



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 dues are \$30 per year.
- ◆ To join, go to www.isba.org/sections

[Continuing Legal Education](#)

The Section sponsored the following program(s) during the year:

- ◆ Workers' Compensation Update – Fall 2017 (10/9/17)
- ◆ Workers' Compensation Update – Spring 2018 (2/19/18)

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: 39
2. Significant legislation:
 - a. Senate Bill 2448 - Authorize recordings an employee's medical exam for use as evidence
 - b. Senate Bill 3091 - Arbitrators reduce awards based upon the degree to which the work-related injury was caused by claimant

[ISBA Central](#)

- ◆ Members of the ISBA section get free access to the section's community on ISBA Central. The ISBA Central community allows section members to pose questions, answer questions, and share information with fellow section members from around the state.

[Newsletters](#)

During the 2017-18 bar year, the Section published 4 newsletters. Articles included:

- ◆ Editor's notes (Sept. 2017)
- ◆ Interview with Madam Chairman Joann Fratianni and Ron Rascia (Sept. 2017)
- ◆ Appellate Court upholds dismissal of Marque Medicos class action suit (Sept. 2017)
- ◆ Appellate Court establishes statutory guideline for wage differential benefit calculation (Sept. 2017)
- ◆ Case analysis and comments (Sept. 2017)
- ◆ The amount of evidence required to rebut the statutory presumption in 6(f) of the Act (Sept. 2017)
- ◆ Does Holocker v. IWCC take down Interstate Scaffolding? (Sept. 2017)
- ◆ Can CMS dictate to their attorney what defenses it must raise in the context of defending WC cases? (Sept. 2017)
- ◆ Editor's notes (Nov. 2017)
- ◆ Beware of rustlers (and rustlers beware) (Nov. 2017)
- ◆ A fee for all or, How do I argue that my prior attorneys are entitled to twenty cents in attorney fees? (Nov. 2017)
- ◆ Section 6(f) can be a heartbreak for career firefighters with cardiovascular disease: A rebuttable presumption, a bursting bubble theory and it still comes down to the manifest weight of the evidence (Nov. 2017)
- ◆ How temporary partial disability came to be and its application since 2011 (Nov. 2017)
- ◆ The pitfalls of not naming employers on an application for adjustment of claim (Nov. 2017)
- ◆ Appellate court affirms decision to deny lump sum order taking overpayments into account (Nov. 2017)
- ◆ Editor's notes (Jan. 2018)
- ◆ Petition for review must explicitly refer to corrected decision of arbitrator to perfect review after correction of clerical error (Jan. 2018)
- ◆ When is concurrent employment – "gainful employment" for the purposes of Section 10 calculations? (Jan. 2018)
- ◆ Appellate court refuses to find rain-soaked pavement a hazardous condition and denies petitioner benefits using a neutral risk analysis (Jan. 2018)
- ◆ Consequence of accepting a ride to work from co-employee (Jan. 2018)
- ◆ Editor's note (May 2018)
- ◆ Attorney fees and quantum meruit (May 2018)
- ◆ Proving a wage loss differential (May 2018)
- ◆ The difference between causal connection and maximum medical improvement (May 2018)
- ◆ Overturning factual findings and the stringent manifest weight of the evidence standard (May 2018)
- ◆ Commission interpretations of medical issues in the absence of an expert opinion (May 2018)
- ◆ Negotiated rates and third-party carriers (May 2018)