

Illinois Workers' Compensation Commission
WCLA Presentation
Guidelines for Proposed Decisions
August 14, 2013

Remember that Section 16 of the Illinois Workers' Compensation Act provides that "the process and procedure before the Commission shall be as simple and summary as reasonably may be." One definition of "summary" is "to give the essentials briefly." Or stated another way, "Less is more." - Ludwig Mies van der Rhoe.

1. The stip. sheet is both the first and the last thing you should look at when writing a decision.
"What you stipulate to, you are bound by." See, Walker v Industrial Commission, 345 Ill.App.3d 1084 (4th Dist., 2004). The stip. sheet becomes part of the record before the Commission and any reviewing court.
2. Proposed decisions are not part of the record.

Proposed Arbitration Decision Checklist

1. Always submit your proposed decision in Microsoft Word format; generally two weeks after proofs are closed. No PDFs.
2. Send one copy to the Arbitrator via e-mail, and then send a hard copy via snail mail or by hand-delivery.
3. Use the most recent decision form available at <http://www.iwcc.il.gov/forms.htm#ARB> . For instance, if it's a 19(b), use that form and so on.
4. Please do not forget to include the AMA language, if appropriate.
5. Proofread your document.
6. Use page numbers.
7. Refer to an exhibit by citing the exhibit number and page number. (E.g. PX #1 p.3)
8. Cite cases correctly, including the Lexis cite. A brief explanation why the case is being cited is vital. Attach a copy of the case, if necessary.
9. Address each issue listed in dispute on the stipulation sheet. Alternative award paragraphs are acceptable.
10. Acknowledge obvious problem(s) in your case; do not sweep them under the rug. The decision should reflect that "the Arbitrator" has weighed both sides of the evidence.
11. Please make sure that benefit calculations are correct; show your math for all awards, especially penalties.
12. Remove advocacy language out of the decision (e.g. "obviously," "liar," "clearly").
13. Avoid sans-serifed fonts, studies have shown that they are less professional in appearance. The default professional font is "New York Times." Use a 12 pt. font and double-space your document.
14. Never use backslashes in the body of your document (e.g. 08/14/13).
15. Never refer to exhibits that were excluded at trial.

Avoid Making "The Cardinal Error"!

When discovered, a factual misstatement of the law or facts in your document often has the effect of making the Arbitrator distrust your document and quite possibly, re-evaluate your client's entire position.

