

Judy Pfeiffer

From: WCLA <admin@wcla.info>
Sent: Friday, March 13, 2020 11:56 AM
To: Laura Hrubec
Subject: WCLA - COVID-19



Dear Laura,

In light of the coronavirus pandemic the WCLA would like to take this opportunity to direct its membership to take every precaution to limit the spread of this virus. The WCLA urges its members to limit all appearances as much as possible.

As you may know, in following the CDC guidelines and local public health recommendations, Governor Pritzker new guidelines to prevent the spread of the coronavirus on March 12th. In so doing, Governor Pritzker stated the following:

"The guidance I am issuing today is for the entire state of Illinois. We have seen what works and what doesn't work from other countries around the world - especially in the earliest days of community spread of this virus. Don't be fooled into thinking your community is immune. I am not going to hesitate to take the most aggressive measures possible to protect the people of our state. We need to reduce social contact in order to try and control the spread of the virus and prevent our medical infrastructure from dealing with too many cases at one time. We all have responsibilities to the most vulnerable among us and that means making sacrifices in the immediate term."

In furtherance of the above, the Governor has closed the Thompson Center to "people who don't have business with the state in the building for the foreseeable future, beginning Monday." We are uncertain as to whether that language necessarily closes the doors to the Commission in Chicago; even if that is not the intent, we do believe that it is intended to at least limit appearances as much as possible.

The WCLA agrees with the Governor in taking this situation seriously and is working with the Commission to determine appropriate responsive measures to prevent the spread of the virus. The virus has a 14-day incubation period, which means that it can be transmitted by an asymptomatic person for 14 days. While there are only 32 people that have been confirmed infected in this State, please note that according to the Chicago Tribune, the State does not have enough testing kits to go around. Only those that are severely sick are being tested. Those with flu-like symptoms are being encouraged to stay home; but most are not tested.

The CDC recommends a distance of 6 feet from other people to prevent transmission. This is not possible at any Commission location statewide. The WCLA also emphasizes the fact that if someone – even just one arbitrator – tests positive for the virus, ***all people that came in***

contact with that arbitrator or commissioner are to self-quarantine. The impact of an arbitrator or commissioner testing positive would be widespread and could significantly impact all proceedings at the Commission severely.

Given the foregoing, the WCLA recommends that attorneys take precautions accordingly for at least the rest of March. Please consider the following:

1. Keep all claimants at home unless a hearing will be taking place, by agreement of all parties, including the Arbitrator.
2. Consider only proceeding forward to hearing, if necessary, on emergency motions for benefits.
3. Consider, where possible, trials by phone or video conference.
4. Conduct pre-trials by phone to limit appearances.
5. Avoid appearances at status calls and email the arbitrators and counsels agreed dates, if one must be selected. Rather than appear on the trial date, arrange for telephonic discussion with counsel and the Arbitrator, where necessary.
6. Consider pro se contract approval via affidavit (with the arbitrator's consent) as follows:
 1. Have the contract signed by petitioner via affidavit.
 2. The signed contracts and affidavit should be dropped off or mailed to the assigned arbitrator with a self-addressed stamped envelope.
 3. A phone call with the petitioner and assigned arbitrator to facilitate approval should then be had. If there are no corrections, the contract can be approved and mailed to counsel.
 4. If there are corrections or changes to the contract, they can be made electronically and sent to the petitioner via fax or email for initialing or signature with an amended affidavit, if necessary.
 5. That document can then be mailed to the arbitrator and the arbitrator can mail the approved contract to counsel.
7. Contracts should be dropped off at the Commission or mailed, rather than presented to the arbitrators or commissioners in person.
8. Consider taking depositions occurring in medical facilities telephonically.

In sum, we recommend limiting your appearances in court wherever possible. This includes status calls and trial dates. Short of emergency hearings (if they cannot be taken by phone or video by agreement), all other matters can be conducted with the arbitrator by phone.

While we understand these measures are inconvenient, that inconvenience pales in comparison to the inconvenience that would result from the further spreading of this virus. We therefore believe these measures are appropriate and necessary for the health of everyone. We thank you for your understanding and commitment to the health of our organization.

Respectfully,

Laura D. Hrubec

President

Workers' Compensation Lawyers Association

Workers' Compensation Lawyers Association

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