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MEMORANDUM

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TO: MEMBERS OF THE BAR AND PUBLIC  
FROM: MICHAEL J. BRENNAN, CHAIRMAN  
SUBJECT: IWCC EMERGENCY PROCESS UPDATE  
DATE: APRIL 27, 2020

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Based upon the continuing National Emergency and Worldwide Pandemic created by the COVID-19 virus, as well as the lack of technological resources, **the Illinois Workers' Compensation Commission must suspend regular operations during the month of May 2020.**

In light of the withdrawal of the previously promulgated amendment to Commission Rule 9030.70 a), of the Rules Governing Practice Before the Illinois Workers' Compensation Commission, which was submitted to JCAR on April 16, 2020, a Committee will be formed to examine other possible actions that the Commission may take, in light of the Covid-19 Pandemic and its impact upon the actions of this Commission under the Illinois Workers' Compensation Act and the Illinois Workers' Occupational Diseases Act. At the request of the Chairman, this Covid-19 Action Committee will be Co-Chaired by Commissioners Douglas McCarthy and Deborah Simpson.

Commissioners McCarthy and Simpson will be forming a committee of practitioners to assist in the examination of the problems created by the Covid-19 Pandemic and possible actions that the Commission may take to solve these problems. An announcement regarding the other members of the Covid-19 Action Committee, meeting and hearing dates will be made shortly.

A Special Circumstance Arbitration Procedure has been posted on the IWCC website. Please make certain to follow it for May 2020 cases. The Commission will continue all cases to their next regularly scheduled 90-day continuance date, unless a hearing date has been set pursuant to the Special Circumstance Arbitration Procedure.

Matters pending on the Commission Review Calls for Oral Argument during the months of March and April will be decided by the members of the Panel, as assigned, if the parties waive Oral Argument. A representative of the Commission will contact the attorneys to determine whether they wish to waive Oral Argument. If Oral Argument is waived, a Decision on Review will be issued by the assigned panel as quickly as possible.

**The Commission will continue to conduct previously set Emergency Motion Calls for EMERGENCY motions, ONLY.**

An "Emergency Arbitrator" will be available at the locations and on the dates and times set in the below schedule (this will be updated on a weekly basis) for presentation of "valid" emergency motions only. "Valid" emergencies include issues involving the expiration of a statute of limitations, a party can reasonably be expected to suffer an unacceptable hardship, if not heard on an expedited basis. Motions which do not constitute "valid" emergencies will be stricken. **Simply put, if the emergency basis of the motion is not a valid emergency that justifies the risk**

**associated with holding an in-person hearing in the midst of a national emergency and global pandemic, the motion *will* be stricken.**

Access to the Emergency Motion Call will be limited to one individual per party. Parties may be required to sign in and out of the facility. The Emergency Arbitrator is empowered to manage the Call in a manner he or she believes is reasonable to ensure the administration of justice and minimize the health and safety concerns connected to the COVID-19 pandemic. Refusal to follow the directions of the Emergency Arbitrator will be grounds for removal from the Call and striking of the motion.

The following is a list of the locations for each of the Zones. Emergency Motion Calls will run from **9:00 AM to 12:00 Noon** at the below locations on the indicated dates:

**Chicago** cases will be heard at the IWCC's **Chicago** Office: Monday, Wednesday and Friday

**Zone 1** cases will be heard at the IWCC's **Collinsville** Office: Tuesday and Thursday

**Zone 2** cases will be heard at the IWCC's **Springfield** Office: Monday and Wednesday

**Zone 3** cases will be heard at the IWCC's **Peoria** Office: Wednesday and Friday

**Zone 4** cases will be heard at the IWCC's **Chicago** Office: Monday, Wednesday, and Friday

**Zone 5** cases will be heard at the IWCC's **Rockford** Office: Tuesday and Thursday

**Zone 6** cases will be heard at the IWCC's **Chicago** Office: Monday, Wednesday and Friday

**Pro Se settlements may be presented to the Emergency Arbitrator on the second day of the Call, only.**

The Chairman advises that, prior to making use of the Emergency Motion Call, attorneys should engage in personal consultation and make reasonable attempts to resolve differences. The Chairman believes Illinois Supreme Court Rule 201(k) and Rule 3.4 of the Illinois Rules of Professional Conduct serve as appropriate guides for counsel during these exceptional times.