

**LEX 285**  
**WORKER'S COMPENSATION LAW**

**COURSE DESCRIPTION:**

Prerequisites: None

Corequisites: None

This course covers the process of initiating and handling workers' compensation claims. Emphasis is on reviewing and drafting relevant Industrial Commission forms. Upon completion, students should be able to interview clients, gather information, and draft documents related to workers' compensation claims. Course Hours Per Week: Class, 2. Semester Hours Credit, 2.

**COURSE OBJECTIVES:**

By the conclusion of this course, the student should be able to:

- a. Practice ethical behavior and avoid the unauthorized practice of law.
- b. Practice teamwork.
- c. Prepare documents and forms for administrative agencies such as the Social Security Administration and the Industrial Commission.
- d. Locate and interview experts and consultants.
- e. Obtain and summarize medical, police, and accident reports.
- f. Demonstrate computer efficiency.
- g. Prioritize tasks.
- h. Set up manual and computer systems for the office
- i. Open, maintain, monitor and close client files
- j. Obtain signatures and perform notary services.

**OUTLINE OF INSTRUCTION:**

- I. Employment related actions and legislation.
  - A. Employee's common law remedies
  - B. Employer's liabilities acts
  - C. European compensation legislation
  - D. State compensation acts.
  - E. Federal legislation.
  
- II. Theories and polices of worker's compensation
  - A. Constitutional theories
  - B. Social and economic policies
  - C. Liberal construction of compensation acts

- III. Worker's compensation and the law of torts.
  - A. Common law and statutory actions.
  - B. Coverage and non-coverage
    - 1) Co-employees
    - 2) Dual capacity employers
    - 3) Property actions
    - 4) Negligent inspectors
  
- IV. The Employee-Employer relationship.
  - A. Employers and employees generally
  - B. Employees
    - 1) Casual employees
    - 2) Agricultural employees
    - 3) Domestic employees
    - 4) Loaned employees
    - 5) State and municipal employees
    - 6) Federal employees
    - 7) Volunteers
    - 8) Aliens
    - 9) Minors
    - 10) Independent contractors
  - C. Employers generally
    - 1) Minimum number of employees
    - 2) General and special employers
    - 3) Charitable organizations
    - 4) Successive employers
  
- V. The Coverage Formula
  - A. The "arising out of" concept
  - B. Five basic risk doctrines
    - 1) Proximate cause
    - 2) Peculiar risk
    - 3) Increased risk
    - 4) Actual risk
    - 5) Positional risk
  - C. The "in the course of" concept
    - 1) Mixed purpose trips
    - 2) Recreation
    - 3) Personal comfort doctrine
    - 4) Emergencies
    - 5) Intoxication
    - 6) Suicides
  
- VI. Death
  - A. Death benefits generally

- B. Dependency and partial dependency
  - 1) Widows
  - 2) Children
  - 3) Family and household members
  
- VII. Medical expenses, disabilities, and benefits
  - A. Introduction to recovery
  - B. Medical expenses and rehabilitation
  - C. Disabilities
    - 1) Disabilities generally
    - 2) Temporary partial
    - 3) Temporary total
    - 4) Permanent partial
    - 5) Permanent total
    - 6) Disfigurement
  - D. Multiple and successive injuries
  - E. Second injury funds
  - F. Death after disability
  - G. Death compensation benefits
  
- VIII. Administration
  - A. Commission versus the courts
  - B. Notices
  - C. Statutes of limitations
  - D. Waiting periods
  - E. Hearings, evidence and review
  - F. Compromise, settlement, and lump sum commutation
  - G. Reopening, modification, termination and redistribution
  - H. Insurance and removal.

**REQUIRED TEXTBOOKS AND MATERIALS:**

Hood et al. Worker's Compensation Law and Employee Protection Law. 3<sup>rd</sup> Edition. West Group (1999).

**STATEMENT FOR STUDENTS WITH DISABILITIES:**

Students who require academic accommodations due to any physical, psychological, or learning disability are encouraged to request assistance from a disability services counselor within the first two weeks of class. Likewise, students who potentially require emergency medical attention due to any chronic health condition are encouraged to disclose this information to a disability services counselor within the first two weeks of class. Counselors can be contacted by calling 686-3652 or by visiting the Student Development Office in the Phail Wynn Jr. Student Services Center, room 1309.