

Judy Pfeiffer

From: WCLA <admin@wcla.info>
Sent: Monday, March 16, 2020 1:27 PM
To: Laura Hrubec
Subject: COVID-19 IWCC UPDATES & CLE



Dear Laura,

The WCLA is committed to keeping you informed regarding the developments concerning the operations of our courts and commission hearing locations statewide, in addition to directives concerning the handling of our cases in an effort to keep things moving forward. Please note the following:

1. The IWCC will remain open for filing purposes.
2. Contracts are to be dropped off in the arbitrators' mail bins for approval. **If there is any issue in obtaining contract approval, contact the Chairman's office and they will provide them to a Commissioner for approval.**
3. The March 26th CLE brown bag is **cancelled**. We are committed to ensuring it is rescheduled and the hours provided to our community by July 1st. If closures continue, which seems likely, it will occur via webinar.
4. The April 22nd medical seminar is **cancelled**. Since that seminar involves physician presentations, we will have to see how this situation unfolds as physician availability may be limited in the coming weeks. We will make every effort to reschedule this seminar prior to July 1st, likely via webinar. If necessary, instead of physicians, we will have therapists, vocational counselors or other medical/legal professionals that are not called upon to assist our healthcare community during this time. More information will be forthcoming as it is available regarding this.
5. The Kane County courthouse (100 S. Third Street, Geneva) is **closed** through **April 17th**.
6. A message from Arbitrator Friedman:

Since my entire March Wheaton cycle has been wiped out, I would like to continue to assist attorneys seeking pretrial conferences. During the Suspension of Hearings imposed by the Chairman. I am willing to conduct telephonic pretrial conferences to accommodate attorneys. If the parties wish to utilize this option, please email me with the case name and number and the date and time you wish to call in. I will respond if this is agreeable.

The parties will need to initiate the conference call and add me in at the cell number below. If there are documents you would

like me to review ahead of time, these can be emailed to me with the confirmation of the setting of the pretrial conference.

Stephen J Friedman
Arbitrator
Illinois Workers Compensation Commission
312 244-0980 (Work Cell)
Stephen.Friedman@illinois.gov

This is an unprecedented time for our community and our country. We need to make every effort to work together at a time when live appearances are either not practical, or not possible. To that end, the WCLA would like to encourage our members to consider the following:

1. We need to work together to try to limit the need for emergency hearings. Respondents encourage clients not to take advantage of a bad situation and arbitrarily cut off TTD. I know the vast majority of us do not operate in that way, but we all have some clients that might try. All we can do is sternly advise against that.
2. If an emergency hearing becomes necessary, engage in a phone pre-trial with the Arbitrator first. If a hearing has to happen after that, then work out the details with the Arbitrator on a specially set date, and options for that hearing to occur remotely if all parties can agree to that. If only the petitioner is testifying at that hearing, consider taking the petitioner's deposition and submitting that to the Arbitrator. Again, this would all have to be discussed with the Arbitrator in advance to confirm there are no issues and everyone is in agreement. If it's not possible, and an appearance is required, take every precaution recommended by the CDC including:
 - 6 foot distance from everyone where possible
 - avoid touching your face
 - avoid touching door handles and community surfaces such as elevator buttons (use your sleeve), and;
 - hand washing frequently
3. IME's – Confirm with the doctor's office that it will move forward. If it is moving forward, confirm with petitioner's attorney that the petitioner can attend. If the claimant is already seeking regular and consistent treatment, the fear of presenting to a doctor should not be used as an excuse, generally. If they are not seeking regular treatment and fear attending, leeway should be provided and efforts to reschedule should be made. Suspension of TTD in these times should be carefully weighed and taking all circumstances into account including the location of the visit. Again, try to work together in this keeping in mind the fear many have right now. If the petitioner will attend, petitioners' attorneys, have them attend. Don't take advantage of respondents during this time to delay something if there is no need. These are the exact situations for which we all need to work together right now.
4. Depositions – wherever possible, take them by phone. For depositions occurring in the next 2 weeks, call the doctor's office to confirm they are proceeding. As this situation develops, physician availability may start to be limited. Stay in communication with the doctor and opposing counsel. We all may find some court reporters fearing live presentations. If everyone agrees, consider having the court reporter take the testimony by phone as well. I am

already hearing of doctors refusing to proceed with depositions unless all parties, court reporter included, appear via phone.

We are all part of an amazing organization and have a reputation for working together. Let's step that up even more in this time and continue to move cases forward. There is no reason everything must stop – we can continue forward movement. We have the support of the Commission to do as much as possible by phone. An arbitrator's recommendation by phone carries no less weight than those recommendations provided in person. Let's use that and get through this crisis by working together, hopefully causing as little of an upset to our case load as possible.

If anyone has any concerns, please reach out and let me know. We encourage open communication. We will soon be posting a link on our site to an email in which all concerns, questions or comments can be sent to us. In the meantime, feel free to contact me. As your president I want to make sure I am doing all I can to assist us all in getting through this. Thank you.

Respectfully,
Laura D. Hrubec
President
Workers' Compensation Lawyers Association

Workers' Compensation Lawyers Association

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