



Section on Workers' Compensation Law

The Mission of the [ISBA Workers' Compensation Law Section](#):

To promote improvement in the workers' compensation system and the administration of justice under the Illinois Workers' Compensation Act and Illinois Occupational Disease Act; to enhance the professional capabilities of lawyers who practice before the Industrial Commission of Illinois by disseminating information relevant to the practice to make recommendations on proposed legislation; to conduct conferences and seminars on topics important to section members; and promote communications between the bar and all personnel of the Industrial Commission.

General:

- ◆ Section fees are \$25 per year.
- ◆ To join, go to www.isba.org/sections

[Continuing Legal Education](#)

The Section sponsored or co-sponsored two programs during the year:

- ◆ **Practicing Before the Illinois Workers' Compensation Commission** (Oct. 10, 2016)
- ◆ **Workers' Compensation Update – Spring 2017** (Feb. 20, 2017)

Section members also receive discounts on section-sponsored CLE programs.

[Legislation](#)

The Section Council reviews proposed legislation that may affect their members' practice area. Highlights of the most recent legislative session include:

1. Number of bills reviewed: 23
2. Significant legislation:
 - a. House Bill 2525 – Unemployment Ins-Worker Comp Rates
 - b. Senate Bill 1863 - Attorney Fees Worker Compensation 15% Max

[Other](#)

- ◆ **The ISBA Workers' Compensation Law Discussion List** allows section members to pose questions and share information with fellow section members from around the state.

[Newsletters](#)

Delivered electronically unless otherwise requested. During 2016-17 the Section published five newsletters. Articles include:

- ◆ *Anthony R. Holstine v. The Illinois Workers' Compensation Commission et al.*; NO. 2-16-0339WC (Rule 23 decision) When is an 8(d)1 award mandatory? (June 2017)
- ◆ Appellate court does not extend traveling employee doctrine to police officer commuting to mandatory training (Jan. 2017)
- ◆ Appellate court issues decision on June 28, 2016 regarding the failure of the parties to offer an AMA rating exam into evidence (July 2016)
- ◆ Appellate court warns practitioners to comply with Supreme Court Rule 341(h)(3) or have their brief stricken (Jan. 2017)
- ◆ Attorney fee-share agreements and Rule 1.5(e) of the Illinois Rules of Professional Conduct (Jan. 2017)
- ◆ Bringing the insurance carrier into the case (Mar. 2017)
- ◆ Can you enforce part of a decision while the decision as a whole is on review? (July 2016)
- ◆ Case analysis of *Michael K. Durbin v. The Illinois Workers' Compensation Commission* 2016 IL App (4th) 150088WC (Sept. 2016)
- ◆ *Country Preferred Insurance Company v. Lori Groen* (June 2017)
- ◆ Failure to file proof of service proves fatal for Circuit Court appeal (Mar. 2017)
- ◆ First District panel in Rule 23 order: Claimant proved quantitatively greater exposure to neutral risk— (*Hagan v. IWCC*, 2016 IL App (1st) 143745WC-U) May, 2016 (Sept. 2016)
- ◆ Houchin v. Illinois Workers' Compensation Commission: When a delayed surgery turns into a different surgery (July 2016)
- ◆ The interplay of simultaneous awards of PTD and wage differential benefits (Sept. 2016)
- ◆ A job classification change and its impact on the average weekly wage calculation (July 2016)
- ◆ *Kathleen A. Hagan v. Illinois Workers' Compensation Commission* (Sept. 2016)
- ◆ Late notice rejected as defense to repetitive trauma case (Sept. 2016)
- ◆ The interplay, if any, between a wage differential award and a total permanent award (Jan. 2017)
- ◆ Intervening injuries and the chain of causation (Mar. 2017)
- ◆ Is the respondent entitled to a credit for the overpayment of \$192,594 in death benefits before the hearing & what does it take to receive commutation of the award? (June 2017)
- ◆ *Moran v. IWCC*: The flood gates of mental-mental claims did not just break open, but the water is clearer (Jan. 2017)
- ◆ *Murff v. Illinois Workers' Compensation Commission*: Appellate court examines post-decision benefits (June 2017)
- ◆ Once an IWCC settlement contract is final does IWCC still have jurisdiction to hear any motions? (June 2017)
- ◆ Pens vs. Bolts: What accidents are made of (Mar. 2017)
- ◆ Should you try a nature and extent case without a sixth edition AMA guideline rating? (July 2016)
- ◆ When determining whether an employee is entitled to permanency pursuant to Section 8(d) (2) or alternatively pursuant to 8(d) (1), the crucial issue is whether the claimant has suffered an impairment of earning capacity (July 2016)
- ◆ When does the 19(h) review time limitation begin to run? (July 2016)
- ◆ Two recent cases denying motions to reinstate (Mar. 2017)
- ◆ What do I have to do to get them to pay the award? (June 2017)