

Work Injury

In this issue of *JLL Reports*, a periodic newsletter for our clients and friends, we focus on the topic of work injuries. Over the years, our firm has been able to obtain significant benefits for employees injured on the job. For example, our workers' compensation case load is continuing to grow due in part to an increase in manufacturing hiring, particularly at the Ford Motor Company's Chicago Heights plant. We have also seen significant growth in filings against another large local employer, AT&T. While both these employers vigorously defend their workers' compensation claims, Joseph, Lichtenstein & Levinson is being retained to secure the rights of the working men and women who suffer work related injuries. Our mission is to protect worker rights and ensure that our clients receive the best possible settlements for their injuries. Together Ed Lichtenstein and Ken Levinson have obtained significant results, which include:

- \$1.8 Million – Workers' compensation and defective product settlement
- \$1.45 Million – Workers' compensation and wrongful death settlement
- \$1.2 Million – Workers' compensation and defective product settlement



Worker Rights Under the Illinois Workers' Compensation Act

Managing partner Ed Lichtenstein has been handling work-related injuries for more than 30 years. Ed offers his Top Ten Tips for anyone injured on the job:

- 1. Report your injury.** If you are injured on the job, you must report an injury to your employer within 45 days of it occurring. However, you have three years from the date of a work-related accident to actually file a claim, with the Illinois Workers' Compensation Commission.
- 2. No fault and no job loss.** It does not matter who was at fault at the time of the accident; you only have to demonstrate that the injury occurred during the course of your employment while performing your job duties. You cannot be fired or

disciplined for reporting your injury, or filing a workers' compensation claim. It is illegal for an employer to retaliate or take negative action against any employee injured on the job who is pursuing his/her rights under the Illinois Workers' Compensation Act. There are civil and criminal penalties for violating the rights of the injured employee. By law, every employer in Illinois must have workers' compensation insurance, or be self-insured to provide for the cost of on the job injury claims.

- 3. Choose your own doctor.** You have the right to go to your own doctor to be treated for your injury; this also includes choosing a doctor for a second opinion. Doctors in a referral chain count as one choice.
- 4. Employer pays the medical bills.** Your employer must pay for your reasonably related medical expenses in their entirety and any other expenses reasonably related to the treatment of the injury, including prescriptions and medical equipment. The injured worker is not responsible for any deductibles or co-pays for medical benefits in a workers' compensation claim.

- 5. Receive compensation while recuperating.** While you are recuperating, you are entitled to two-thirds of your average weekly wage, which is calculated based on earnings during the year preceding the injury. There is no time limit for how long you can remain eligible to receive this benefit – as long as you are unable to return to work, your employer is responsible for paying this benefit.

- 6. Return to work.** Your doctor will determine when there is no further treatment necessary or if there are no other treatment options for your injury. At that time, you will be authorized to return to work, either full or restricted duty.

- 7. Back at work, but different job duties or rate of pay.** If you are unable to return to your job, your employer has the right to offer you a light duty job or accommodate any restrictions that you might have as a result of your injury. If you return to work, but at a lesser rate of pay, you are entitled to a lifetime wage differential benefit.

8. My employer won't accommodate me. If your employer cannot accommodate your restrictions, you have the right to seek vocational training to help you transition into a new area or job function. Your employer must pay for this training, as well as your weekly wage benefit during your rehabilitation and training.

9. Permanent total disability. If you are not able to return to work due to your injuries, you are entitled to a lifetime benefit determination called "permanent total disability." You will be paid a weekly benefit for the rest of your life.

10. Other possible compensation. Many serious work injury cases involve product failures or negligence by other individuals, outside of the employer, presenting third-party claims, which can substantially increase financial compensation for a disabled worker.

We are here to help – legal action can resolve issues more expeditiously and yield possible financial compensation. Bottom line, don't try to manage a job injury claim on your own. If you or a loved one has suffered a work injury, please call us to discuss possible options and remedies.

In Memorium



Burton Joseph (1930-2010). The firm is deeply saddened by the loss of its Senior Partner, Burton Joseph. Burt had practiced law in Chicago upon receiving his law degree from DePaul University College of Law in 1952. His law practice focused primarily on personal injury cases, but he was also well known both in Chicago and nationally for handling civil rights and civil liberty matters. Burt wrote and lectured extensively in the field of First Amendment law. In addition to his client representation, Burt took on pro bono cases from the American Civil Liberties Union for 45 years. He served on numerous boards, including Trustee of the Freedom to Read Foundation of the American Library Association, from which he was awarded inclusion on the Roll of Honor in 2008. Burt was a founder of Lawyers for the Creative Arts, founder and former chair of the Media Coalition, President of the Lower North Center, Executive Director and former Chairman of the Board of the Playboy Foundation, and was active in numerous other legal and community organizations. Burt co-authored the *Summary of the Law of Illinois*, a publication of the Media Law Resource Center (MLRC), was co-editor and publisher of *Law and Disorder*, (1968), and was a contributing author to other national publications. He was also an Adjunct Professor of Law at IIT/Chicago Kent College of Law.

JLL Attorney News



Ed Lichtenstein lectured at a Will County Bar Association Civil Law seminar earlier this year on the topic of workers' compensation. There were over 100 attorneys in attendance. Ed has been invited to speak again this February. He also hosted and presented a workers' compensation seminar to a group of attorneys handling workers' compensation claims. This seminar focused on over 30 technical issues involved in the practice of workers' compensation. For the second year in a row, Ed was included in the 2011 Edition of the Presidential Who's Who Among Business and Professional Achievers; this year he was named Attorney of the Year.



Ken Levinson launched a blog entitled "The Safest Line" that focuses on child safety and injury prevention – www.thesafestline.com. He recently spoke on child safety issues for the Chicago Bar Association's Solo and Small Firm Committee and continues to serve as Chair of that Committee. He also participated in the Basic Skills Program, which is presented for new lawyers admitted to the bar, where he spoke on how to handle the initial client interview. Ken completed his third straight summer of graduate work at the prestigious Gerry Spence Trial Lawyers College. He also serves on the College's Alumni Board of Directors.



Jay Stefani is serving as Vice Chair of the Chicago Bar Association's Solo and Small Firm Committee. Jay is now a member of the McHenry County Bar Association.



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