

MEMORANDUM

TO: IB&L Committee Members

FROM: Jodi Bjornson, General Counsel

SUBJ: Litigation Information

DATE: August 18, 2008

WSI Litigation

Type of Action	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	Comments
NOD's Issued	31,302	32,696	32,237	32,482	32,434	32,116	
Orders Issued	1,045	1,073	1,303	1,142	1,238	1,257	
OIR Requests for Assistance	401	383	428	384	397	326	* Data Source - OIR
Administrative Hearing Requests	191	170	224	209	231	160	* Data Source - Legal Dept Access Database

Type of Action	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	Comments
Administrative Hearings Held	98	104	153	136	126	136	*Data Source - OAH
ALJ Recommended Decisions	85 W59/L26	121 W84/L37	131 W87/L44	131 W101/L30	132 W73/L59	143 W89/L54	
District Court Appeals	14 W9/L5	12 W11/L1	13 W10/L3	33 W31/L2	30 W24/L6	15 W7/L8	
Supreme Court Appeals	13 W11/L2	5 W4/L1	9 W7/L2	8 W6/L2	10 W9/L1	9 W3/L6	

Rejection of ALJ Recommended Decisions

Type of Action	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	Comments
Rejection of Recommended Decisions	5	3	1	4	12	2	*see breakdown below

* Order Final - 12
 DC Lost - 4
 DC Won - 2
 DC Pending - 2
 DC Won; SC Lost - 1
 DC Won; SC Won - 1
 DC Lost; SC Lost - 2 (WSI appealed)
 DC Lost; SC pending - 1 (WSI appealed)
 DC Won; SC pending - 1

Higher Level Appeals Initiated by WSI

Type of Action	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	Comments
Supreme Court Appeals	1 won	1 won	0	1 lost	0	2 lost both	FY 03 - Lesmeister FY 04 - Elshaug FY 06 - Rojas FY 08 - Tedford & Reopelle