

The RIDGE Review

R&A

James M. Ridge & Associates, P.C.
Attorneys at Law

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Welcome to our First Issue!

By James M. Ridge, Editor

Happy New Year and welcome to Ridge & Associates' first issue of The Ridge Review. We have created a newsletter to distribute to our clients and friends in order to update you on the Illinois workers' compensation laws and other legal issues.

Each issue will include topics that we hope will be of interest to you. We will give highlights of recent Illinois workers' compensation cases and identify how new caselaw could affect your rights under the Illinois Workers' Compensation Act. We will tell you about specific rights that you have under the Act and other laws that affect workers, and highlight recent cases litigated by our firm. Each issue will also present past and current issues affecting labor as well as information about legislative issues in our "Labor & Politics" section.

Ridge & Associates volunteers time and makes other significant contributions to many local and nationwide charitable organizations. Many of our associates also serve on the boards of local charitable organizations and spend time volunteering outside of working hours. The "In the Community" section will highlight just some of our many contributions to our communities. Each article will also include an "Attorney Spotlight" to provide you with more information about each of our attorneys.

Finally, if you have a topic that you would like us to address, email info@ridgeassoc.com and we will be happy to try to write about it in one of our next issues.

Warm regards,

Ridge & Associates, P.C.

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In the Community

Meet Porter: Ridge & Associates' Latest Addition to the Guide Dogs of America

Ridge & Associates is an active supporter of the **Guide Dogs of America**. We have sponsored the training of eleven dogs since 1991.

The Guide Dogs of America was founded in 1948 by Joseph Jones Sr., with the help of the **International Association of Machinist and Aerospace Workers**. Its mission is to provide guide dogs and instruction in their use, free of charge, to blind and visually impaired men and women. This allows the visually impaired to pursue their goals with increased mobility and independence.

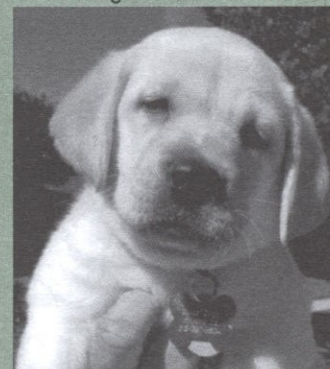
All dogs are put through an extensive evaluation process, including medical, orthopedic, ophthalmologic, and stress testing. Many dogs fail these tests and are not able to continue to formal training.

Dogs that continue to formal training spend four to six months with the trainers learning how to be guide dogs. They practice in all types of environments, including: city sidewalks, construction areas, beaches, rural areas, malls and shopping centers, subways, trains, campuses, and downtown areas. When ready, a dog will be matched with a blind man or woman that has been accepted into training.

We are very proud that two Ridge dogs, **Sicely** and **Brownie II**, graduated from training and were matched with visually impaired people. One of our dogs, **Wish Ridge**, became a breeder. This is quite an accomplishment because only 2% of dogs become breeders. Another one of our dogs, **Fenix Ridge**, is currently in formal training.

Finally, we are very excited to announce our new addition to the Guide Dogs, **Porter Ridge**. Porter is currently in puppy training, where he'll learn basic obedience and social skills until he is 18 months old. Then he will begin his formal training. Good luck Porter!

Every year, we send our holiday cards with pictures of the latest Guide Dogs' puppies. The proceeds from these cards raise money for the Guide Dogs. If you would like to learn more about this special organization, please contact Daryl Lasky at (818) 833-6427, or email dmlasky@guidedogsofamerica.org.



Law Update: Federal Employer's Liability Act

Despite the Railroad Industry's claims to the contrary, railroading continues to be a very dangerous way to make a living. When a railroad employee suffers an injury, he CANNOT seek benefits under the Illinois Workers' Compensation Act (IWCA). The railroad employee's sole avenue of relief is to seek damages under the Federal Employer's Liability Act (FELA).

The IWCA and FELA operate and affect the injured worker differently. Under the IWCA, an injured worker is entitled to medical, temporary total disability, and permanent partial disability benefits concurrently. This means that the injured employee's medical providers will be paid and the employee will receive lost wage benefits on a weekly basis. Under the FELA, an injured railroad employee is entitled to recover damages for lost earnings, unpaid medical expenses, and past and present pain and suffering. However, these monies will not be paid until the disposition of the case.

There is also a major difference with regards to job rehabilitation. Under the IWCA, when an injured employee must change jobs due to his injury, it is the employer's

responsibility to pay for treatment, instruction, and training necessary for vocational rehabilitation. Under FELA, an injured railroad employee has a duty to make reasonable efforts to mitigate his damages. Failure to mitigate damages is one of the most common defenses alleged by Railroad defendants. There has been a coordinated effort by the Railroad Industry to attempt to devalue employees' FELA claims by routinely making suspect job offers to injured employees in an attempt to limit damages. These suspect job offers are usually created and can be eliminated without reason or warning. The unfortunate byproduct of the suspect job is that if there is no legitimate long-term purpose of the job, it will be eliminated sooner or later for business purposes, to the detriment of the employee. This is just one of railroad defendants' many tactics to sabotage an employee's case.

All railroad employees who are injured on the job should consult with one of our experienced attorney's to learn the do's and don'ts of pursuing a FELA claim.

Your Rights under the Public Employees Disability Act

PEDA was enacted to provide for a continuation of full pay for law enforcement officers, correctional officers, and firefighters who suffer a disabling injury in the line of duty. Under this statute, up to a year of full pay is given to public safety personnel injured in the line of duty. If the injured officer or firefighter continues to remain disabled from performing their duties after this year expires, they are then entitled to receive Temporary Total Disability (TTD) benefits under the Illinois Workers' Compensation Act. TTD provides for two-thirds of your average weekly earnings, but it is tax free.

State correction officers, other employees of the Department of Corrections, Employees of the Prisoner Review Board, and employees of the Department of Human Services working within a penal institution or a State mental health or developmental disabilities facility operated by the Department of Human Services are eligible for PEDA if they are full or part-time. However, law enforcement officers and firefighters must be employed full-time by the State of Illinois, any unit of local government, any State-supported college or university, or any other public entity granted the power to employ persons for such purposes.

Employees of the State of Illinois who become permanently unable to perform their duties due to an injury received as a willful act of violence by another employee of the State of Illinois are also eligible for benefits pursuant to this Act.

It is important to note that an officer or firefighter could be incapacitated for a period of time, return to work, and then be incapacitated for a subsequent period of time. Under PEDA, these personnel are entitled to receive 52 weeks of full pay, excluding the dates they return to light or full duty. Many municipalities have interpreted PEDA to require only payment for one calendar year from the date of injuries. This penalizes personnel who make a good-faith attempt to return to work. The Appellate Court has clarified that the year limitation is on the time an employee is unable to perform their duties, not on the calendar period following an injury.

If you feel that you are not receiving the proper compensation pursuant to PEDA, please contact one of our experienced attorneys for a review of your case. Our attorneys are well-trained in all matters affecting officers and firefighters injured in the course of their employment.

*"A legal consultation will ensure
you are not misled as to your
rights under the law."*

Attorney Spotlight: James M. Ridge

Jim was born and raised on the Northwest side of Chicago. He is a graduate of St. Ignatius College Prep High School. He received his undergraduate degree from St. Louis University and his Law degree from DePaul University School of Law in 1974. After graduating from Law School, he began practicing law in St. Louis, Missouri.

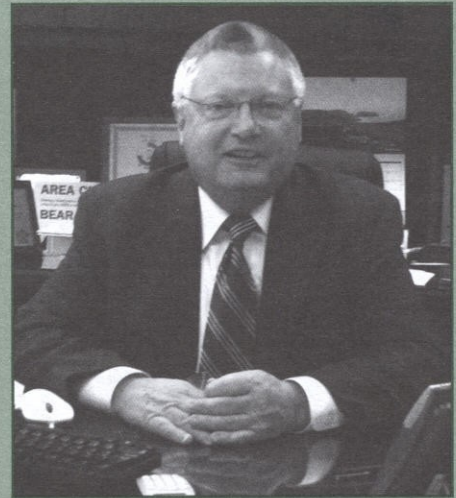
Jim returned to the Chicago area in 1976 and was hired as an associate at the law firm of Perz & McGuire, specializing in Workers' Compensation and Third Party Injury Cases. He became a partner in 1980 and the Senior Partner of the firm in 1985.

Jim spends a substantial amount of his time giving legal presentations to various labor groups. He instructs members about both their rights and benefits under the Illinois Workers' Compensation Act, and issues associated with other statutory and common law cases, including personal injury, product liability, and medical malpractice.

Jim has been recognized for his charitable and civic contributions by many organizations. In 1997, the Illinois Police Pension Fund Association selected Jim as "Man of the Year" for his work employing a successful legislative plan that restored police officers' and firefighters' benefits under the Worker's Compensation Act that had been preempted by various local municipalities.

Jim also received the "Blue and Gold" Award from the Fraternal Order of Police in 2004 for his outstanding contribution to the FOP and the Law Enforcement Community in the State of Illinois. This is the highest award given to a non-sworn officer by the FOP. Jim is also a member of the Illinois Law Enforcement Educational Fund board of directors.

Jim is a member of the Illinois Bar Association, the American Association of Justice



James M. Ridge

(formerly the Association of Trial Lawyers of America), the Illinois Trial Lawyers and the Illinois Workers' Compensation Lawyers Association.

Jim and his wife Debbie will celebrate their 41st Wedding Anniversary this year. Debbie is an active volunteer with the Salvation Army, and participates as a bell ringer each holiday season. They currently reside in Lake Forest, Illinois.

You should know...

Firefighters, Emergency Medical Technicians (EMT's), and Paramedics risk their lives every day they report to work. They are exposed to hazardous conditions and heavy labor, which increases the risk of health impairments related to blood borne pathogens, lung or respiratory disease, heart or vascular disease, hypertension, tuberculosis, cancer, hearing loss, and hernias.

Not all injuries at work are covered by the Illinois Workers' Compensation Act. Many employees assume that if an accident happens at work, workers' comp benefits have to be paid. That is not true. Insurance companies employ adjusters with hundreds of hours of training, who seek to find a way to deny benefits. An insurance adjuster will argue that the above health impairments are simply conditions of ordinary life, heredity, or a part of the aging process and will deny your workers' comp benefits.

Fortunately, in 2007, legislators amended the Illinois Workers' Compensation Act and the Occupational Diseases Act to recognize that there are certain risks inherent to the duties of these workers. This amendment states that when a Firefighter, EMT, or Paramedic suffers from any of the above diseases or conditions, there is a rebuttable presumption that it arose out of and in the course of employment and is causally connected to the hazards or exposures of such employment. This amendment has provided a sword for our attorneys to strike back at the insurance adjuster's defense. It forces the employer to *first* present evidence that the disease or condition is *NOT* related to work.

This amendment does not apply to everyone. All Firefighters, EMTs, and Paramedics who suffer from these diseases or conditions should consult with one of our workers' compensation attorneys to learn if this amendment protects them, and further learn their rights and their employer's obligations.

FIREFIGHTER AWARDED BENEFITS FOR ACCIDENT ARISING FROM HORSEPLAY

The rights of public employees are important to Ridge & Associates. We have represented numerous police officers, firefighters, paramedics, and correctional officers, working to ensure they receive all of their benefits when injured on the job.

In a recent case, a firefighter in a suburb of Chicago was attending an out-of-state safety conference with a fellow firefighter. During this stay, his colleague started a bout of horseplay. The colleague grabbed our client and started to wrestle him to the ground. Mere seconds into this, our client felt his leg pop. He eventually required ACL reconstruction surgery and physical therapy.

It was established at Arbitration that our client was at all times trying to extricate himself from the wrestling hold and that it was common for horseplay to happen in the firehouse. He was awarded benefits, as our office was able to prove to the Arbitrator, the Illinois Workers' Compensation Commission, the Circuit Court, and the Appellate Court that he was not a willing participant in horseplay, and that under the common law traveling employee doctrine, the conduct of the firefighters was reasonable and foreseeable.

He was represented at Arbitration by **James M. Ridge** and at the Illinois Appellate Court by **Gerald W. Napleton**.

Ridge & Associates is proud to welcome its two newest attorneys to the firm, **Amylee Hogan Simonovich** and **Andrew T. Bell**. Andrew was a member of Laborers' Local 231 in Pekin, Illinois, prior to joining our Peoria office. Amylee clerked at a workers' compensation defense firm during law school prior to joining the Chicago office. Both attorneys have hit the ground running during their first year with us, and we wish them continued success at Ridge & Associates!

REPETITIVE TRAUMA

Many workers are not injured by a specific incident, but rather through a course of repetitive trauma to a specific body part. It is often thought that workers must have years of continued repetitive trauma to the same body part to be successful with a workers' compensation claim; however, this is not always the case.

Attorney **Meghan N. O'Brien** successfully argued a case before the Illinois Appellate Court where a worker sustained a repetitive trauma injury to his neck and shoulder after eight days of repetitive overhead movements with welding.

The case was won before the Illinois Workers' Compensation Commission and the Illinois Appellate Court affirmed the decision that the injured worker's repetitive work activities caused his neck and shoulder injury and that it arose out of and in the course of his employment.

PENALTIES

Attorney **Andrew T. Bell** recently settled a case wherein the Respondent agreed to pay penalties of over \$12,000. The claimant slipped on a box at a factory and fractured her right wrist. She was taken to the Emergency Department, and surgery was performed the following day.

After repeated attempts to get her medical bills paid, she contacted our office for help. Our office filed a claim against the factory where she was working and the uninsured temporary staffing agency that sent her there. After soundly rejecting their settlement offer of \$2,000, we were able to negotiate a settlement with the temporary staffing agency for a substantial loss of use of her hand, payment of medical bills, penalties for the delay in payment of benefits and medical bills, and attorney's fees for recovering the penalties. This totaled just under \$30,000.

Said one of the attorneys on the other side, "I'll never forget this file and still can't believe they paid the penalties voluntarily."

We will be available for consultations at the following times and locations:

February			
8	IAM Local 49	VFW Post 2255 10537 S. Ridgeland, Chicago Ridge	7:00 p.m.
8	IAM Lodge 1165	American Legion 1740 5th Street, Lincoln	4:00 p.m.
9	IAM Lodge 1000	310 Greenwood Avenue, Bloomington	4:30 p.m.
12	Teamsters Local 371	Steward Training 2525 - 30 Street, Rock Island	Members Only
15, 16, 17	State Council of Machinists	Abraham Lincoln Convention Center Springfield	Members Only
23	FOP Lodge 41- Dist. 17	The Right Spice Supper Club 2102 4th Street, Peru	Members Only
March			
1	Laborers' Local 231	2503 Broadway, Pekin	7:00 p.m.
2	IAM Local Lodge 48	50 W. Oakton Street, Des Plaines	7:00 p.m.
2	IAM Lodge 360	Labor Temple, Room 106, Peoria	4:30 p.m.
3	Teamsters Local 179	1000 N.E. Frontage Road, Joliet	1:30 - 4:00 p.m.
7	IAM Lodge 2125	Hampton Inn & Suites 1400 Milwaukee Ave., Lincolnshire	7:00 p.m.
9	IAM Lodge 1557	Holiday Inn 495 Airport Road, Elgin	6:30 p.m.
10	Teamsters Local 371	7909 42 nd Street, Rock Island	8:30 - 11:30 a.m.
16	IBEW Local 176	1012 N. 5 th Avenue, Kankakee	1:00 - 3:30 p.m.
20	IAM Local 851	23157 S. Thomas Dillon Dr., Channahon	10:00 a.m.
21	Teamsters Local 627	7101 N. Allen Road, Peoria	10:30 - 12:00 p.m.
21	Labor Temple	2243 Grand Avenue, Galesburg	3:00 - 5:00 p.m.
April			
6, 7, 8	IDEOA Training Conference	Peoria, Illinois	Members Only
6	IAM Local 126	Berwyn VFW Hall 1529 S. Harlem Ave., Berwyn	8:00 p.m.
7	Teamsters Local 179	1000 N.E. Frontage Road, Joliet	1:30 - 4:00 p.m.
12	IAM Local 49	VFW Post 2255 10537 S. Ridgeland, Chicago Ridge	7:00 p.m.
14	Teamsters Local 371	7909 42 nd Street, Rock Island	8:30 - 11:30 a.m.
18	Teamsters Local 627	7101 N. Allen Road, Peoria	10:30 - 12:00 p.m.
18	Labor Temple	2243 Grand Avenue, Galesburg	3:00 - 5:00 p.m.

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[Labor & Politics]

We are beginning 2011 with a new assault on the Illinois Worker's Compensation Act. On January 9, 2011, the Illinois House Executive Committee approved House Amendment #2 to Senate Bill 1066 by a vote of 8-3. This amendment would have restricted choice of doctor, limited wage differential awards, made utilization review presumptively correct, reduced the fee schedule by 15% and enacted other changes. Subsequent House Floor Amendments would have enacted a "primary cause" standard of causation, deleted the causation presumption for firefighters, and allowed binding collectively bargained workers' compensation.

While the General Assembly of the State of Illinois adjourned on January 11, 2011 without bringing any workers' compensation bill up for a vote on the floor of the House or the Senate, these issues will likely arise again in the coming year. We will let you know as these threats occur and continue to ask for your assistance in opposing any changes to the current law.

In an effort to be more environmentally friendly, we'd like to send you this newsletter and other updates by e-mail. Please send your e-mail address to info@ridgeassoc.com