

Workers' Compensation Newsletter

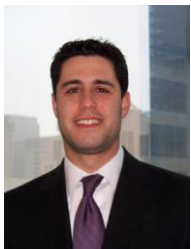
October 2011

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New Arbitrators and PPP Information

By Michael C. Milstein



The Department of Insurance has granted provisional approval to Coventry as a Preferred Provider Program (PPP). This appears to be the first approval of a PPP following the amendments to the Illinois Workers' Compensation Act. Prior to the PPP being active, the Illinois Workers' Compensation Commission needs to finalize the rules and regulations regarding PPPs.

On October 14, 2011, Governor Quinn announced the appointments of 29 arbitrators. In total, 9 sitting arbitrators were **not reappointed**:

1. John Dibble (Herrin)
2. Gilberto Galicia (Chicago)

3. James Giordano (Peoria)
4. Kathleen Hagan (Chicago)
5. Robert Lammie (Chicago),
6. Andrew Nalefski (Herrin/Collinsville)
7. Richard Peterson (Chicago)
8. Joseph Prieto (Chicago).
9. One arbitrator, Charles DeVriendt (Chicago), will be appointed to the Commission.

Former arbitrator Jennifer Teague resigned as of July 30, 2011.

The following Arbitrators were **reappointed** (current venue, length of appointment):

1. Peter Akemann (Rockford, 1 year)
2. George Andros (Kankakee/Wheaton, 1 year)
3. Milton Black (Chicago, 3 years)
4. Kurt Carlson (Chicago, 2 years)
5. Brian Cronin (Chicago, 2 years)
6. Greg Dollison (Chicago, 2 years)
7. Anthony Erbacci (Waukegan, 3 years)
8. Robert Falcioni (Joliet, 3 years)
9. Joann Fratianni (Ottawa/Joliet, 3 years)
10. Douglas Holland (Rock Island/Danville/Galesburg/Rock Falls, 1 year)
11. Gerald Jutila (Chicago, 1 year),
12. David Kane (Chicago, 3 years)
13. Jacqueline Kinnaman (Geneva, 1 year)
14. Edward Lee (DeKalb/Woodstock, 2 years)
15. Stephen Mathis (Bloomington/Mattoon, 1 year)
16. Neva Neal (Collinsville, 1 year)
17. Peter O'Malley (Wheaton, 1 year)
18. Maureen Pulia (Chicago, 1 year)
19. Jeffrey Tobin (Mt. Vernon/Urbana/Decatur, 2 years)
20. Ruth White (Springfield, 1 year)
21. Robert Williams (Chicago, 2 years).

The following are **newly appointed**:

1. Carolyn Doherty (2 years)
2. Barbara Flores (2 years)
3. Gerald Granada (1 year)

4. Svetlana Kelmanson (3 years)
5. Joshua Luskin (2 years)
6. Molly Mason (2 years)
7. Deborah Simpson (2 years)
8. Lynette Thompson-Smith (3 years).

There is no information as to what venue each new arbitrator will be handling. Once that information is available, we will provide an update.

Firm Announcements

Bryce Downey & Lenkov LLC is pleased to announce that Hannah J. Barnard and John P. O'Grady have joined the firm as new associates. Hannah and John concentrate their practice areas in Insurance Litigation and Workers' Compensation. The firm welcomes Hannah and John to the team.

Upcoming Seminars



Rich Lenkov will present on a variety of topics at upcoming events:

- National Workers' Compensation Coalition, "Updates on 2011" Presented by Rich Lenkov at the **Central Ohio RIMS 1st Annual Education Day**, October 19th, 2011, at the Quest Business & Conference Center in Columbus, Ohio. *For more information:* centralohio.rims.org
- Challenges and Solutions to Multi-jurisdictional Workers' Comp Claims" at the **20th Annual National Workers' Compensation & Disability Conference**, November 9-11, 2011, at the Las Vegas Convention Center. *For more information:* www.wcconference.com

- A mock workers' compensation trial to the **Safety Security and Environmental Group of RIMS Chicago Chapter** on November 15, 2011, at 8:30 a.m. at the Doubletree Oak Brook for RIMS (Risk Insurance Management Society) Chicago Chapter. *For more information:* chicago.rims.org

- Rich Lenkov will participate on two panels at the **CLM Annual Conference 2012** on March 28 - 30 2012 in San Diego, California.

1. "Top 5 Litigation Mistakes Retailers Make (And How to Avoid Them!)"
2. "Defense/Defendant Cohesion – Getting Key Information Fast."

For more information: www.litmgmt.org

Past Seminars

- On September 22, 2011, Storrs Downey and Justin Nestor hosted a Medical-Legal Seminar in Indianapolis, Indiana, which included various speakers from the Worker's Compensation Board as well as the medical and legal community. Topics included statutory amendments to the worker's compensation statute, recent developments in Indiana case law, medical evaluations from the physician's perspective, and a panel discussion regarding current issues facing worker's compensation practitioners.



In addition to these, we have recently presented webinars on Illinois workers' compensation reform that have been attended by over 600 people. We have also presented a number of in-house seminars to clients to on this topic.

If you would like more information on any of these presentations, email rlenkov@brycedowney.com



NWCC NEWS

- On September 26-28, 2011, the NWCC had a booth at the returned California Workers' Compensation & Risk Conference in Dana Point, CA. There was a lot of interest in the organization from hundreds of people who were very excited about its mission.
- Rich Lenkov will present on behalf of the NWCC, "Updates on 2011 and future" at the **Central Ohio RIMS 1st Annual Education Day** on October 19th, 2011, in Columbus, Ohio. www.centralohio.rims.org
- We are proud to announce Todd DeStefano, President of York's Risk Management Practices division, as our newest board member. www.nwccoalition.com

Case Results



Justin Nestor secured dismissal of our client in an Indiana Workers' Compensation case where the claimant was a victim of an armed robbery at a gas station. Justin was able to force the dismissal by filing a Motion to Dismiss as our client had no control over the individual gas station where the incident occurred. The claimant's counsel had no basis to keep our client in the case and after a hearing; our client was dismissed with prejudice from the claim.

Workers' Compensation Claims by At-Home Employees



By Richard W. Lenkov

More companies than ever are allowing employees to work from home. With that trend comes increased risk of employees injuring themselves at their home office. This raises a host of new risks and issues. For further discussion of this emerging trend, please click here: www.businessinsurance.com

SETTLEMENT DAY

Close Dozens of Files NOW!

WHAT?

We invite opposing attorneys and their clients for claims that have languished to meet and discuss settlement

WHERE?

At the Illinois Workers' Compensation Commission in Chicago (*and by conference call if they are not local*)

WHO?

Decision-makers from the insured and/or TPA arrive with settlement authority. Bryce Downey & Lenkov attorneys consult together with them to present our best offers

WHEN?

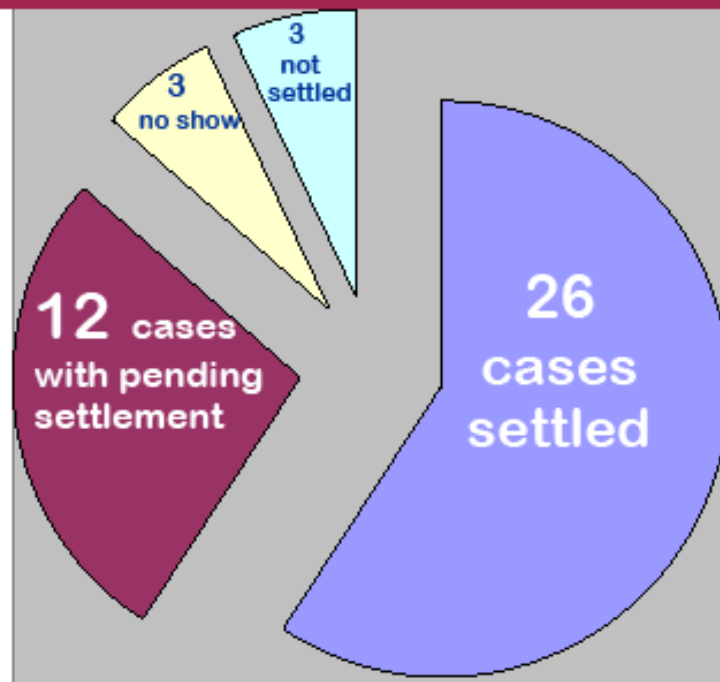
Two or three cases scheduled for each 30-minute block between 9 am and 5 pm, over one or two days

WHY?

Within a 5-month span in 2011, we held 6 settlement days for 6 separate clients. In one, we settled 22 cases **IN ONE DAY** (*see below*)

SAMPLE SETTLEMENT DAY – MAY 2011

- We invited 90 attorneys to attend an insurance company's Settlement Day
- 44 cases were scheduled for discussion:
 - 26 settled within 30 days – 22 of those on that day
 - 12 pending settlement (some awaiting the end of treatment or MSA, etc.)
 - 3 did not settle
 - 3 did not show up



If you would like our assistance in closing your claims during settlement days or through other innovative strategies, please contact Rich Lenkov at rilenkov@brycedowney.com

Free Seminars!

Our attorneys regularly provide free seminars on a wide range of workers' compensation topics. We speak to a few people or dozens, to companies of all sizes and large national organizations. Among the national conferences at which we've presented:

- Illinois Work Comp Forum
- National Workers' Compensation and Disability Conference® & Expo
- SEAK Annual National Workers' Compensation and Occupational Medicine Conference
- REBEX
- RIMS Annual Conference & Exhibition

Some of the topics we presented are:

- *Turning the Tables: Using An Employee's Own Actions As A Defense To Their Workers' Compensation Claim*
- *Closing The Nightmare Case*
- *Workers' Compensation 101*
- *Mandatory CMS Reporting Requirements: What You Need To Know*
- *Managing & Closing WC Claims In a Cost-Effective Manner*
- *Obtaining a Winning Medical Opinion*
- *The Mediation Process*
- *Balancing Aggressive Pursuit of Lien Recovery with Associated Litigation Expenses*

If you would like us to come in for a free seminar, please email Rich Lenkov at rlenkov@brycedowney.com.

We can teach you a lot in as little as 60 minutes.

Bryce Downey & Lenkov is a firm of experienced business counselors and accomplished trial lawyers who deliver service, success and satisfaction. We exceed clients' expectations while providing the highest caliber of service in a wide range of practice areas. With offices in Chicago, Merrillville, IN, Memphis and Atlanta and attorneys licensed in multiple states, Bryce Downey & Lenkov is able to serve its clients' needs with a regional concentration while maintaining a national practice. Our practice areas include:

Business Litigation
Business Transactions
/Counseling
Corporate/LLC/Partnership
Organization and Governance

Construction
Employment and Labor
Insurance Coverage
Insurance Litigation
Intellectual Property

Medical Malpractice
Professional Liability
Real Estate
Workers' Compensation

The attorneys at Bryce Downey & Lenkov are committed to keeping you updated regarding the latest developments in workers' compensation law in Illinois and Indiana. If you would like more information on any of the topics discussed above, or have any questions regarding these issues or any aspect of Illinois and Indiana workers' compensation law, please contact Richard Lenkov at 312.377.1501 or rlenkov@brycedowney.com, or any member of our workers' compensation team. © Copyright 2011 by Bryce Downey & Lenkov LLC, all rights reserved. Reproduction in any other publication or quotation is forbidden without express written permission of copyright owner.

Chicago: 200 N. LaSalle Street Suite 2700 Chicago, IL 60601 Tel: 312.377.1501 Fax: 312.377.1502	Indiana: 2646 W. Lincoln Hwy Suite B Merrillville, IN 46410 Tel: 219.756.8100 Fax: 219.756.5100	BRYCE DOWNEY & LENKOV LLC	Memphis: 1922 Exeter, Suite 5 Germantown, TN 38138 Tel: 901.753.5537 Fax: 901.737.6555	Atlanta: P.O. Box 800022 Roswell, GA 30075-0001 Tel: 770.642.9359 Fax: 678.352.0489
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