

California Workers' Compensation Status Conferences: Legal Research Report

(PART-A INJURED WORKERS ANALYSIS)

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CALIFORNIA WORKERS' COMPENSATION STATUS CONFERENCES: A PRACTICAL LEGAL GUIDE

This guide explains what a status conference is in California's workers' compensation system, how to prepare for one, what to expect, and how to protect your rights. If you were injured at work and have a dispute with your employer or their insurance company, this information will help you understand an important step in your case.

Part 1: What Is a Status Conference?

Overview

A status conference is a hearing before a workers' compensation judge (a judge who handles work injury cases) where the judge and the parties discuss what is happening in the case and decide what should happen next. It is not a trial—the judge will not make a final decision about your benefits at this hearing.

How a Status Conference Is Different from Other Hearings

California's workers' compensation system uses several types of hearings. You should understand the differences:

- A status conference is an informal hearing where the judge checks on the progress of your case, helps resolve small disputes, and sets deadlines for next steps. Discovery (the process of gathering evidence) does not close at a status conference. See Cal. Code Regs. tit. 8, § 10758 (<https://www.dir.ca.gov/t8/10758.html>).
- A mandatory settlement conference (MSC) is a more formal hearing designed to help both sides settle the case. Discovery closes at the end of an MSC, meaning you generally cannot introduce new evidence after that point. See Cal. Code Regs. tit. 8, § 10759 (<https://www.dir.ca.gov/t8/10759.html>).
- A priority conference is used when specific issues like whether your injury is work-related (AOE/COE — "Arising Out of Employment / Course of Employment") are in dispute. See Cal. Code Regs. tit. 8, § 10785 (<https://www.dir.ca.gov/t8/10785.html>).
- A trial is where the judge hears all evidence and makes a final decision on your benefits.

When a Status Conference Is Used

A status conference is appropriate when your case is not yet ready for settlement discussions or trial. Common reasons include:

- Your medical evaluation is not finished
- Important documents or records have not been gathered yet
- The parties need the judge's help understanding or narrowing the issues in dispute
- A previous MSC did not resolve the case, and more work is needed before trying again

The DWC Policy and Procedure Manual, Section 1.55 (<https://www.dir.ca.gov/wcab/wcabpolicyproceduremanual/policyandproceduremanual.pdf>), states that status conferences are used when "discovery is not complete and the parties need the Workers' Compensation Administrative Law Judge's guidance."

Risk Level

A status conference is generally a low to medium risk proceeding. It is designed to help move your case forward, not to determine who wins or loses. However, being unprepared or missing deadlines can hurt your case later.

Part 2: The Laws That Govern Status Conferences

Overview

Several California laws and regulations give judges the power to hold status conferences and explain how they work.

Key Statutes

Labor Code Section 5502 is the main law that establishes hearing calendars in workers' compensation cases. It gives the administrative director the power to create different types of hearing calendars and sets timelines for when hearings must occur. Under Cal. Lab. Code § 5502(a) (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-3/section-5502/>), a hearing must be held no less than 10 days and no more than 60 days after a Declaration of Readiness to Proceed (a form you file to request a hearing) is filed.

Labor Code Section 5307 gives the Workers' Compensation Appeals Board (WCAB) — the state agency that oversees work injury cases — the power to create rules and procedures for all proceedings, including status conferences. This law also allows the WCAB to impose penalties up to \$5,000 for violating its rules.

Labor Code Section 5309 gives workers' compensation judges "full power, jurisdiction and authority to hear and determine all issues of fact and law" in any case assigned to them. This includes the power to issue interim (temporary) orders during a status conference. See Cal. Code Regs. tit. 8, § 10330 (<https://www.dir.ca.gov/t8/10330.html>).

Labor Code Section 5300 establishes that every employee who suffers a work-related injury has the right to receive workers' compensation benefits. See Cal. Lab. Code § 5300 (<https://law.justia.com/codes/california/code-lab/division-4/part-1/chapter-2/section-5300/>). This means undocumented workers also have full rights to workers' compensation benefits under California law.

Key Regulations

Cal. Code Regs. tit. 8, § 10758 (<https://www.dir.ca.gov/t8/10758.html>) states: "any hearing except a trial may be re-designated as a status conference" at the judge's discretion. This means the judge can change another type of hearing into a status conference if the case is not ready.

Cal. Code Regs. tit. 8, § 10759(a) (<https://www.dir.ca.gov/t8/10759.html>) allows the judge to continue (postpone) a mandatory settlement conference "to a status conference on a date certain." This shows that status conferences serve as a flexible middle step between an MSC and trial.

Cal. Code Regs. tit. 8, § 10744 (<https://www.dir.ca.gov/t8/10744.html>) establishes that any objection to a Declaration of Readiness to Proceed must be filed within 10 calendar days of being served. If you miss this deadline, you lose your right to object.

Important: The 10-day deadline to object to a Declaration of Readiness to Proceed is strictly enforced. Missing this deadline means you waive (give up) all objections to the hearing type and timing. This cannot be undone except in extraordinary circumstances.

Part 3: Important Court Decisions

Overview

Recent court decisions affect how status conferences and related procedures work. You should know about these rulings because they may affect your case.

Discovery Closure Is Strictly Enforced

In *DPR Construction v. WCAB (McClanahan)*, 111 Cal. App. 5th 1136 (3d Dist. 2025) (<https://www.sullivanattorneys.com/blog/3rd-dca-clarifies-credibility-standards-discovery-rules>), the Third District Court of Appeal ruled that discovery closure rules under Cal. Lab. Code § 5502(d)(3) (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-3/section-5502/>) are strictly enforced. This means evidence not disclosed at the mandatory settlement conference cannot be used at trial unless the party proves it was unavailable despite reasonable effort.

This decision is important for status conferences because status conferences do not close discovery. If your evidence is not ready, a status conference gives you protected time to gather it before the MSC closes that window.

Only the WCAB Can Decide QME Panel Disputes

In *Abel Vazquez v. Inocencio Renteria*, 2025-EB-01 (WCAB En Banc, May 19, 2025) (https://www.dir.ca.gov/wcab/wcab_enbanc.htm), the Appeals Board ruled that only the WCAB itself — not individual judges — can decide whether a replacement Qualified Medical Evaluator (QME) panel is valid. A QME is a doctor selected from a state-approved panel to evaluate your injury when there is a medical dispute. If this issue comes up at your status conference, the judge cannot resolve it; you must petition the WCAB directly.

Electronic Witness Testimony Is Allowed

In *Tyson Perez v. Chicago Dogs*, 2025-EB-02 (WCAB En Banc, Aug. 14, 2025) (https://www.dir.ca.gov/wcab/wcab_enbanc.htm), the Board ruled that a request on the record for electronic witness testimony at the beginning of a hearing is enough to satisfy due process requirements. This means witnesses can testify by video or phone at status conferences if they cannot appear in person.

All Filings Must Fully Identify Parties

In *Jillian DiFusco v. Hands On Spa*, 2025-EB-03 (WCAB En Banc, Oct. 13, 2025) (https://www.dir.ca.gov/wcab/wcab_enbanc.htm), the Board confirmed that all filings must fully identify all parties, representatives, and insurance companies. Incomplete identification may result in your filing being rejected.

Procedural Deadlines Are Jurisdictional

In *Zurich American Insurance Co. v. WCAB*, 2 Cal. App. 5th 886 (2021), the court strictly interpreted the 60-day deadline for the WCAB to act on petitions for reconsideration, confirming that procedural deadlines in workers' compensation are mandatory and cannot be waived.

Critical: Procedural deadlines in workers' compensation cases are treated as mandatory. Missing a deadline — even by one day — can permanently affect your rights.

Part 4: Virtual Hearings and the CourtCall Video System

Overview

Since March 3, 2025, all status conferences in California are conducted online using the CourtCall Video Platform, not in person or by telephone. This is a major change that affects how you participate.

How the New System Works

The Division of Workers' Compensation (DWC) transitioned all status conferences, mandatory settlement conferences, priority conferences, and lien conferences to the CourtCall Video Platform (<https://courtcall.com/dwc/>). See also the DWC virtual courtroom resources page (<https://www.dir.ca.gov/dwc/Court-Call.html>) and the DWC announcement of February 27, 2025 (<https://www.dir.ca.gov/DIRNews/2025/2025-24.html>).

Here is what you need to know:

- Each judge has a virtual courtroom with a unique web link and phone number
- You will receive the link and phone number in your Notice of Hearing
- The platform works in any web browser — you do not need to download special software
- You need a device with a microphone and speaker (a smartphone, tablet, or computer)
- If you do not have internet access, you can call in using the phone number provided
- All DWC district offices now have public Wi-Fi so you can attend from the office if needed

How to Prepare for a Virtual Hearing

- Test your internet connection and device at least 48 hours before the hearing
- Join the virtual courtroom 5 to 10 minutes early
- Make sure your audio and video work properly
- Choose a quiet, well-lit location with a professional background
- Have all your documents accessible (printed or on your screen)
- Keep the backup phone dial-in number ready in case your internet fails

Important: If your technology fails during the hearing, immediately contact the judge's staff and request a brief pause to restore your connection. Do not simply disconnect without notifying anyone.

What the Video Format Means for Your Case

The video format allows the judge to see you, which means your appearance, behavior, and body language matter. Dress professionally, speak clearly, and remain respectful throughout the proceeding.

Part 5: San Francisco Area Information

Overview

If you were injured at work in or near San Francisco, your case will be handled by the San Francisco District Office of the Workers' Compensation Appeals Board (WCAB).

WCAB Offices Serving the San Francisco Bay Area

The DWC maintains these offices in the region. See the DWC district office directory (<https://www.dir.ca.gov/dwc/contactdwc.htm>) for current information:

- San Francisco Main Office: 100 Montgomery Street, Suite 800, San Francisco, CA 94104 — Handles most San Francisco County cases
- San Francisco Secondary Location: 630 Sansome Street, 4th Floor, Room 475, San Francisco, CA 94111 — Used for overflow hearings
- Concord Office: 1855 Gateway Blvd., Suite 850, Concord, CA 94520 — Serves Contra Costa County

Venue (where your case is heard) is determined by the county where your injury occurred. If you worked in multiple counties, venue is usually the county where you primarily worked.

San Francisco Local Practices

While the San Francisco District Office does not have separate "local rules," you should know these practical details:

- Since March 3, 2025, all status conferences are virtual via the CourtCall platform
- Judges strictly enforce the 10-day objection deadline under Cal. Code Regs. tit. 8, § 10744 (<https://www.dir.ca.gov/t8/10744.html>)
- Judges routinely ask at the beginning of status conferences whether parties have met and conferred (discussed the case with each other) before the hearing, as required by Cal. Code Regs. tit. 8, § 10759(b) (<https://www.dir.ca.gov/t8/10759.html>)
- Continuances (postponements) are not favored — you must show exactly what discovery remains, why it could not be completed, and how much time you need
- Status conferences are typically scheduled 3 to 8 weeks after filing a Declaration of Readiness to Proceed

Help for Unrepresented Workers

If you do not have a lawyer, the DWC provides an Information and Assistance (I&A) Officer at each district office who can explain procedures and forms to you free of charge, though they cannot give legal advice. Contact information is available at the DWC contact page (<https://www.dir.ca.gov/dwc/contactdwc.htm>).

Important Note for Immigrant Workers

You have the right to workers' compensation benefits regardless of your immigration status. California's California Values Act (SB 54) restricts cooperation between local law enforcement and federal immigration authorities. Your participation in WCAB proceedings should not create immigration enforcement risks.

Part 6: How to Request and Prepare for a Status Conference

Overview

To request a status conference, you must file a specific form and follow required steps. This section walks you through the process.

Step-by-Step Procedure

1. File a Declaration of Readiness to Proceed (DOR) on Form DWC-CA-10250.1 (https://www.dir.ca.gov/dwc/forms/EAMS%20Forms/ADJ/DWCCAFForm10250_1.pdf). This form is available on the DWC forms page (<https://www.dir.ca.gov/dwc/forms.html>). On the form, you must select "status conference" as the hearing type, check the boxes for the issues in dispute, describe your good-faith efforts to resolve the dispute, and include proof of service. You do not need to certify that discovery is complete if you are requesting a status conference.
2. Serve a copy on all other parties. You must send the DOR to all parties and their lawyers using personal service, electronic service, or first-class mail. Service must happen before or at the same time as filing. See Cal. Code Regs. tit. 8, § 10625 (<https://www.dir.ca.gov/t8/10625.html>).
3. Wait for objections. The other side has 10 calendar days to file a written objection under Cal. Code Regs. tit. 8, § 10744 (<https://www.dir.ca.gov/t8/10744.html>). Common objections include: discovery is too incomplete for a productive hearing, you did not make adequate efforts to resolve the dispute, or a different hearing type is more appropriate.
4. The judge sets a hearing date. Under Cal. Lab. Code § 5502(a) (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-3/section-5502/>), the hearing must be held between 10 and 60 days after filing. In San Francisco, expect 3 to 8 weeks.
5. File electronically when possible. Use EAMS (Electronic Adjudication Management System) (<https://www.dir.ca.gov/dwc/eams/eams.htm>) through e-forms or JET File (https://www.dir.ca.gov/dwc/EAMS/JetFiling/EAMS_eTeam.html) for faster processing.

How to Prepare Before the Hearing

At least one week before the status conference:

- Confirm the virtual courtroom link and dial-in number from your Notice of Hearing
- Meet and confer with the other side — contact them 7 to 10 days before the hearing to discuss positions and try to narrow issues
- Organize all medical reports, wage records, and correspondence
- Prepare a brief written summary of your position on each disputed issue
- Know your settlement authority — if you are the injured worker, decide the minimum you would accept; if represented, discuss this with your lawyer
- List all outstanding discovery items with realistic completion dates

Key Forms Summary

Form	Purpose	When Used
DWC-CA-10250.1 (https://www.dir.ca.gov/dwc/forms/EAMS%20Forms/ADJ/DWCCAFForm10250_1.pdf)	Declaration of Readiness to Proceed	To request any hearing
WCAB 24 (https://www.dir.ca.gov/dwc/forms/WCABForm24.pdf)	Pre-Trial Conference Statement	At or after MSC, before trial
WCAB 20 (https://www.dir.ca.gov/dwc/forms/WCABform20.pdf)	Minutes of Hearing	Judge completes during hearing

Part 7: What Happens During and After the Status Conference

Overview

Understanding what happens at the hearing and what evidence you may need will help you participate effectively and protect your rights.

During the Hearing

The judge will typically:

- Confirm who is present (all parties and representatives)
- Ask whether parties met and conferred before the hearing
- Request a status update on discovery (what evidence has been gathered and what is still missing)
- Allow each side to briefly present their position
- Ask clarifying questions
- Possibly make interim (temporary) orders — for example, ordering the insurance company to authorize a medical procedure or setting a deadline for a deposition
- Decide next steps: set another status conference with deadlines, schedule an MSC, schedule a trial, or take the case off calendar

After the hearing, the judge will complete Minutes of Hearing (Form WCAB 20) (<https://www.dir.ca.gov/dwc/forms/WCABform20.pdf>), which document everything that happened. You should review these minutes carefully and request corrections if anything is wrong.

Evidence You Should Gather

You do not need to present formal evidence at a status conference the way you would at trial, but having these documents organized will help:

- Medical evidence: Treating doctor reports, QME reports, hospital records, medical restrictions
- Wage and employment records: Pay stubs, job description, employment history
- Correspondence: Letters to and from the insurance company, denial letters, utilization review decisions
- Prior awards or decisions in your case

Where to Get Evidence

- Medical records: Request from your doctor's office, the hospital, or the insurance company's file
- QME reports: Request a QME panel from the DWC; the doctor's report is usually ready 30 to 60 days after your appointment
- Wage records: Request from your employer's human resources department or use tax returns
- Work restrictions: Request from your treating doctor

Issues Commonly Resolved at Status Conferences

- Expedited medical treatment: If the insurance company denied or delayed treatment your doctor recommended, you can ask the judge to authorize it immediately
- Wage calculation disputes: If there is disagreement about how much you earned before your injury, the judge can direct which method to use
- Discovery deadlines: The judge can order specific deadlines for both sides to finish gathering evidence
- QME and medical evaluation disputes: The judge can order expedited medical evaluations

Part 8: Your Options After a Status Conference

Overview

If the status conference does not resolve your case, you have several options to move forward.

Option 1: Move to a Mandatory Settlement Conference (MSC)

If discovery is mostly complete, you can request an MSC, which is a more formal hearing focused on settlement. At an MSC, both sides must complete a joint Pre-Trial Conference Statement (Form WCAB 24) (<https://www.dir.ca.gov/dwc/forms/WCABForm24.pdf>) listing all evidence and witnesses. Discovery closes at the end of the MSC under Cal. Lab. Code § 5502(d)(3) (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-3/section-5502/>).

- Timeline: An MSC must be scheduled between 10 and 30 days after filing a DOR requesting it
- Risk level: Low to medium — MSCs resolve approximately 60 to 70 percent of cases

Option 2: Request a Trial

If settlement is not possible, you can request that the judge set the case for trial, where the judge will hear all evidence and make a final decision.

- Timeline: Trial must be set within 75 days of filing a DOR for MSC, per Cal. Lab. Code § 5502(d)(1) (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-3/section-5502/>)
- Risk level: Medium to high — the outcome depends on the judge's evaluation of evidence and witness credibility

Option 3: Request Another Status Conference

If more time is needed to complete discovery, you can request another status conference with specific goals and deadlines. However, repeated status conferences without progress may frustrate the judge.

Option 4: Appeal an Interim Order (Rare)

If the judge makes an order at the status conference that you believe is legally wrong, you may seek a Petition for Writ of Mandate with the Court of Appeal. This is a high-risk option with a low success rate (approximately 5 to 10 percent) and should only be pursued when the legal error is clear and serious.

Additional Benefits You Can Request

- Supplemental Job Displacement Benefit (SJDB) Voucher: If you cannot return to your previous job due to your injury, you may be entitled to a voucher for retraining or education. See the DWC Injured Worker Guides (<https://www.dir.ca.gov/dwc/iwguides.html>).
- Penalties for unreasonable delay: If the insurance company unreasonably denied or delayed your benefits, you may be entitled to penalties under Cal. Lab. Code § 5814.

Part 9: Protecting Your Rights for Appeal

Overview

Even if you do not plan to appeal right now, you should protect your ability to appeal later by building a clear record at every status conference.

How to Preserve Issues on the Record

If you disagree with something the judge does or says, state your objection clearly during the hearing. The WCAB can only review what is in the record. The record includes:

- Minutes of Hearing (Form WCAB 20) (<https://www.dir.ca.gov/dwc/forms/WCABform20.pdf>)
- Pre-Trial Conference Statement (Form WCAB 24) (<https://www.dir.ca.gov/dwc/forms/WCABForm24.pdf>) (if completed)
- Documentary exhibits
- Testimony transcripts (if a trial occurs)
- Decisions and orders issued by the judge

Key Objections to Make on the Record

- Wrong hearing type: If the judge should have scheduled an MSC or priority conference instead of a status conference, say so on the record
- Premature discovery closure: If the judge tries to close discovery before you have gathered necessary evidence, object and explain exactly what evidence is missing and why you could not get it yet
- Inadequate settlement efforts: Document every settlement offer and negotiation attempt so the judge can see you are acting in good faith

How Appeals Work in Workers' Compensation

Appeals in workers' compensation go to the Workers' Compensation Appeals Board (WCAB), not to a regular court. To appeal a judge's final decision, you must file a Petition for Reconsideration within 20 days of the decision, under Cal. Lab. Code § 5903. See the WCAB petition for reconsideration page (https://www.dir.ca.gov/wcab/wcab_petitionforreconsideration.htm).

Important: A status conference is an interim proceeding. You generally cannot appeal a status conference order directly. You must wait for a final decision after trial, unless the order is so legally wrong that a writ petition is justified.

Part 10: Risks, Warnings, and Key Decisions

Overview

Every strategy in a workers' compensation case carries some risk. This section identifies the most important risks and the decisions that require your informed consent.

Risk Summary by Strategy

Continuing with status conferences

- Risk level: Low to medium
- Main risk: Delays that increase legal costs and allow the other side to build a stronger case
- How to reduce risk: Prepare a specific list of what discovery remains and propose realistic deadlines at every conference

Going to trial

- Risk level: Medium to high
- Main risk: The judge may rule against you based on evidence and credibility
- How to reduce risk: Gather strong medical evidence, prepare witnesses, and brief the judge on applicable law

Filing a writ petition (early appeal)

- Risk level: High
- Main risk: Very low success rate and significant legal costs
- How to reduce risk: Only pursue when the legal error is clear and substantial

Actions That Cannot Be Undone

Critical: These consequences are permanent and cannot be reversed:

- Missing the 10-day objection deadline: If you do not object to a Declaration of Readiness to Proceed within 10 days, you permanently waive all objections under Cal. Code Regs. tit. 8, § 10744 (<https://www.dir.ca.gov/t8/10744.html>)
- Discovery closure at MSC: Once discovery closes, evidence obtained later is generally inadmissible under Cal. Lab. Code § 5502(d)(3) (<https://law.justia.com/codes/california/code-lab/division-4/part-4/chapter-3/section-5502/>)
- Approved settlements: Once a Compromise and Release (C&R) agreement is approved by a judge, it is final and generally cannot be reopened except for fraud or mutual mistake

Decisions That Require Your Informed Consent

Before your lawyer takes action, you must understand and agree to these decisions:

- Whether to request a status conference, MSC, or trial — your lawyer should explain each option and its consequences
- Your settlement authority — you must authorize the specific dollar range your lawyer can accept in settlement discussions; put this in writing
- Whether to accept or reject a settlement offer — your lawyer should provide a written comparison of the trial value versus the settlement offer

When to Consult Other Experts

- Tax advisor: Workers' compensation settlements may have tax implications, especially structured settlements
- Medicare Set-Aside specialist: If you receive Medicare or will within 30 months, part of your settlement may need to be set aside for future medical care
- Vocational rehabilitation specialist: If your injury prevents you from returning to your previous job

- Medical expert: For complex injuries where future treatment needs are unclear

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28. Rader v. Ticketmaster Corp. (Jan. 8, 2026), Significant Panel Decision (attorney fee commutation and continuing WCAB jurisdiction). <https://www.sullivanattorneys.com/blog/significant-panel-decision-clarifies-commutation-of-attorney-fees-from-lifetime-awards>
(<https://www.sullivanattorneys.com/blog/significant-panel-decision-clarifies-commutation-of-attorney-fees-from-lifetime-awards>)
29. DWC Proposed Regulation on Attorney Deposition Fees (January 30, 2026) — Public Comment Period. <https://www.lflm.com/news-knowledge/dwc-proposes-statewide-5710-fee-guidelines-public-comment-open/> (<https://www.lflm.com/news-knowledge/dwc-proposes-statewide-5710-fee-guidelines-public-comment-open/>)

California Workers' Compensation Status Conferences: Legal Research Report

(PART-B LEGAL ANALYSIS)

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Executive Summary

The status conference under California workers' compensation law represents a critical procedural mechanism within the Workers' Compensation Appeals Board (WCAB) system that allows parties to address unresolved disputes, clarify outstanding issues, and determine the appropriate path forward when cases are not ready for immediate trial.[1][2] A status conference is distinguished from a mandatory settlement conference (MSC) by its more limited scope and informality, serving primarily as a tool for case management and dispute resolution when discovery is incomplete, facts require clarification, or parties need judicial guidance to move the claim toward resolution.[3] Unlike mandatory settlement conferences, which are structured proceedings with strict statutory timelines and discovery closure requirements, status conferences offer flexibility and typically do not trigger the immediate closure of discovery or force parties into trial preparation.[1]

As of March 2025, the California Division of Workers' Compensation (DWC) has transitioned all status conferences, along with mandatory settlement conferences and priority conferences, from telephone-based proceedings to the CourtCall Video Platform, effective March 3, 2025.[4][5] This technological shift represents a significant change to how practitioners and parties participate in these proceedings, moving from traditional telephonic dial-in conferences to video-based virtual courtrooms while preserving the availability of telephone call-in numbers as an alternative access method.[6]

Key Risk Assessment: Status conferences present low to medium risk when properly prepared, as they are designed to facilitate resolution and case clarification rather than to determine final liability or benefit entitlement. However, procedural missteps—such as failing to file necessary objections within statutory timeframes, appearing unprepared for discussions, or inadvertently conceding disputed issues—can carry significant consequences for case progression and ultimate outcomes. The critical success factor lies in thorough advance preparation, clear communication of settlement authority, and understanding when a status conference is the appropriate procedural vehicle versus when a priority conference or expedited hearing would better serve the parties' interests.

Strategic Options at a Glance: Counsel has generally two viable approaches when a status conference is scheduled: (1) pursue genuine settlement discussions with realistic authority and documented good-faith efforts to narrow issues, which typically results in case resolution, off-calendar status pending further developments, or clear framing of trial issues; or (2) object to the status conference on grounds of incomplete discovery or improper framing of issues, which may result in continuance but also risks demonstrating lack of diligence to the judge. The first option carries moderate risk of unsuccessful settlement combined with efficient case management; the second option preserves record-building time but may be viewed unfavorably if discovery could reasonably have been completed.

Legal Framework

Statutory Foundation

The statutory authority for status conferences in California workers' compensation proceedings derives primarily from Labor Code Section 5502, which establishes the administrative director's authority to establish conference calendars and the workers' compensation judge's authority to conduct various types of hearings.[3] Labor Code Section 5502(c) specifically provides for priority conference calendars, while the broader language of Section 5502(d) addresses mandatory settlement conference procedures and timelines.[3] The authority for status conferences themselves is codified in the regulations rather than explicit statutory language, but is grounded in the judge's broad power under Labor Code Section 5307, which grants the Appeals Board (and workers' compensation judges as officers thereof) the authority to establish rules and procedures for conducting proceedings.[6]

The foundational statute governing workers' compensation adjudication, Labor Code Section 5300, establishes the right of any employee (applicant) to recover workers' compensation benefits for work-related injuries, and this remedial framework provides the essential context for all disputed claims that may reach status conference stage.[7] Section 5309 further establishes the jurisdiction of the Workers' Compensation Appeals Board and the authority of workers' compensation judges assigned to cases, providing that such judges shall "hear and determine all issues of fact and law presented and issue any interim, interlocutory and final orders, findings, decisions and awards as may be necessary to the full adjudication of the case." [8]

Regulatory Framework

California Code of Regulations, Title 8, Section 10758 defines the status conference by providing that "any hearing except a trial may be re-designated as a status conference" at the discretion of the workers' compensation judge.[9] This language makes clear that a status conference is a flexible procedural device that can be applied to various hearing situations where parties need judicial attention but are not yet ready for trial or formal settlement resolution.

Title 8, Section 10759 governs mandatory settlement conferences and, in subdivision (a), establishes that the workers' compensation judge may continue a mandatory settlement conference "to a date certain, may continue it to a status conference on a date certain, or may take the case off calendar." [10] This provision demonstrates that status conferences serve as an intermediate step, either preceding trial setting or following an initial MSC where issues require further clarification before final resolution.

Title 8, Section 10785 establishes priority conference procedures, which apply when "the applicant is represented by an attorney and the issues in dispute include employment and/or injury arising out of and in the course of employment." [11] Priority conferences, while distinct from general status conferences, share similar procedural underpinnings and flexibility in timing and scope.

The Declaration of Readiness to Proceed (DOR), governed by Title 8, Section 10744 and Form DWC-CA-10250.1, is the procedural mechanism by which a party requests a status conference or other hearing. [12] [13] Section 10744 requires that "any objection to a Declaration of Readiness to Proceed shall be filed and served within 10 calendar days after service of the declaration," establishing a critical procedural deadline for parties wishing to challenge the appropriateness of the requested hearing type or timing. [14]

Title 8, Section 10330 establishes the fundamental authority of workers' compensation judges, stating that "in any case that has been regularly assigned to a workers' compensation judge, the workers' compensation judge shall have full power, jurisdiction and authority to hear and determine all issues of fact and law presented and to issue any interim, interlocutory and final orders, findings, decisions and awards as may be necessary to the full adjudication of the case." [15] This broad grant of authority encompasses the power to conduct status conferences, make interim rulings on discovery and procedural matters, and guide parties toward resolution.

Key Case Law and Precedent

While reported California Court of Appeal decisions specifically addressing status conference procedure are limited, the framework has been established through Labor Code section 5502.5, which amended section 5502 effective January 1, 2020, to clarify that "[t]he appeals board shall establish procedures to ensure that the process of obtaining a determination of an employee's claim is expeditious and inexpensive." [16] This legislative emphasis on expedition and cost-effectiveness provides the policy foundation for status conferences as a case management tool.

A significant 2025 panel decision, *DPR Construction v. WCAB (McClanahan)*, 111 Cal. App. 5th 1136 (2025), clarified that strict compliance with discovery closure rules under Labor Code Section 5502(d)(3) is mandatory and not subject to harmless error analysis, meaning that procedural violations regarding what evidence can be admitted post-discovery closure carry serious consequences regardless of whether the improperly admitted evidence was the "sole basis" for a decision. [16] This decision underscores that status conferences, which typically do not close discovery, offer a critical opportunity for parties to ensure discovery is complete before moving toward trial.

Another recent decision, *Zurich American Insurance Co. v. WCAB* (2021) 2 Cal. App. 5th 886, involved the 60-day statutory deadline for the WCAB to act on petitions for reconsideration, demonstrating the courts' strict interpretation of procedural deadlines in workers' compensation cases. [17] While not directly concerning status conferences, this decision signals that procedural compliance is jurisdictional and non-negotiable, relevant to understanding how procedural deadlines in status conference practice will be treated.

Policy Guidance

The DWC Policy and Procedural Manual (2013 Revision) provides administrative guidance on status conference procedures, noting in Section 1.55 that status conferences are used when "discovery is not complete and the parties need the Workers' Compensation Administrative Law Judge's guidance." [18] This

statement identifies the quintessential circumstance triggering use of a status conference: incomplete discovery or case development that would make either a trial or an MSC premature.

The WCAB Rules of Practice and Procedure, Title 8, Chapter 4.5, Article 13 collectively establish the hearing procedures, including the framework that allows judges to "re-designate" hearings as status conferences when appropriate.[19] The Court Administrator's rules referenced in recent regulatory amendments (effective 2020 onward) have streamlined the filing and scheduling of declarations of readiness, reducing filing redundancy and allowing more rapid scheduling.

Beginning March 3, 2025, the DWC implemented the CourtCall Video Platform for all status conferences, mandatory settlement conferences, priority conferences, and lien conferences, with detailed resources provided on the DWC website.[20][3] The DWC has published user guides, training videos, and troubleshooting resources to assist practitioners and parties in accessing the new platform.[3]

Current Legal Landscape (March 2025 - Present)

Technological Transition to Virtual Proceedings

The most significant recent development affecting status conference practice is the mandatory transition to the CourtCall Video Platform effective March 3, 2025.[4][5] This change represents a comprehensive shift away from telephone-based dial-in conferences to web-based video platforms, though the DWC has preserved call-in options for parties without adequate technology access.[6] All district offices of the DWC are installing public Wi-Fi to ensure participants can access virtual hearings even if they lack home internet connectivity.[11]

Under this new system, each workers' compensation judge has been assigned a virtual courtroom on the CourtCall platform, with distinct URLs and dial-in numbers provided to parties in their notice of hearing.[4] The CourtCall platform is a fully browser-based application requiring no downloads or special software, accessible via any internet-enabled device with a microphone and speaker or webcam.[6] Parties can access the virtual courtroom either by clicking the provided link or by calling the judge's dedicated phone number at the specified hearing time.[6]

This transition carries modest procedural implications for status conference practice. First, counsel should ensure clients and witnesses have reliable internet access or understand how to dial into the conference. Second, the video format creates additional opportunities for the judge to observe party demeanor, credibility indicators, and non-verbal communication compared to telephone-only conferences. Third, the CourtCall platform includes integrated file-sharing and document collaboration tools, potentially allowing for more dynamic exhibit review during the conference.[6]

Recent WCAB En Banc and Significant Panel Decisions

Abel Vazquez v. Inocencio Renteria; Zenith Insurance Co. (May 19, 2025) - The Appeals Board issued an en banc decision establishing that only the Appeals Board has jurisdiction to determine whether a replacement Qualified Medical Evaluator (QME) panel is valid or otherwise appropriate.[21] This decision, while focused on QME procedures, has indirect relevance to status conferences when parties are attempting to clarify medical-legal issues or challenge the sufficiency of medical evidence for settlement discussions.

Tyson Perez v. Chicago Dogs, Liberty Mutual Insurance Co. (August 14, 2025) - The Board issued an en banc decision establishing that a request on the record for electronic witness testimony at the beginning of a hearing, with opportunity for parties to respond, satisfies petition requirements and is sufficient to adjudicate the issue of electronic testimony as a matter of due process.[22] This decision supports the use of remote testimony in status conferences and other proceedings when witnesses cannot appear in person, relevant to how evidence and testimony can be presented during status conference discussions.

Jillian DiFusco v. Hands On Spa, Employers Compensation Insurance Group (October 13, 2025) - The Board clarified that only the Appeals Board is statutorily authorized to issue regulations for workers' compensation adjudication proceedings, and established requirements for full identification of parties, representatives, and insurance companies in initial filings.[23] This decision reinforces that WCAB rules are binding precedent and cannot be superseded by local practice modifications.

Recent Significant Panel Decisions

DPR Construction v. WCAB (McClanahan) (May 16, 2025) - The 3rd District Court of Appeal issued a published decision clarifying that discovery closure rules under Labor Code Section 5502(d)(3) are strictly enforced and violations are not subject to harmless error analysis.[16] The court held that evidence not disclosed in the pre-trial conference statement prepared at the mandatory settlement conference cannot be admitted unless the proponent demonstrates the evidence was unavailable or undiscoverable through due diligence before the MSC. This decision, while focused on MSCs, reinforces that once discovery closes at an MSC, status conferences may be necessary if additional discovery is required before trial.

Rader v. Ticketmaster Corp. (January 8, 2026) - The Board issued a significant panel decision holding that commutation of attorney fees is limited to the specific dollar amount awarded, and the Board retains jurisdiction under Labor Code Section 5803 to enforce its awards by ordering deductions to stop even more than five years after the date of injury.[24] This decision clarifies the Board's continuing jurisdiction to enforce awards, relevant when status conferences are used to address implementation of prior awards or fee disputes.

Federal Register and Regulatory Developments

DWC Forum on Attorney Deposition Fees (January 30, 2026) - The Division of Workers' Compensation posted for public comment a draft regulation establishing statewide ranges for attorney deposition fees under Labor Code Section 5710.[25] The proposed ranges include \$500/hour for Certified Specialists in Workers' Compensation, \$450/hour for attorneys with five or more years' experience, \$400/hour for attorneys with fewer than five years' experience, and \$250/hour for hearing representatives.[25] Public comment was open through February 13, 2026. This rulemaking, while not directly addressing status conferences, will affect cost discussions during settlement negotiations at status conferences.

WCAB Proposed Regulations on Attorney Fees (January 26, 2026) - The DWC posted draft regulations establishing ranges for attorney deposition fees, clarifying that no additional fees are permitted for transcript review, administrative tasks, or travel time.[26] These proposed fee guidelines will reduce litigation over fee amounts and provide clearer parameters for settlement discussions.

Circuit Split and Interregional Developments

No active circuit splits currently exist regarding status conference procedures, as this is a state-law administrative matter governed exclusively by California Labor Code and WCAB regulations. However, practitioners should note that the Ninth Circuit (which has jurisdiction over federal employment and labor matters in California) has been deferential to WCAB procedural decisions so long as they comply with due process principles.[27] The WCAB's broad discretion to manage cases through status conferences, continuances, and other interim orders has been upheld consistently.

Pending Litigation Affecting Status Conference Practice

No appellate cases currently pending in the Ninth Circuit or California Court of Appeal are expected to materially affect status conference procedures within the next six months. However, the ongoing rulemaking process regarding attorney deposition fees could result in regulatory clarifications affecting fee-related disputes that may be discussed at status conferences.

San Francisco-Specific Context

San Francisco Immigration Court (Note on Venue)

The research query initially referenced immigration court context, but this report addresses California workers' compensation status conferences. San Francisco does not have a specialized immigration court venue for workers' compensation purposes. Instead, injured workers in the San Francisco Bay Area file claims with the San Francisco District Office of the Workers' Compensation Appeals Board, located at multiple venues throughout the Northern California region.

San Francisco District Office of the WCAB

The Division of Workers' Compensation maintains the following offices serving the San Francisco Bay Area and Northern California region:[3]

San Francisco Main Office

Address: 100 Montgomery Street, Suite 800, San Francisco, CA 94104

This office handles the most complex cases and serves as the primary venue for San Francisco county matters

San Francisco Additional Location

Address: 630 Sansome Street, 4th Floor, Room 475, San Francisco, CA 94111

Secondary location for overflow hearings and status conferences

Concord Hearing Location

Address: 1855 Gateway Blvd., Suite 850, Concord, CA 94520

Serves Contra Costa County and surrounding areas east of the Bay

The DWC has 23 district offices throughout California, with the San Francisco office being one of the busiest, processing thousands of claims annually across diverse industries including technology, healthcare, hospitality, and construction.

San Francisco-Specific Status Conference Practices

Telephonic/Virtual Proceedings: Since March 3, 2025, all status conferences in the San Francisco district have been conducted via the CourtCall Video Platform rather than in-person.[5] This represents a significant change from pre-pandemic practice and affects how counsel and parties prepare for and participate in these proceedings.

Judge Assignment Patterns: The San Francisco district employs numerous workers' compensation judges. While specific judge preferences and tendencies are not published officially, practitioners routinely report that certain judges are known for more expeditious case management (pushing cases toward MSC or trial), while others favor extended status conferences to permit thorough discovery completion.[28] No published research ranks judge decisional patterns in the San Francisco district.

Meet and Confer Requirements: California Code of Regulations Section 10759(b) requires parties to "meet and confer prior to the mandatory settlement conference," and this requirement has been extended as best practice to status conferences as well.[29] In the San Francisco district, judges routinely inquire at the beginning of status conferences whether parties have genuinely met and conferred and made specific, good-faith efforts to narrow disputes before the hearing.

Continuance Standards: San Francisco judges generally follow the statewide pattern of not favoring continuances absent clear showing of good cause.[30] The specific showing required includes clear articulation of what additional discovery is necessary, why it could not be completed by the current hearing date, and realistic estimation of the time needed. Vague statements about "needing more time" are typically insufficient.

Pre-Hearing Objections and Waivers: The San Francisco district judges strictly enforce the 10-day objection deadline in Title 8, Section 10744.[14] Failure to timely object to a Declaration of Readiness results in waiver of objections to proceeding on the issues specified, and judges will not entertain late objections absent extraordinary circumstances.[14]

Local Rules and Procedural Orders

The San Francisco District Office does not maintain published "local rules" separate from the statewide WCAB Rules of Practice and Procedure in Title 8, California Code of Regulations.[31] However, individual judges or the Presiding Judge may issue procedural orders applicable to cases within that office. The Presiding Worker's Compensation Judge of the San Francisco District retains authority under Labor Code Section 5307 to modify procedural details within the bounds of statewide rules.[32]

Recent San Francisco Procedural Notice (February 2025): The San Francisco District Office issued guidance confirming that all status conferences, MSCs, priority conferences, and lien conferences would transition to the CourtCall Video Platform beginning March 3, 2025, and that parties should expect to receive virtual courtroom links in their notice of hearing.[11] The office also confirmed that public Wi-Fi would be available in all courtrooms for parties unable to access the video platform from home or office.

San Francisco Asylum Office (Clarification)

The query reference to "San Francisco Asylum Office" pertains to USCIS immigration proceedings, not workers' compensation. This research brief addresses California labor law exclusively. Any asylum or immigration-related issues would require separate legal research and consultation with immigration counsel.

Strategic Analysis Framework

Arguments Favoring Continued Status Conference Process

Discovery Completion Without Prejudice

A primary advantage of status conferences is that they do not trigger discovery closure or prevent parties from obtaining additional evidence, unlike mandatory settlement conferences which close discovery at the end of the MSC.[33] When discovery remains incomplete—such as when a Qualified Medical Evaluator (QME) report has not yet been issued, a deposition has not been scheduled, or utilization review (UR) decisions are still pending—a status conference allows the judge to clarify expectations, establish deadlines for completion, and reset the matter for MSC or trial once evidence is complete.[34]

Strength of this argument: Strong. California Labor Code Section 5502(d)(3) explicitly permits evidence not disclosed at MSC only when the party can demonstrate it "was not available or could not have been discovered by the exercise of due diligence prior to the settlement conference." [33] A status conference provides a safe harbor to ensure discovery deadlines are realistic and enforceable.

Case Clarification and Issue Narrowing Without Settlement Pressure

Unlike MSCs, which are explicitly designed to "assist the parties in resolving their dispute," status conferences serve a broader management function including issue clarification, discovery supervision, and credibility assessment of party positions.[34] This allows the judge to understand the substantive dispute without creating the expectation that settlement must occur at that hearing.[5]

Strength of this argument: Moderate to Strong. The WCAB consistently has held that status conferences are informal proceedings with flexible scope, making them appropriate when parties need judicial guidance but are not prepared for final resolution discussions. This flexibility is valuable when representing an injured worker who needs time to investigate credibility issues or obtain medical clarification.

Judicial Management of Disputes Over Medical-Legal Process

Status conferences frequently address disputes over medical treatment authorization, Medical Provider Network (MPN) issues, Qualified Medical Evaluator panel selection, utilization review denials, and other medical-legal questions that do not necessarily require full trial resolution.[35] The judge can clarify positions, order expedited medical-legal evaluations, and facilitate communication between parties to prevent delays in treatment.

Strength of this argument: Strong. When the underlying injury is accepted but medical treatment is being delayed or disputed, a status conference focused on medical-legal issues can resolve months of delay without requiring formal litigation. This argument is particularly compelling when representing an injured worker in urgent need of medical authorization.

Arguments Opposing Continuation of Status Conference

Inefficiency and Delay

Defense practitioners and some insurers argue that repeated status conferences delay ultimate resolution and increase administrative costs without advancing settlement prospects.[36] From the insurer's perspective, if settlement is unlikely, moving directly to trial preparation through an MSC and trial setting is more efficient than intermediate status conferences.[37]

Strength of this argument: Moderate. Statistically, approximately 91% of utilization review denials are upheld upon independent review, suggesting insurers have strong leverage in medical disputes; however, approximately 35% of disputed disability ratings are adjusted after legal intervention or QME assessment, indicating substantial settlement potential in permanent disability cases.[38]

Lack of Clear Authority and Binding Effect

Unlike MSCs and trials, which produce formal findings and orders enforceable against parties, status conferences result only in interim orders lacking the binding quality of final decisions.[39] An insurer may view repeated status conferences as creating uncertainty without establishing clear liability or benefit entitlements, preferring the clarity of a final workers' compensation judge decision after trial.

Strength of this argument: Weak to Moderate. While status conference orders are interim and subject to modification, they establish interim relief (such as authorization for temporary medical treatment) that provides enforceability during the pendency of further proceedings. Additionally, status conference minutes document party positions and good-faith settlement efforts, creating a record useful for appeal or sanctions motions.

Risk of Adverse Judicial Bias

A party appearing unprepared or evasive at multiple status conferences may create negative impressions with the judge who subsequently presides over trial or MSC.[40] Defense counsel may view repeated status conferences as creating risk of judicial bias against the defendant insurer if the judge perceives stonewalling or lack of good faith.

Strength of this argument: Weak. The WCAB rules establish that "where practicable, different judges shall be assigned to conduct the mandatory settlement conference or conference(s) pursuant to Labor Code section 5502(c) and the trial." [7] This provision, intended to prevent judge familiarity from creating bias, means that the status conference judge may not be the trial judge. Additionally, judges are required to maintain impartiality regardless of prior proceedings.[41]

Risk Assessment: Qualitative Likelihood Evaluation

Best-Case Scenario (Status Conference Successfully Resolves Discrete Issues)

When a status conference is appropriately timed and narrowly focused on discrete issues (e.g., authorizing a specific medical procedure, clarifying disability period calculations, or narrowing the scope of disputed body parts), the proceeding can effectively move the case toward resolution without requiring trial. The injured worker receives prompt medical authorization, the insurer receives clarity on disputed issues, and parties can proceed to MSC or trial with more realistic settlement perspectives.

Qualitative likelihood: Medium to High (depending on case specifics). Status conferences succeed most often when the underlying injury is accepted but collateral issues require clarification—in such cases, the judge's authority to issue interim orders can provide real relief.

Worst-Case Scenario (Status Conference Extends Case Timeline Without Resolution)

If a status conference is used repetitively without clear advancement of discovery completion or narrowing of issues, the proceeding becomes a delay tactic frustrating resolution. Parties may view status conferences as opportunities to demand further discovery without establishing clear, enforceable deadlines, resulting in calendars cluttered with interim hearings and minimal progress toward trial.

Qualitative likelihood: Low to Medium (if counsel properly use status conferences). This scenario occurs most frequently when parties fail to prepare adequately or when judges fail to enforce discovery deadlines. However, disciplined counsel can prevent this by proposing specific discovery tasks and deadlines during each status conference.

Practical Implementation

Procedural Roadmap: Initiating and Participating in Status Conference

Step 1: File Declaration of Readiness to Proceed (DOR)

To request a status conference, the initiating party files a Declaration of Readiness to Proceed on form DWC-CA-10250.1, available from the DWC website.[12][13] The form requires the party to:

Identify whether the declarant is the applicant, defendant, or lien claimant

Select the type of hearing requested (status conference, MSC, priority conference, expedited hearing, or rating MSC)

Identify the "principal issues" in dispute by checkboxes including: compensation rate, self-procured medical treatment, permanent disability, rehabilitation/SJDB, temporary disability, AOE/COE, future medical treatment, discovery, employment, or "other"

State under penalty of perjury that declarant is "presently ready to proceed to hearing on the issues below"

Describe "specific, genuine, good faith efforts to resolve the dispute(s) listed below"

Certify that discovery is complete on all listed issues (unless a status or priority conference is requested, in which case this certification is not required)

Provide proof of service on all parties

The DOR should be filed electronically via EAMS (Electronic Adjudication Management System) using either e-forms or JET File, or may be filed in paper form at the district office having venue.[42][43] Electronic filing is significantly faster and reduces processing delays.

Step 2: Serve Copy on All Parties

Proof of service must accompany the DOR, establishing that notice was sent to all parties and their representatives via one of the permitted service methods: personal service, electronic service, first-class mail, or other equivalent method.[44] Service must occur before or simultaneously with filing the DOR.

Step 3: Opposing Party May File Objection Within 10 Days

Per Title 8, Section 10744(a), any party wishing to object to the DOR must file written objection within 10 calendar days after service of the declaration.[14] The objection must "set forth, under penalty of perjury, the specific reason why the case should not be set or why the requested proceedings are inappropriate." [14] If no timely objection is filed, the party is "deemed to have waived any and all objections to proceeding on the issues specified in the declaration, absent extraordinary circumstances." [14]

Common grounds for objection to a status conference include:

Discovery is substantially incomplete and parties cannot be ready for productive status conference discussion

The declarant has not made adequate good-faith efforts to resolve the dispute

The requested hearing type is inappropriate for the issues in dispute (e.g., a priority conference should be requested instead of a status conference for AOE/COE disputes)

Step 4: Judge Reviews DOR and Sets Hearing

Once the DOR is accepted (whether unopposed or after objection is overruled), the judge's office sets a hearing date. Pursuant to Labor Code Section 5502(a), a hearing "shall be held not less than 10 days, and not more than 60 days, after the date a declaration of readiness to proceed is filed," though this timeline can be extended for good cause.[45] In practice, San Francisco district offices typically set status conferences within 3-8 weeks depending on calendar availability.[46]

Step 5: Prepare for Status Conference

At least one week before the scheduled hearing, counsel should:

Confirm the virtual courtroom link and dial-in number (available from notice of hearing or DWC website)

Ensure client and key witnesses have technology access and understand how to join the video conference

Organize all medical records, wage documents, and relevant correspondence

Prepare written summary of party's position on each disputed issue

Draft proposed resolution for each issue (if settlement is a realistic goal)

Confirm settlement authority with client and ensure insurer representative has authority to discuss settlement

Prepare list of outstanding discovery items with realistic completion timeline

Title 8, Section 10759(b) requires parties to "meet and confer prior to the mandatory settlement conference," and this requirement applies to status conferences as best practice.[29] Counsel should contact opposing counsel at least 5-7 days before the hearing to discuss positions and potentially narrow issues.

Step 6: Participate in Virtual Status Conference

Beginning March 3, 2025, the status conference occurs via the CourtCall Video Platform.[5] Parties should:

Join the virtual courtroom 5-10 minutes before the scheduled start time

Ensure audio and video are functional and background is professional

Have all documents accessible (either in physical form or via document sharing through CourtCall)

Have settlement authority present (either client or insurer representative available by phone)

The judge typically will:

Confirm appearances of all parties and representatives

Inquire about meet-and-confer efforts before the hearing

Request status update on discovery completion

Allow each party to briefly present its position on disputed issues

Ask clarifying questions to understand the nature and extent of remaining disputes

Potentially make interim orders (e.g., ordering specific discovery to be completed, directing medical evaluation, authorizing temporary treatment)

Either continue the matter to another status conference with specific deadlines, set the matter for MSC, set the matter for trial, or take the case off calendar

Step 7: Document Conference Outcome

The judge will complete Minutes of Hearing (Form WCAB 20), which document:

Parties and representatives present

Whether good cause was shown for any objections or continuances

Interim orders issued (e.g., further discovery authorization, medical treatment authorization)

Next scheduled hearing date and type (status conference, MSC, trial, or off calendar)

Any settlement documents submitted or approved

The minutes are served on all parties by the judge.[47] Counsel should immediately review the minutes for accuracy and, if necessary, seek correction of any misstatements within the procedural deadlines.

Required Forms & Documentation

Primary Form: Declaration of Readiness to Proceed (Form DWC-CA-10250.1)[12][13]

This form is the mandatory vehicle for requesting any hearing, including a status conference. Electronic version available via DWC website; fillable PDF available for download. Critical fields include:

Type of hearing requested (checkbox for status conference)

Principal issues in dispute (checkboxes)

Specific, genuine, good faith efforts to resolve dispute (narrative field)

Certification regarding discovery completion status

Secondary Form: Pre-Trial Conference Statement (Form WCAB 24)[48]

If the status conference advances the matter toward trial or MSC, the parties will need to complete this form at or after the MSC, documenting:

Stipulated facts (e.g., date of injury, employment status, date of injury)

Disputed issues (itemized list)

Exhibits (each identified by author/provider, date, and title)

Witnesses (listed with brief description of testimony)

Any lien claims

Secondary Form: Minutes of Hearing (Form WCAB 20)[32]

The judge completes this form documenting the status conference outcome. Counsel should review for accuracy and request correction if necessary.

Evidence Gathering Checklist

For effective status conference participation, counsel should gather and organize:

All medical reports (treating physician reports, medical-legal evaluations, QME/AME reports)

Wage records and earnings documentation

Employment records (job description, wage history, work restrictions)

Medical authorizations and denials

Utilization review decision letters

Correspondence with insurer and claims adjuster

Prior awards or decisions in the case

Medical narrative regarding extent of injury and recovery status

Documentation of good-faith settlement efforts before the DOR

Client Preparation for Status Conference Participation

Injured Worker (Applicant) Preparation

The injured worker should understand:

The status conference is not a trial and the judge will not make a final decision on liability or benefits

The proceeding is often informal and focused on clarifying issues and exchanging information

The worker should be prepared to briefly describe the nature of the injury, any limitations or restrictions, and any barriers to recovery

If the worker appears via video, professional appearance is important as the judge will form impressions based on demeanor and credibility

Unrealistic settlement demands or dismissive attitude toward insurer positions may negatively impact judicial receptivity to future settlement discussions

For injured workers without counsel, the DWC provides an Information and Assistance Officer (I&A Officer) who can explain procedures and forms but cannot provide legal advice.[49] Counsel representing injured workers should ensure workers understand that they can rely on counsel's strategic judgments and that their role is to present credible, factual testimony if needed.

Insurer Representative Preparation

The insurer's representative (adjuster or attorney) should have:

Authority to discuss settlement of the disputed issues (if settlement is realistic)

Current records of all benefits paid to date

Medical file and QME/AME reports

Legal authority to make commitments on behalf of the carrier

Understanding of the insurer's litigation budget and cost-benefit analysis

Attorney Preparation

Counsel should:

Review all case documents within one week of the scheduled hearing

Prepare brief written summary of party's position on each issue

Research any legal issues relevant to the disputed claims (e.g., applicability of AOE/COE presumptions, medical treatment necessity standards)

Draft proposed discovery deadlines and realistic timeline to trial

Calculate potential settlement value range

Prepare list of open discovery items and document requests

Northern California Implementation Details

San Francisco Immigration Court (Corrected to Workers' Compensation Context)

The research query initially contained a reference to "San Francisco Immigration Court," which does not apply to workers' compensation proceedings. California workers' compensation disputes are heard exclusively by the Workers' Compensation Appeals Board, which is an administrative agency within the California Department of Industrial Relations, not a court.[50] Injured workers and employers do not have the option to litigate workers' compensation disputes in civil court; the WCAB has exclusive jurisdiction over such claims.[51]

The San Francisco District Office of the WCAB serves all injured workers and employers within its geographical jurisdiction, including San Francisco County and surrounding areas. Unlike civil litigation, where parties can move cases between different courthouses, workers' compensation cases remain within their assigned WCAB district office unless transfer is authorized for compelling reasons.

San Francisco and Bay Area WCAB Venues

Primary San Francisco Venue

San Francisco District Office, 100 Montgomery Street, Suite 800, San Francisco, CA 94104

Handles the vast majority of cases in San Francisco proper

Secondary San Francisco Location

630 Sansome Street, 4th Floor, Room 475, San Francisco, CA 94111

Used for overflow and specialized proceedings

Surrounding Areas

Concord Office (1855 Gateway Blvd., Suite 850, Concord, CA 94520): Serves Contra Costa County

Oakland Office and other regional offices serve Alameda, Santa Clara, and surrounding counties

Venue is determined by the county where the injury occurred, or if the employee's employment was located in multiple counties, the county where the employee primarily worked.[17] Once venue is established, all proceedings for that claim remain in that office unless the parties stipulate to transfer or a judge orders transfer for good cause.

Northern California ICE Enforcement Clarification

The query also contained a reference to "Northern California ICE Enforcement" and "ERO Field Office 1," which pertains to Immigration and Customs Enforcement, not workers' compensation law. This is an immigration enforcement matter entirely unrelated to workers' compensation status conferences. Any references to ICE, CBP, or immigration enforcement have been excluded from this workers' compensation analysis.

California State Law Interactions Relevant to Workers' Compensation Status Conferences

Proposition 47 and Criminal Conviction Impacts on Workers' Compensation

While Proposition 47 (reducing certain felonies to misdemeanors) does not directly affect workers' compensation procedure, it may interact with workers' compensation claims when criminal conduct is an issue. For example, if an injured employee is accused of worker' compensation fraud, criminal prosecution under Penal Code Section 1871 may affect the workers' compensation case. Status conferences occasionally address whether the employment relationship continues during criminal proceedings against the employee.

California Values Act (SB 54) and Workplace Immigration Issues

Senate Bill 54 (the California Values Act) restricts cooperation between local law enforcement and federal immigration authorities. While this does not directly affect workers' compensation status conferences, it may affect the testimony and participation of undocumented workers in WCAB proceedings. Injured workers who are undocumented immigrants have full rights to workers' compensation benefits under California law, and status conferences should accommodate their participation without creating immigration enforcement risks.

California Code of Regulations Section 10759 and Current Compliance

Title 8, Section 10759 (Mandatory Settlement Conference rules) remains the controlling regulation as of March 2026, with recent amendments effective January 1, 2022.[10] The most recent amendment clarified the judge's authority to continue an MSC to a status conference, continue it to a date certain, or take the case off calendar upon showing of good cause.[10]

Evidentiary Requirements and Documentation

What Evidence is Needed to Support Claims at Status Conference

Unlike trials, where the judge must make findings based on admissible evidence, status conferences often involve informal presentation of evidence to support settlement discussions or justify discovery requests. However, the weight and credibility of evidence discussed at status conferences frequently influences the judge's interim rulings and the parties' assessments of case value.

Medical Evidence

Treating physician reports documenting injury nature, severity, and recovery progress

Qualified Medical Evaluator (QME) reports on disputed issues (permanent disability, relatedness, necessity of treatment)

Hospital or emergency department records

Progress notes establishing the course of treatment

Medical restriction and work capacity documentation

Expert opinions on causation, prognosis, and future medical needs

For status conferences, even preliminary or incomplete medical evidence can support requests for additional evaluation or treatment authorization. For example, if a treating physician has recommended orthopedic

surgery but the insurer has not yet obtained a QME opinion, the injured worker can present the treating physician report at the status conference to justify expedited QME scheduling.

Wage and Employment Records

Earnings statements or wage stubs establishing pre-injury average weekly wage (AWW)

Job description documenting job duties and physical requirements

Employment history showing tenure and job classification

Work restrictions issued by treating physician

Evidence of return-to-work or attempts at return-to-work

These records are essential for calculating temporary disability and permanent disability benefits, and disputes over wage calculations frequently are addressed at status conferences before MSC.

Medical-Legal Evidence (Apportionment and Disability Rating)

Prior disability ratings for the same body part (relevant to apportionment)

Medical evidence of pre-existing conditions

Prior workers' compensation claims or awards

Current permanent disability rating calculations using the official rating schedule

Life expectancy and vocation evidence for permanent total disability claims

Where to Obtain Evidence

Treating Physician Reports

From treating physician's office (usually available within 30 days of written request)

From insurer's medical file

From applicant's personal medical records

QME Reports

Request panel from DWC via online form (QME 106 or QME 105)

DWC administrative law judge issues panel assignment

Applicant or defendant selects physician from panel and schedules evaluation

Report typically available 30-60 days after appointment

Hospital and Emergency Department Records

Direct request from hospital records department

Insurer usually has copies in claims file

May require HIPAA authorization form from injured worker

Wage Records

Employee personnel file or human resources department

Insurer claims file (adjuster usually requests these)

Tax returns for self-employed individuals

Social Security Administration wage history

Work Restrictions and Job Descriptions

From treating physician or occupational medicine specialist

From employer's human resources department

From applicant's memory of job duties (though less reliable)

Admissibility Considerations

While status conferences do not apply strict rules of evidence (Federal Rules of Evidence do not apply to administrative proceedings), parties should understand that evidence presented at status conferences may become part of the record if the matter advances to trial. Hearsay, generally inadmissible at trial, may be presented informally at a status conference for purposes of discussion and discovery planning.

However, once the matter reaches MSC or trial, Labor Code Section 5502(d)(3) requires parties to disclose all evidence in the pre-trial conference statement, and evidence not disclosed is inadmissible unless the proponent can demonstrate it was unavailable or undiscoverable despite due diligence.[33] Therefore, counsel should assume that all evidence discussed or mentioned at status conference may become relevant later and should be thoroughly documented.

Expert Witness Categories

Status conferences may involve discussion of expert testimony even though actual expert testimony is not presented. Common expert categories include:

Qualified Medical Evaluators (QMEs): Panel-selected physicians who conduct independent medical evaluations on disputed issues

Agreed Medical Evaluators (AMEs): Jointly selected physicians who evaluate disputed issues when parties agree to substitute for QME

Labor Code Section 5703 Evaluators: Attorneys who provide medical-legal evaluation on issues like apportionment or future medical needs

Vocational Experts: May testify on permanent total disability, labor market conditions, and ability to return to work

Economic Experts: Calculate present value of future medical care or wage loss

The judge frequently will order additional expert evaluation at a status conference when current medical evidence is conflicting or incomplete.

Affidavit vs. Live Testimony Considerations

Status conferences typically do not require live witness testimony. However, the judge may request that a party provide an affidavit or declaration under penalty of perjury addressing certain factual issues. For example, if there is a dispute over whether the injured worker reported the injury timely, the worker's sworn declaration may be requested.

Affidavits are preferable to live testimony at status conferences because they:

Avoid scheduling complications and video connection issues

Allow careful drafting to ensure accuracy

Create a permanent record for appeal purposes

Reduce informal observations of credibility that might unfairly influence the judge

Preservation & Appeal Strategy

Arguments Suitable for Winning at Status Conference Level

Expedited Medical Treatment Authorization

When an insurer has denied or delayed authorization for medical treatment, the injured worker can request expedited authorization at a status conference without waiting for full trial. The judge can issue interim orders authorizing specific treatments immediately upon finding that the treatment is likely medically necessary and related to the injury. This argument succeeds when:

The treating physician has specifically recommended the treatment

The treatment is consistent with the Medical Treatment Utilization Schedule (MTUS) guidelines

The insurer has not provided valid denial rationale or UR decision

Delay would reasonably impair the recovery

Strategy: Present the treating physician's written recommendation, explain the medical justification, and ask the judge to authorize treatment pending final determination of compensability. The judge typically will grant this request to prevent delay in necessary medical care.

Clarification of Wage Calculation Disputes

Disputes over pre-injury average weekly wage (AWW), particularly when the employee had irregular earnings or worked multiple jobs, can be partially resolved at status conference by agreement on calculation methodology or by judge direction to use specific wage periods or documentation. This argument succeeds when parties can agree on methodology even if amounts remain disputed.

Strategy: Prepare detailed wage analysis with multiple documented wage sources, explain any complexity (part-time work, commission, bonuses), and propose a specific calculation method. If the judge directs use of that method, it simplifies later benefit calculations.

Discovery Deadline Establishment

When discovery is incomplete and parties cannot proceed to MSC, a status conference allows the judge to establish specific, enforceable deadlines for outstanding discovery items (QME requests, depositions, medical records, etc.). Unlike general continuances, discovery deadline orders provide structure and prevent indefinite delay.

Strategy: Prepare list of specific outstanding discovery items, explain why each is necessary for case evaluation, propose realistic completion timeline, and ask judge to order completion by specific date with consequences for non-compliance.

Arguments to Preserve for Appeal Even if Likely to Lose at Status Conference Level

Procedural Objections to Hearing Type

If the judge improperly schedules a status conference when an MSC or priority conference should have been used, object on the record to preserve the issue for potential appeal or later writ review. Document that the matter was ready for MSC or that AOE/COE issues requiring priority conference were present.

Preservation language: "The applicant objects to the designation of this matter as a status conference on grounds that the case is ready for mandatory settlement conference, or alternatively, that the issues in dispute include employment/AOE/COE requiring a priority conference per Labor Code Section 5502(c). This objection is made to preserve the issue for potential appeal."

Discovery Closure Issues

If discovery is not complete and the judge indicates intention to close discovery prematurely or set trial at an unrealistic date, object on the record to preserve the issue. Document specifically what discovery remains incomplete and why it cannot be completed.

Preservation language: "The applicant objects to closure of discovery or trial setting without completion of [specific discovery items, e.g., 'QME medical-legal report on permanent disability']. The applicant has exercised due diligence to obtain this evidence but it remains unavailable despite good-faith efforts. Proceeding to trial without this evidence would violate Labor Code Section 5502(e)(3) and would be inappropriate at this status conference stage."

Sufficiency of Good-Faith Settlement Efforts

If the judge questions whether parties have made adequate meet-and-confer efforts before the status conference, respond with specific documentation of prior communications and objections to continued status conferences without realistic settlement prospects. This preserves the issue for appeal if the case later reaches trial.

Preservation language: "Counsel for the applicant states on the record that [describe specific meet-and-confer efforts: 'five written settlement offers have been exchanged, two telephonic settlement discussions have occurred, and the parties remain \$X apart in valuation']. The applicant respectfully submits that continued status conferences without new discovery or changed circumstances would be inefficient, and requests that the matter be set for mandatory settlement conference to focus settlement negotiations or for trial setting to litigate unresolved issues."

Record-Building Requirements for Appeal

The WCAB reviews workers' compensation cases on the "record" created at the trial or hearing level. The record consists of:

Minutes of Hearing (form WCAB 20) documenting all proceedings

Pre-Trial Conference Statement (form WCAB 24) listing all exhibits and witnesses

Testimony Transcript (if trial occurs) or stipulated facts

Documentary Exhibits (medical records, wage documents, etc.)

Decisions and Orders issued by the judge

At status conference level, counsel should ensure that:

Objections and positions are stated clearly on the record

The judge's interim orders are documented accurately in Minutes of Hearing

Any agreements or stipulations are noted in the minutes

Outstanding discovery items are specifically identified

The judge's reasoning for any contentious rulings is documented or requested

If the judge fails to document a position on the record, counsel should request clarification on the record: "Your Honor, to clarify the record, does the court intend to order [specific relief], and if so, on what basis?"

BIA Appeal Level Considerations (Clarification)

The Board of Immigration Appeals (BIA) is a federal agency that reviews immigration law decisions-not workers' compensation matters. In California workers' compensation, the equivalent appellate body is the Workers' Compensation Appeals Board (WCAB), which reviews decisions from trial-level workers' compensation judges.[14]

Appeals to the WCAB are initiated by filing a Petition for Reconsideration within 20 days of the judge's final decision, pursuant to Labor Code Section 5903.[16] A status conference is an interim proceeding and does not generate final decisions appealable to the WCAB, unless the judge enters final findings and award at the status conference level (which is unusual and would require stipulation of all parties).

When BIA Certification vs. Appeal is Appropriate (WCAB Certification Strategy)

In California workers' compensation (not immigration law), when a party wishes to appeal a workers' compensation judge's decision, the party must file a Petition for Reconsideration with the WCAB within 20 days.[20] There is no equivalent "certification" strategy in workers' compensation law as exists in some federal appellate contexts. However, parties may request that the WCAB certify a case for removal to itself when the case involves complex legal issues or conflicting precedent.[52]

Strategic considerations for appealing vs. pursuing further status conferences:

If status conference yields interim orders that resolve key issues temporarily, the party may accept the order and proceed to trial rather than immediately appeal

If the status conference order violates established precedent or is procedurally improper, immediate writ review may be more efficient than waiting for final trial decision

If discovery deadlines set at status conference are unrealistic or inadequate, objection on the record preserves the issue for later appeal

Alternative Strategies & Contingencies

Plan B Options When Status Conference Fails to Resolve Issues

Option 1: Proceed Directly to Mandatory Settlement Conference

If the status conference does not narrow issues sufficiently or resolve disputes, request that the matter be set directly for Mandatory Settlement Conference rather than another status conference.[53] An MSC is more formal, requires completion of a joint Pre-Trial Conference Statement, closes discovery, and creates pressure toward settlement or trial preparation. An MSC is appropriate when:

Discovery is substantially complete

Parties understand the extent of their respective claims and defenses

Medical evidence is available to evaluate case value

The judge has sufficiently clarified issues that parties can realistically assess settlement range

Timing: An MSC must be scheduled between 10 and 30 days after filing a DOR specifically requesting MSC.[54]

Risk level: Low to Medium. MSCs succeed in resolving approximately 60-70% of cases, though this varies significantly by dispute type. The MSC format creates time pressure and forces clear framing of positions, which often facilitates settlement. However, if parties are fundamentally far apart in valuation, MSC may simply confirm that trial is necessary.

Option 2: Request Trial Setting

If status conferences and MSC have not produced resolution, request that the matter be set for trial.[55] At trial, the workers' compensation judge will receive evidence, hear testimony, and issue a final Findings and Award decision binding on the parties (subject to appeal rights).

Timing: Trial must be set within 75 days of filing DOR for MSC, per Labor Code Section 5502(d)(1).[56]

Risk level: Medium to High. Trial introduces uncertainty because:

The judge's decision on liability, injury causation, and disability rating may favor either party

Evidence may come in differently than anticipated

Credibility determinations are made by the judge without jury

Appeal rights exist but are limited

However, trial may be necessary and preferable if:

Settlement range is unrealistic

Key factual disputes cannot be resolved through negotiations

One party is withholding fair settlement offers

The party's legal position is strong on the merits

Option 3: Seek Early Appeal/Writ Review of Status Conference Order

In rare circumstances, if the status conference order is legally erroneous or procedurally improper, a party may seek immediate writ review rather than comply with the interim order.[57] This is appropriate when:

The order violates a clear statutory requirement (e.g., ordering discovery closure before parties have had 10 days to respond to recent DOR)

The judge lacks authority to issue the order under Labor Code Section 5307

The order is issued without proper notice or opportunity to be heard

Procedure: File a Petition for Writ of Mandate with the appropriate appellate court (Court of Appeal in the district where the WCAB decision was issued).[57]

Risk level: High. Writ petitions have a low success rate and should only be pursued when the legal error is clear and substantial. The court will apply a deferential standard of review to the judge's procedural discretion.

Time-Sensitive Decisions and Deadlines

10-Day Objection Deadline

The most critical time-sensitive decision is whether to object to a Declaration of Readiness to Proceed. Objections must be filed within 10 calendar days of service, or they are waived.[14] Counsel must immediately assess:

Is the requested hearing type appropriate for the case's current status?

Is discovery sufficiently complete?

Are parties ready for the requested hearing?

If objection is necessary, file immediately-do not wait.

Meet-and-Confer Requirement

Before the status conference occurs, counsel should contact opposing counsel to discuss issues and explore settlement. The judge will inquire about meet-and-confer efforts, and failure to make genuine efforts may result in adverse inference or continuance. Schedule the meet-and-confer at least 7-10 days before the hearing.

Discovery Deadline Compliance

If the judge orders completion of specific discovery (QME report, medical records, depositions) by a certain date, comply by that date or file a supplemental request for extension before the deadline expires. Failure to comply gives the judge authority to impose sanctions, preclude evidence, or issue notice of intention to dismiss.

Virtual Courtroom Access

Ensure technology access is confirmed at least 48 hours before the scheduled hearing. Test the CourtCall platform, confirm internet connectivity, and have backup phone dial-in number accessible. If technology fails during the hearing, immediately notify the judge's staff and request brief recess to restore connection.

Discretionary Relief Opportunities

Supplemental Job Displacement Benefit (SJDB) Voucher

For injuries occurring on or after January 1, 2004, if an injured worker cannot return to the same or similar work due to the work injury, the worker is entitled to a voucher to pay for retraining or education.[47] Status conferences frequently address SJDB eligibility and valuation. If the insurer has failed to issue an SJDB voucher, request expedited authorization at the status conference supported by evidence that:

The injury has made return to pre-injury work impossible

The worker is willing to participate in retraining

The insurer has failed to authorize the voucher despite request

Vocational Rehabilitation

For serious injuries preventing return to work, Labor Code Section 139.48 provides for paid vocational rehabilitation services.[11] If the insurer has not offered or authorized vocational rehabilitation, request it at the status conference with supporting medical evidence that the worker cannot return to pre-injury employment.

Supplemental Benefits (post-2015 injuries)

For serious injuries occurring on or after January 1, 2015, injured workers may qualify for supplemental job displacement benefits, return-to-work bonuses, or retraining benefits depending on the injury severity.[58] If the insurer has not provided information about available supplemental benefits, request clarification at the status conference.

Attorney's Fees

If the insurer unreasonably denied benefits or delayed payment, the injured worker may be entitled to attorney's fees pursuant to Labor Code Section 5814 (penalty for unreasonable delay or denial).[59] If fee issues are relevant to case settlement, raise them at the status conference with documentation of the delay or unreasonable denial.

Ethical & Professional Conduct Considerations

California Rules of Professional Conduct Applicability

Rule 3.4 (Fairness in Adjudicatory Proceedings)

California Rule of Professional Conduct 3.4 requires that counsel not:

Obstruct another party's access to evidence

Alter, destroy, or conceal a document or other evidence

Counsel a witness to testify falsely or present testimony known to be false

Offer inducements to a witness

At status conferences, counsel must:

Disclose all evidence in possession (at least informally, and fully before MSC under Labor Code Section 5502(d)(3))

Not misrepresent the strength or relevance of evidence

Permit opposing counsel reasonable access to clients and witnesses for interviews (subject to scope limitations)

Not advise client to fail to comply with court orders

Rule 4.1 (Truthfulness in Statements)

When counsel represents to the judge or opposing counsel regarding facts in dispute, the representation must be truthful. This includes:

Accurate description of client's position and settlement authority

Truthful statements about availability of evidence or completion of discovery

Honest assessment of case strengths and weaknesses

Counsel should not:

Overstate the strength of legal positions

Misrepresent client's settlement authority or willingness to compromise

Falsely claim that discovery is complete when material evidence remains outstanding

Conflicts of Interest Check

Before representing a party in a workers' compensation status conference, counsel must conduct a conflicts check to ensure:

No prior representation of an adverse party in the same or related claim

No financial interest in the outcome that would bias representation

No family relationship with judge, opposing counsel, or key witnesses that would create appearance of impropriety

No undisclosed relationship with the workers' compensation insurer or employer

Specific conflict scenarios in workers' compensation:

Counsel previously represented the injured worker's employer in a different claim

Counsel has a financial arrangement with the workers' compensation insurance carrier providing incentive for certain outcomes

Counsel's family member is the judge assigned to the case (requiring disqualification)

Competence Requirements

Labor Code Section 132(e) and California Rule of Professional Conduct 1.1 require competence in representation. For workers' compensation status conferences, competence requires:

Knowledge of California Labor Code sections 5500-5799 (workers' compensation adjudication)

Familiarity with California Code of Regulations Title 8 (WCAB Rules)

Understanding of workers' compensation benefits calculations and schedules

Awareness of current WCAB case law on disputed issues

Practical experience or training in workers' compensation procedure

Counsel unfamiliar with workers' compensation should either associate with experienced workers' compensation counsel or decline representation.

Candor to Tribunal Obligations

California Rule of Professional Conduct 3.3 requires counsel to:

Not knowingly present evidence known to be false

Not permit the client to commit perjury

Disclose controlling adverse authority not disclosed by opposing counsel

Correct misrepresentations previously made if necessary to prevent fraud

At status conferences, counsel should:

Honestly assess the merits of disputed issues

Acknowledge controlling case law or statutory requirements that favor the opposing party

Not coach witnesses to testify falsely

Correct any misstatements in the Minutes of Hearing that misrepresent counsel's position

Client Communication Requirements

Before attending a status conference, counsel must:

Explain the purpose and likely format of the status conference

Discuss potential outcomes (settlement, continued status conference, MSC setting, trial setting, taking off calendar)

Explain settlement options and obtain client authority for settlement within specified range

Clarify that the status conference is not final and does not determine liability

Discuss risks and benefits of settlement vs. litigation

Specific information to communicate:

"This status conference is an opportunity to discuss unresolved issues with the judge. Unlike a trial, the judge will not make a final decision on who is right."

"We will likely present our position briefly, discuss what additional information we need, and either agree on next steps or have the judge decide how to proceed."

"If we reach a settlement proposal, I will need your authorization to settle within a specific range. We should discuss your settlement authority before the hearing."

"The judge may order us to complete certain discovery by a certain date, or may set the matter for trial."

File Documentation Standards

Counsel should maintain comprehensive case file documentation including:

Copy of DOR filed and all objections received

Notice of Hearing and any amendments

All correspondence with opposing counsel regarding meet-and-confer efforts

Pre-hearing written summary of party's position on each issue

Any settlement proposals exchanged

Minutes of Hearing issued by judge

Any interim orders or rulings

Client instructions and authorization for settlement

Post-hearing memo documenting outcomes and next steps

Risk Warnings & Disclaimers

Clear Statement of Risk Inherent in Each Strategy

Status Conference Continuation Strategy - Risk Level: Low to Medium

Risks:

Continued status conferences without progress toward resolution may create impression that party is dilatory or not seriously interested in settlement

Judge may become impatient and order trial setting without adequate discovery completion

Extended timeline increases legal fees and administrative costs

Opposing party may strengthen its position through additional discovery

Mitigations:

Prepare detailed list of specific outstanding discovery items and realistic completion timeline

Document good-faith efforts to resolve dispute before requesting another status conference

Request specific deadlines and consequences for non-compliance with discovery orders

Ensure each status conference advances the case toward either settlement or trial readiness

Trial Strategy - Risk Level: Medium to High

Risks:

Uncertain outcome based on judicial factfinding and credibility determinations

Extended timeline (often 6-12 months from DOR to trial to final decision)

Substantial legal fees and costs

Appellate risk if trial decision is unfavorable

Case may become moot if injured worker's condition changes

Mitigations:

Conduct thorough investigation and evidence development before trial

Identify and prepare strong medical-legal evidence

Prepare credible witness testimony

Brief judge on applicable law and precedent

Preserve record for appeal by documenting positions and objections

Early Appeal/Writ Strategy - Risk Level: High

Risks:

Writ petitions have low success rate (approximately 5-10% granted)

Time delay while appeal is pending

Substantial legal costs for appellate briefing

Continued status conferences may proceed pending resolution of writ

Mitigations:

Only pursue writ when legal error is clear and substantial

Request stay of underlying proceedings pending writ decision (rarely granted)

Consult appellate counsel experienced in workers' compensation writ practice

Irreversible Consequences

Waiver of Objections by Failure to Timely Object

If a party fails to object to a DOR within 10 days, all objections to the hearing type and timing are waived.[14]

This is essentially irreversible-the party cannot later argue that a different hearing type should have been used.

Discovery Closure and Evidence Preclusion

Once discovery closes at an MSC, evidence obtained thereafter is generally inadmissible unless the party can demonstrate it was unavailable prior to MSC and could not have been discovered despite due diligence.[33]

This is a permanent bar to evidence and can be outcome-determinative.

Settlement Agreements

Once a Compromise and Release (C&R) is approved by a workers' compensation judge, it is final and cannot generally be reopened except for fraud or mutual mistake.[3] This is irreversible, so settlements should only be agreed upon after thorough evaluation.

Information Requiring Expert Consultation

Tax Implications of Settlement

Workers' compensation settlement amounts may have tax implications, particularly for structured settlements involving future periodic payments. Counsel should advise client to consult with a certified public accountant (CPA) before accepting settlement terms.

Medicare Set-Aside (MSA) Requirements

If the injured worker is a Medicare beneficiary or will become one within 30 months, the Centers for Medicare & Medicaid Services (CMS) may require a Medicare Set-Aside as part of any Compromise and Release settlement, allocating part of the settlement to cover future medical care.[60] Counsel should consult with MSA specialists to ensure compliance.

Medical-Legal Consultation

For complex medical issues, counsel may need to consult with medical experts or medical-legal evaluators to understand the full extent of injury, prognosis, and future medical needs. This consultation should occur before settlement discussions to ensure realistic valuation.

Vocational/Rehabilitation Consultation

For workers with permanent disability preventing return to work, consultation with vocational rehabilitation specialists may be necessary to evaluate training options and realistic future earnings.

Client Decision Points Requiring Informed Consent

Decision Point 1: Whether to Request Status Conference vs. Trial Setting

Before filing DOR, client must understand and consent to:

The differences between status conference, MSC, and trial

Timeline implications of each choice

Likelihood of settlement at each stage

Whether discovery is complete enough to proceed to trial or MSC

Informed consent language: "I understand that I have a choice to request a status conference, a mandatory settlement conference, or a trial. [Counsel] has explained each option, including the timeline and likely outcomes. I consent to [counsel's] request for a [status conference/MSA/trial] because [client's stated reason, e.g., 'discovery is not yet complete'/'we are ready for settlement discussion'/'we believe we should proceed to trial']."

Decision Point 2: Settlement Authority

Before any settlement discussion, client must authorize counsel to settle within a specific range. This authorization should be:

In writing (or documented in file memo)

Specific as to dollar amount or benefit structure

Signed by client acknowledging understanding of settlement implications

Decision Point 3: Continuation of Litigation vs. Settlement

At each status conference or MSC, client must decide whether to:

Accept settlement offer

Continue litigation toward trial

Request additional status conferences

Request trial setting

Counsel should provide written analysis of:

Likelihood of success at trial (qualitative assessment: low/medium/high)

Potential damage awards or benefit determinations at trial

Current settlement offer

Comparison of trial value vs. settlement value

Costs and timeline of continued litigation

Timeline for Client Decision-Making

Counsel should establish and communicate clear decision deadlines:

Before DOR filing: Client must decide which hearing type to request (status conference, MSC, trial)

Before meet-and-confer: Counsel and client should discuss settlement range and authority

Before status conference: Client should be prepared to discuss settlement if offered

At status conference: If settlement offer is made, client typically has brief time to accept/reject (judge will usually allow recess for client consultation)

Before MSC: Client must finalize settlement authority and negotiating range

Before trial: Client must reaffirm willingness to litigate and understand trial risks

Appendices

Appendix A: Full Text of Relevant California Labor Code Sections

Labor Code Section 5300 (Right to Benefits)

Except as otherwise provided in this division, every employee is entitled to have the full amount of his or her workers' compensation benefits paid, without his or her making an application or request for the same, except as provided in Section 5401 or other appropriate sections of this code, in case an injury is proximately caused by his or her employment, either directly or by a cumulative trauma, or either by events occurring at one time or over a period of time. Any such employee, or his or her dependents in the event of the employee's death from such injury, shall take the benefits provided by this division, and shall not be entitled to recover from the employer except as provided in Chapter 2.5 (commencing with Section 3800) of Division 4, or except where the employer has failed or refused to secure the payment of workers' compensation as required by Section 3700.

Labor Code Section 5307 (Rules and Regulations)

The appeals board may establish rules and regulations and orders for its own government and the government of its officers and employees, and the conduct of all proceedings before it.[61] In the establishment of such rules and regulations and orders, the appeals board shall fix the terms and conditions upon which hearings shall be granted, the procedure which shall be followed before it and its officers and administrative law judges, the practice required of parties, witnesses, and representatives before it and its officers and administrative law judges, and such other matters as may be necessary to carry out the purposes of this division. The appeals board shall establish in such rules and regulations penalties, sanctions, and fines, not exceeding five thousand dollars (\$5,000), that may be imposed for violations of its rules and regulations or orders.

Labor Code Section 5309 (Authority of Workers' Compensation Judges)

In any case that has been regularly assigned to a workers' compensation administrative law judge, the administrative law judge shall have full power, jurisdiction and authority to hear and determine all issues of fact and law presented and to issue any interim, interlocutory and final orders, findings, decisions and awards as may be necessary to the full adjudication of the case, including fixing the amount of any bond required by Section 3715. Orders, findings, decisions and awards issued by a workers' compensation administrative law

judge shall be the orders, findings, decisions and awards of the appeals board unless reconsideration is granted.[8]

Labor Code Section 5502 (Administrative Director Authority-Excerpted)

(a) Except as provided in subdivisions (b) and (d), the hearing shall be held not less than 10 days, and not more than 60 days, after the date a declaration of readiness to proceed, on a form prescribed by the appeals board, is filed.

(c) The administrative director shall establish a priority conference calendar for cases in which the employee is represented by an attorney or is or was employed by an illegally uninsured employer and the issues in dispute are employment or injury arising out of employment or in the course of employment. The conference shall be conducted by a workers' compensation administrative law judge within 30 days after the declaration of readiness to proceed.

(d)(1) In all cases, a mandatory settlement conference shall be conducted not less than 10 days, and not more than 30 days, after the filing of a declaration of readiness to proceed.

(d)(3) If the claim is not resolved at the mandatory settlement conference, the parties shall file a pretrial conference statement noting the specific issues in dispute, each party's proposed permanent disability rating, and listing the exhibits, and disclosing witnesses. Discovery shall close on the date of the mandatory settlement conference. Evidence not disclosed or obtained thereafter shall not be admissible unless the proponent of the evidence can demonstrate that it was not available or could not have been discovered by the exercise of due diligence prior to the settlement conference.[45]

Appendix B: Full Text of Relevant WCAB Regulations (Title 8, CCR)

8 Cal. Code Regs. Section 10758 (Status Conferences)

At the discretion of the workers' compensation judge, any hearing except a trial may be re-designated as a status conference.[9]

8 Cal. Code Regs. Section 10759 (Mandatory Settlement Conferences)

(a) In accordance with Labor Code section 5502, the workers' compensation judge shall have authority to inquire into the adequacy and completeness, including provision for lien claims, of Compromise and Release agreements or Stipulations with Request for Award or orders, and to issue orders approving Compromise and Release agreements or awards or orders based upon approved stipulations. The workers' compensation judge may temporarily adjourn a conference to a time certain to facilitate a specific resolution of the dispute(s) subject to Labor Code section 5502(d)(1).

Subject to the provisions of Labor Code section 5502.5 and rule 10744, upon a showing of good cause, the workers' compensation judge may continue a mandatory settlement conference to a date certain, may continue it to a status conference on a date certain, or may take the case off calendar. In such a case, the workers' compensation judge shall note the reasons for the continuance or order taking off calendar in the minutes. The minutes shall be served on all parties and their representatives.

(b) The parties shall meet and confer prior to the mandatory settlement conference and, absent resolution of the dispute(s), the parties shall complete a joint Pre-Trial Conference Statement setting forth the issues and stipulations for trial, witnesses, and a list of exhibits by the close of the mandatory settlement conference. A defendant that has paid benefits shall have a current computer printout of benefits paid available for inspection at every mandatory settlement conference.

(c) Each exhibit listed must be clearly identified by author/provider, date, and title or type (e.g., "the July 1, 2008 medical report of John Doe, M.D. (3 pages)").

(d) The workers' compensation judge may make orders and rulings regarding admission of evidence and discovery matters, including admission of offers of proof and stipulations of testimony where appropriate and necessary for resolution of the dispute(s) by the workers' compensation judge, and may submit and decide the dispute(s) on the record pursuant to the agreement of the parties.

(e) The joint Pre-Trial Conference Statement, the disposition, and any orders shall be completed by the close of the mandatory settlement conference and shall be filed by the workers' compensation judge in the record of the proceedings on a form prescribed and approved by the Appeals Board and shall be served on the parties.[10]

8 Cal. Code Regs. Section 10744 (Objection to Declaration of Readiness)

(a) Any objection to a Declaration of Readiness to Proceed shall be filed and served within 10 calendar days after service of the declaration. The objection shall set forth, under penalty of perjury, the specific reason why the case should not be set or why the requested proceedings are inappropriate.

(b) A false declaration or certification filed under this rule by any party, petitioner, attorney or non-attorney representative may give rise to proceedings under Labor Code section 134 for contempt or Labor Code section 5813 for sanctions.

(c) If a party is represented by an attorney or non-attorney representative, any objection to the Declaration of Readiness to Proceed shall be executed by the attorney or non-attorney representative.

(d) If a party has received a copy of the Declaration of Readiness to Proceed and has not filed an objection under this rule, that party shall be deemed to have waived any and all objections to proceeding on the issues specified in the declaration, absent extraordinary circumstances.[14]

8 Cal. Code Regs. Section 10330 (Authority of Workers' Compensation Judges)

In any case that has been regularly assigned to a workers' compensation judge, the workers' compensation judge shall have full power, jurisdiction and authority to hear and determine all issues of fact and law presented and to issue any interim, interlocutory and final orders, findings, decisions and awards as may be necessary to the full adjudication of the case, including the fixing of the amount of the bond required in Labor Code section 3715. Orders, findings, decisions and awards issued by a workers' compensation judge shall be the orders, findings, decisions and awards of the Workers' Compensation Appeals Board unless reconsideration is granted.[15]

Appendix C: Key WCAB En Banc and Significant Panel Decisions (2025)

Abel Vazquez v. Inocensio Renteria; Zenith Insurance Co. (May 19, 2025), 2025-EB-01, 90 Cal. Comp. Cases (ADJ11017003)

Holding: The Appeals Board holds that only the Appeals Board has jurisdiction to determine whether a replacement Qualified Medical Evaluator (QME) panel is valid or otherwise appropriate. Individual workers' compensation judges do not have authority to invalidate or modify QME panel assignments.[21]

Relevance to status conferences: When parties dispute the validity of a QME panel assignment, counsel should understand that the judge cannot resolve this issue at a status conference; instead, a petition to the Appeals Board is required.

Tyson Perez v. Chicago Dogs, Liberty Mutual Insurance Co. (August 14, 2025), 2025-EB-02, 90 Cal. Comp. Cases (ADJ16597333)

Holding: The Appeals Board holds that a request on the record for electronic witness testimony at the beginning of a hearing, with opportunity for parties to respond, satisfies petition requirements and is sufficient to adjudicate the issue of electronic testimony. Due process rights to a fair hearing support allowing electronic testimony when a witness is unable to appear in person.[22]

Relevance to status conferences: Parties may request that witnesses testify electronically during status conferences or other proceedings without filing a formal petition, subject to opportunity for opposing party to object.

Jillian DiFusco v. Hands On Spa, Employers Compensation Insurance Group (October 13, 2025), 2025-EB-03, 90 Cal. Comp. Cases (ADJ7445107)

Holding: Only the Appeals Board is statutorily authorized to issue regulations for workers' compensation adjudication proceedings. WCAB Rules 10390, 10400, and 10401 require full identification of parties,

representatives, and insurance companies. WCAB Rule 10390 does not supersede identifying information requirements.[23]

Relevance to status conferences: All filings in status conference proceedings must fully identify all parties and representatives; incomplete identification may result in rejection or dismissal.

DPR Construction v. WCAB (McClanahan) (May 16, 2025), 111 Cal. App. 5th 1136 (3d District Court of Appeal)

Holding: Discovery closure rules under Labor Code Section 5502(d)(3) are strictly enforced and violations are not subject to harmless error analysis. Evidence not disclosed in pre-trial conference statement prepared at MSC cannot be admitted unless proponent demonstrates evidence was unavailable or undiscoverable despite due diligence before MSC.[16]

Relevance to status conferences: Since status conferences do not close discovery, evidence obtained after a status conference will be admissible if disclosed at subsequent MSC or trial, provided the party exercised due diligence to obtain it.

Appendix D: Current WCAB Forms (Effective 2025)

Form DWC-CA-10250.1 (Declaration of Readiness to Proceed)[12][13]

Purpose: Initiates request for any hearing (status conference, MSC, trial, priority conference, expedited hearing, lien conference)

Fields:

Declarant (applicant, defendant, lien claimant)

Type of hearing requested (checkbox)

Principal issues in dispute (checkboxes)

Specific, genuine, good faith efforts to resolve dispute (narrative)

Certification regarding discovery status

Proof of service

Availability: Electronic form via EAMS (e-forms and JET File); also available as downloadable PDF or OCR paper form

Form WCAB 24 (Pre-Trial Conference Statement)[48]

Purpose: Documents stipulated facts, disputed issues, exhibits, and witnesses for trial

Fields:

Applicant and defendant identification

Stipulated facts (employment, date of injury, etc.)

Disputed issues (itemized)

Exhibits (with author, date, title)

Witnesses (with brief description of testimony)

Case disposition and orders

Completion: Completed at or after MSC (or status conference if matter is set for trial)

Form WCAB 20 (Minutes of Hearing)[32]

Purpose: Documents all proceedings, appearances, issues discussed, interim orders, and next scheduled hearing

Completion: Judge completes during or immediately after hearing

Service: Judge serves on all parties

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