

# BELOW THE RED LINE

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## WORKERS' COMPENSATION UPDATE "WE'VE GOT YOU COVERED!"

*A Newsletter for Employers and Claims Professionals*

*March 2019*

### A WORD FROM THE PRACTICE CHAIR

Has Spring sprung? Not just yet, but things are looking much better. It will be nice to put this past Winter in the rearview mirror and focus on a new baseball season, some spring cleaning, and March Madness. How about some gardening and use of a barbeque? See, there are great things just around the corner! I do hope you persevered to enjoy what is next.

Although it took about two months, it finally happened – Governor Pritzker made the anticipated changes at the Commission. No one was sure what those changes would be, but, historically speaking, many new Governors replace key people at the Commission, and Illinois's new Governor is no exception. My associate Amber Cameron (Edwardsville office) has outlined all the changes which have taken place recently at the Commission and given some background on these key personnel. As we always do, any new changes brought about by our Governor we will report on and pass along to you. And, as we garner experience with these individuals, we will update you accordingly since they may impact claims handling and strategy. Out of respect for a job well done, I must pass along our thanks to Chairperson JoAnn Fratianni for all of her hard work over the past five years. We are confident the Chair position is now in good hands with former Commissioner Michael Brennan and look forward to his leadership. We also thank outgoing Commissioners Joshua Luskin, David Gore, and Charles DeVriendt.

There are still Arbitrator positions to fill with these changes, and we will report on those when they are announced. If you have any questions regarding how any of these changes impact your claim, please do not hesitate to contact us, and we can assist in that regard.



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### NEW COMMISSION APPOINTMENTS

*By: Amber Cameron, Edwardsville Office*

Illinois Governor J.B. Pritzker has made several changes to the Illinois Workers' Compensation Commission.

**Michael Brennan** has been appointed as Chairman of Commission. The Chairman serves as the Chief Administrative and Executive Officer of the Commission and also is designated as a public representative Commissioner.

Chairman Brennan has served the Commission as a public Commissioner since 2013 and prior to that, was a well-respected workers' compensation defense attorney for over 20 years. He has proven himself to be a fair and competent Commissioner and his experience and knowledge of the Commission and Workers' Compensation Act will serve him well in his new role. Chairman Brennan replaces Joann Fratianni-Atsaves, who served the Commission for over 30 years beginning as an Arbitrator, serving as a Commissioner, and most recently as its Chairman.

In addition to the new Chairman, the Governor has appointed two new Public Commissioners and two new Labor Commissioners. The Illinois Workers' Compensation Commission consists of 10 members appointed by the Governor with the consent of the Senate, three representing employers, three representing employees, and three (plus the Chairman) representing the public. The Commissioners are appointed to a staggered term of four years.

To serve as Public Commissioners, Arbitrator **Barbara Flores** has been appointed to replace Michael Brennan and **Maria Portela** replaces Commissioner Joshua Luskin. Commissioner Flores has served as an

*Continued on next page...*

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Editors, Brad Elward and Lynsey Welch

Arbitrator since her appointment in 2011, most recently assigned to Zone 4 (New Lenox, Kankakee, Ottawa). Prior to joining the Commission, she was labor and employment law counsel for the US Postal Service and the Office of Attorney General. Commissioner Portela joins the Commission after previously serving as in-house counsel for AIG insurance prior to her appointment.

Governor Pritzker has also replaced two of the three current Labor Commissioners, Commissioner David Gore and Commissioner Charles DeVriendt. Arbitrator **Douglas McCarthy** will replace David Gore, and **Marc Parker** will replace Charles DeVriendt. Commissioner McCarthy has served as an arbitrator since 2012 and most recently was assigned to Zone 2 (Urbana, Springfield, Quincy). Before joining the Commission, Commissioner McCarthy was an attorney specializing in workers' compensation law at McCarthy, Rowden and Baker in Decatur, Illinois. Commissioner Marc Parker is new to the Commission. He has been in private practice for over 25 years representing plaintiffs and petitioners, and has maintained his own practice in Maryville, Illinois since 2012. Commissioner Parker also served as the attorney for Collinsville Township and as a prosecutor with the Madison County and St. Clair County State's Attorney's offices.

Commissioner Kevin Lamborn currently serves as a business/employer member of the Commission and his term also recently expired. No announcement was made regarding the reappointment of Commissioner Lamborn.

Here are the current panel members:

Michael Brennan, Chairman			
Commissioners:	Panel A	Panel B	Panel C
Employee Representatives:	Thomas Tyrrell	Douglas McCarthy	Marc Parker
Public Representatives:	Maria Portela	Stephen Mathis	Barbara Flores
Employer Representatives:	Kevin Lamborn	L. Elizabeth Coppoletti	Deborah Simpson

Several arbitrators who were appointed last year by the Rauner administration are still awaiting confirmation by the Illinois Senate and with the promotion of several sitting Arbitrators to Commissioner, we will likely see more changes in the near future at the arbitration level.

These appointments and changes may impact your claims handling decisions. With Arbitrator McCarthy's move to the Commission, the remaining arbitrators in Zone 2 include Maureen Pulia and Christina Hemenway, with a TBA arbitrator filling in until the Commission fills the vacant position. Arbitrator Flores leaves Zone 4 to Arbitrators Erbacci and Dollison, with a TBA arbitrator filling in until the Commission replaces Arbitrator Flores. We would recommend talking about the implications of these moves with us on a case by case basis, including your *pro se* claims. Likewise, we welcome any questions about the impact of the newly assigned Commissioners on your claims on review before their respective panels.

We will be sure to keep you updated as new appointments are announced by the Governor's office.



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Amber's workers' compensation defense practice entails representing employers of all sizes at dockets in southern Illinois and eastern Missouri. She also devotes a portion of her practice to the defense of asbestos personal injury suits, representing the firm's clients at depositions, hearings, and procedural matters. Prior to joining Heyl Royster in 2015, Amber was a staff attorney at the Illinois Workers' Compensation Commission where she assisted Commissioners deciding workers' compensation claims.

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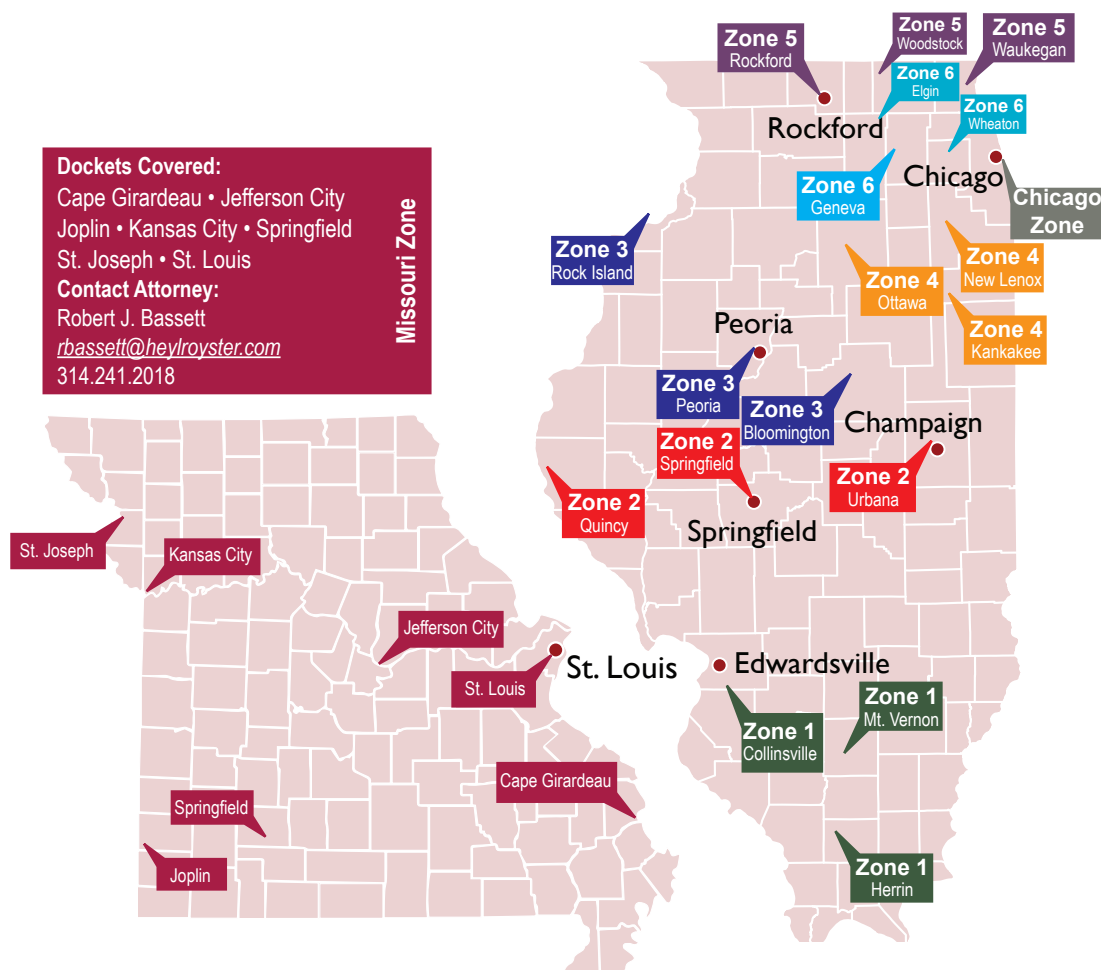
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