscomp.state.nm.us/about/judges.php> (last visited June 26, 2014).

⁴¹ N.Y. WORKERS' COMP. LAW § 150 (McKinney 2013).

NAWCJ 2014: Workers' Compensation Judges: Numbers, Appointment, Terms of Service

	Personnel	Appointment Process (WCJ)	Appointment Qualifications (WCJ)	Term of Service (WCJ)	Reappointment Qualifications (WCJ)	Reappointment Process (WCJ)
	12 Members of the Workers' Compensation Board		Civil Service ⁴² At least four-month resident of NY Must be ranked at least third highest of eligible candidates Must take relevant examination to determine rank			
North Carolina ⁴³	Chief Deputy and 20 Deputy Commissioners; 1 Chair and 5 Commissioners of the Industrial Commission	Appointed by North Carolina Industrial Commission	Shall be licensed attorney in North Carolina prior to their appointment Must have a background in workers' compensation cases	Civil service employees; may be dismissed for good cause ⁴⁴	_____	_____
North Dakota ⁴⁵	3 Permanent Administrative Law Judges	Appointed by Director of the Office of	Attorneys at law in good standing, admitted to the bar in	No specified term	_____	_____

⁴² N.Y. COMP. CODES R. & REGS. tit. 4 §§ 3.1-3.7 (2013).

⁴³ N.C. GEN. STAT. ANN. § 97-79; *Deputy Commissioners' Biographies*, N.C. INDUS. COMMISSION, <http://www.ic.nc.gov/ncic/pages/depbios.htm#glenn> (last updated Aug. 31, 2011).

⁴⁴ *n.b.*: Recent legislation, effective July 1, 2015, removes the Deputy Commissioners from the civil service and makes them at-will employees. Other proposed legislation would cause further upheaval in the corps of Deputy Commissioners. See the newspaper article at <http://www.newsobserver.com/2014/07/06/3987967/house-senate-budgets-would-alter.html>.

⁴⁵ N.D. CENT. CODE § 65-02-22.1 (West 2012); N.D. CENT. CODE § 54-57-01 (West 2012)

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	Personnel	Appointment Process (WCJ)	Appointment Qualifications (WCJ)	Term of Service (WCJ)	Reappointment Qualifications (WCJ)	Reappointment Process (WCJ)
	(ALJs) Eight contract (temporary) ALJs	Administrative Hearings	the state, and currently licensed by the state board of law examiners Must have a demonstrated knowledge of administrative practices and procedures Must be free of any association that would impair the person's ability to function officially in a fair and objective manner			
Ohio ⁴⁶	93 Hearing Officers	Appointed by Chairperson of the Industrial Commission with consultation from commission and approval of at least one other member	Must be admitted to the Ohio Bar.	Hearing Officers are classified as civil service employees, and thus may only be removed for cause.	_____	_____
Oklahoma ⁴⁷	Ten Judges	Judicial Nominating	Licensed to practice law in OK for at least	Eight years	Same as Appointment	Reappointed by Governor with the

⁴⁶ OHIO REV. CODE ANN. §§ 4121.34, 4121.121 (West 2013); *About the Industrial Commission*, OHIO INDUS. COMMISSION, <https://www.ic.ohio.gov/news/newsinfo.html> (last visited June 26, 2014).

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Personnel	Appointment Process (WCJ)	Appointment Qualifications (WCJ)	Term of Service (WCJ)	Reappointment Qualifications (WCJ)	Reappointment Process (WCJ)
	Commission submits three potential candidates Governor then appoints with the advice of the Senate If the Governor fails to appoint within 60 days the Chief Justice of the OK Supreme Court appoints with the advice of the Senate	five years At least five years of workers' compensation experience		Qualifications	advice of the Senate
Oregon ⁴⁸	26 Administrative Workers'	Must be member in	18 months or less	1. Formal review	ALJs are

⁴⁷ This listing presents data for what is known as the "Court of Existing Claims," formerly known as the Workers' Compensation Court. The court was superseded in part by the 2013 creation of the Oklahoma Workers' Compensation Commission (WCC). The court has jurisdiction over claims of injuries that occurred before February 1, 2014. The new Commission is made up of three commissioners, and has the power to appoint ALJs. The adjudication of a WCC ALJ may be appealed to the Commission. The statute does not finally establish the number of ALJs to be appointed. A summary is found at [http://www.owcc.state.ok.us/PDF/SB1062_Summary_FINAL_6-20-13\(2\).pdf](http://www.owcc.state.ok.us/PDF/SB1062_Summary_FINAL_6-20-13(2).pdf).

Judge David Reid, by memorandum to Judge Langham (FL) of August 5, 2014 adds, "We now have only six Judges on the Court of Existing Claims (as of July 1, 2014); two of the Judges' terms expire on July 1, 2016 and the other four Judges' terms expire July 1, 2020. The Supreme Court has ruled that the existing claims will stay subject to the law in effect at the time of injury, so many claims will remain open as of July 1, 2020. Some further legislative action will be required to handle those open claims once all terms have expired. This is so as it is doubtful that the new Commission (being an executive agency not a court) can hear those claims."

⁴⁸ OR. REV. STAT. ANN. § 656.724 (West 2013); *ALJ/Mediator Bios*, WORKERS' COMPENSATION BOARD, <http://www.cbs.state.or.us/wcb/mediation/aljbios.htm> (last visited July 8, 2013).

NAWCJ 2014: Workers' Compensation Judges: Numbers, Appointment, Terms of Service

Personnel	Appointment Process (WCJ)	Appointment Qualifications (WCJ)	Term of Service (WCJ)	Reappointment Qualifications (WCJ)	Reappointment Process (WCJ)
Law Judges (ALJs); 1 Board Chair and 4 Members	Compensation Board Chair, after consultation with the Board, shall appoint ALJs	good standing of the Oregon State Bar; 1. OR the bar of the highest court of record in any other state 2. OR currently admitted to practice before the federal courts in the District of Columbia	probationary period; regular employment after; (may be removed for cause)	every four years to determine competence or fitness of the ALJ 2. Annual survey of all attorneys in regular practice in front of ALJ every year	employed on a continuing basis, pending acceptable reviews and lack of dismissal for cause
Pennsylvania ⁴⁹ 90 Workers' Compensation Judges (Including four "Judge Managers" and the "Director of Adjudication") Chair and 8 members of the Appeal Board	Secretary of Labor and Industry appoints all Workers' Compensation Judges	1. Must be an attorney in good standing 2. Five years of workers' compensation practice, or the equivalent 3. Complete training and instruction, and pass a written examination ⁵⁰ 4. Satisfy annual continuing professional development	Indefinite term, as WCJs are civil service (since 1972)	Annual evaluation of: (1) job knowledge (2) work results (3) communication skills (4) initiative/ problem solving (5) interpersonal relations, and (6) work habits <i>n.b.:</i> Pennsylvania WCJs do not undergo any level	

⁴⁹ 77 PA. STAT. § 2501-2504 (2013); Comprehensive List of Judges, PA DEPARTMENT OF LAB. AND INDUS., http://www.portal.state.pa.us/portal/server.pt/community/judge_information/10416 (last visited June 26, 2014).

⁵⁰ 77 PA. STAT. § 1401(f) (2013).

NAWCJ 2014: Workers' Compensation Judges: Numbers, Appointment, Terms of Service

Personnel	Appointment Process (WCJ)	Appointment Qualifications (WCJ)	Term of Service (WCJ)	Reappointment Qualifications (WCJ)	Reappointment Process (WCJ)	
		requirements ⁵¹ 5. At outset, must have passed a customized civil service exam		of reappointment process, but unremedied failures to meet these performance requirements can result in removal.		
Rhode Island ⁵²	Chief Judge and 9 Associate Judges	Appointed by the Governor, with advice and consent of the senate	Must be an attorney at law and admitted to the bar	Continuing service until vacancy caused by death, resignation, retirement, removal, or any other cause	Same as Appointment Qualifications	Same as Appointment Process
South Carolina ⁵³	7 Commissioners	Appointed by Governor with the advice and consent of the Senate	Must have suitable experience, training, and knowledge appropriate for a commissioner	Six years	Same as Appointment Qualifications	Same as Appointment Process
South Dakota ⁵⁴	Three Hearing Officers/ Administrative Law Judges	Appointed by the Secretary of the Department of Labor and	Must be admitted to practice law in South Dakota	Serve at the pleasure of the Secretary	Same as Appointment Qualifications	Same as Appointment Process

⁵¹ 77 PA. STAT. § 1401(g) (2013).

⁵² R.I. GEN. LAWS §§ 28-30-1, 28-30-2, 28-30-3 (2013).

⁵³ S.C. CODE ANN. § 42-3-20 (2013).

⁵⁴ S.D. CODIFIED LAWS §§ 62-7-12.1 (2013); *Laws and Administrative Rules*, S.D. DEPARTMENT OF LAB. AND REG., <http://dlr.sd.gov/laws.aspx> (last visited July 26, 2014).

NAWCJ 2014: Workers' Compensation Judges: Numbers, Appointment, Terms of Service

	Personnel	Appointment Process (WCJ)	Appointment Qualifications (WCJ)	Term of Service (WCJ)	Reappointment Qualifications (WCJ)	Reappointment Process (WCJ)
	(ALJs)	Industry, with approval from the Governor				
Tennessee ⁵⁵	8 Workers' Compensation Judges (as of July 2014) 3 judge members of the Appeals Board	Appointed by the Administrator of the Division of Workers' Compensation	Licensed attorneys in good standing with Tennessee State Bar Must have at least five years experience in workers' compensation matters Must be at least 30 years of age	Six years (may be removed by the Governor for cause)	Same as Appointment Qualifications; two term maximum	Same as Appointment Process
Texas ⁵⁶	33 Hearing Officers	Hired as salaried state employees by the Texas Department of Insurance, Division of Workers' Compensation	Licensed to practice law in Texas	Hearing Officers are employed at-will	_____	_____
Utah ⁵⁷	7 Administrative	Appointed by Director of the	Established by the Director of the	ALJs are tenured, provided they	_____	_____

⁵⁵ On July 1, 2014, Tennessee transitioned to an administrative hearing process for workers' compensation claims, discontinuing, for new injuries, the practice of entertaining such claims in civil court. See TENN. CODE ANN. § 50-6-225 (West 2013). Civil court jurisdiction continues for pre-July 1, 2014 injuries.

⁵⁶ TEX. LABOR CODE ANN. § 410.152 (West 2013).

⁵⁷ UTAH CODE ANN. §§ 34A-1-301, 34A-1-302, 34A-2-112 (West 2013); *Adjudication Division Contact Information*, LAB. COMMISSION ST. UTAH, <http://laborcommission.utah.gov/divisions/Adjudication/contactAdjudication.html> (last visited July 29, 2014).

NAWCJ 2014: Workers' Compensation Judges: Numbers, Appointment, Terms of Service

	Personnel	Appointment Process (WCJ)	Appointment Qualifications (WCJ)	Term of Service (WCJ)	Reappointment Qualifications (WCJ)	Reappointment Process (WCJ)
	Law Judges (ALJs); [-----]	Division of Adjudication	Division of Adjudication	remain in good standing		
Vermont ⁵⁸	2 Hearing Officers, 1 Commissioner	Appointed by the Governor with the advice and consent of Senate	None discerned in statute or regulation	Indefinite term	_____	_____
Virginia ⁵⁹	22 Deputy Commissioners; Chair and 2 Members of the Commission	Appointed by Workers' Compensation Commission	None prescribed/stipulated for Deputy Commissioners ⁶⁰	Indefinite term; deputy commissioners serve at the will of the Commission	_____	_____
Washington ⁶¹	61 Industrial Appeals Judges (IAJs) ⁶² 3 member Board	Board members Appointed by the Governor, with the advice and consent of the	<i>Rep. of the Public:</i> Appointed from a list of not less than three active or judicial members of	Six years	Same as Appointment Qualifications	Same as Appointment Process

⁵⁸ VT. STAT. ANN. tit. 21, § 1 (West 2013). Vermont attempts to first resolve disputes arising from an employer's insurance company's denial of coverage to an injured worker through an informal process with a Specialist. 13-4 VT. CODE R. § 1:6.0000 (West 2013). If either party contests the finding of the Specialist, it will be placed on the formal hearing docket to be heard by the Commissioner of Labor or the Commissioner's designee (a Hearing Officer). 13-4 VT. CODE R. § 1:7.0000. Any decision by the Hearing Officer must be approved by the Commissioner.

⁵⁹ VA. CODE ANN. §§ 65.2-201, 65.2-203 (West 2013); See *Virginia Workers' Compensation*, VA. WORKERS' COMPENSATION COMMISSION, <http://www.vwc.state.va.us/portal/vwc-website/Contact> (last visited July 29, 2014).

⁶⁰ Although no statutory qualifications exist, it is the policy of the Commission that all Deputy Commissioners have at least five years' experience in private practice.

⁶¹ WASH. REV. CODE ANN. § 51.52.010 (2013).

⁶² Memorandum to Judge Langham (FL), from Mr. David Threedy, Chair, BIIA (July 30, 2014).

NAWCJ 2014: Workers' Compensation Judges: Numbers, Appointment, Terms of Service

Personnel	Appointment Process (WCJ)	Appointment Qualifications (WCJ)	Term of Service (WCJ)	Reappointment Qualifications (WCJ)	Reappointment Process (WCJ)
<p>of Industrial Insurance Appeals</p> <p>One rep. of the public, one rep. of workers, and one rep. of employers</p>	senate	<p>the Washington bar</p> <p><i>Rep. of Workers:</i> Appointed from a list of not less than three names of an organization, statewide in scope, which through its affiliates embraces a cross section and a majority of the organized labor of the state</p> <p><i>Rep. of Employers:</i> Appointed from a list of not less than three names of a recognized statewide organization, representing a majority of employers.</p>			
<p>West Virginia⁶³</p> <p>14 Administrative Law Judges (ALJs) (one Chief ALJ, two Deputy Chief ALJs, 11 ALJs);</p>	Appointed by Chief ALJ	<p>Must be admitted to the practice of law in West Virginia</p> <p>Shall have at least two years' experience as an attorney</p>	Classified employee with tenure, may be removed when it is "deemed ... for the good of the public"	Same as Appointment Qualifications	Same as Appointment Process

⁶³ W. VA. CODE ANN. § 23-5-8 (West 2013).

NAWCJ 2014: Workers' Compensation Judges: Numbers, Appointment, Terms of Service

	Personnel	Appointment Process (WCJ)	Appointment Qualifications (WCJ)	Term of Service (WCJ)	Reappointment Qualifications (WCJ)	Reappointment Process (WCJ)
	3 members of the Board of Review			service”		
Wisconsin ⁶⁴	16 Administrative Law Judges (ALJs); 3 members of Labor & Industry Review Commission	Civil Service position, not appointed but hired as a state employee	Shall be attorneys	Classified service, tenure provided ALJ remains in good standing	_____	_____
Wyoming ⁶⁵	11 Hearing Examiners (six full-time, five part-time)	Appointed by Director of the Office of Administrative Hearings	Must be a member in good standing of the Wyoming state bar Must have five years experience as an attorney	No set term, serve at the pleasure of the Director	Same as Appointment Qualifications	Same as Appointment Process

⁶⁴ WIS. STAT. ANN. § 102.18 (West 2013).

⁶⁵ WYO. STAT. ANN. § 27-14-602 (West 2013); WYO. STAT. ANN. § 9-2-2201 (West 2013).