

Workers' Compensation

Fall 2026

Reading Assignment (all documents are in Canvas as PDF).

August 27, 2026 (Overview)

- I. Introduction to foundations of workers' compensation
 - a. Administrative remedy
 - i. What this means
 - ii. *Quid Pro Quo*, Grand Bargain, exclusive remedy
 - iii. Constraints on each – definitions, comparative fault, etc.
 - b. Statutory construction and definition
 - i. Foundational elements - Medical, indemnity, insurance
 - ii. Structure of dispute resolution
 - iii. Structure of risk dispersing
 - c. Definitions of risk
 - i. Inclusivity – what work, employers, etc.
 - ii. Exclusivity – Longshore, Fed. WC, Jones, etc.
 - iii. Exceptions and challenges
 - d. Assignment of responsibilities
 - i. Definitions – inclusive and exclusive
 - ii. Employers, carriers, and workers
 - iii. Medical providers
 - iv. Ancillary services
 - e. Alternatives
 - i. Opt-out
 - ii. Small business exclusions
 - iii. Black Car Fund
 - f. Delivery processes
 - i. Monopolistic v. Market
 - ii. Competitive v. Fund preponderance

September 3, 2026

- II. Foundational Tort Law
 - a. The original codes, Hammurabi, Justinian, evolution of Holy Roman Empire
 - b. The modern code predominance in former empire nation states
 - c. The Norman Conquest, 1066
 - d. Birth of the Common Law
 - e. Evolution of Common Law Defenses

- f. Merger of Code with Common
- g. Intentional torts – examples and workplace focus
- h. Negligence foundations – elements
- i. Damages classifications

September 10, 2026 (c. 2, 11, 21)

- III. Contract Law
 - a. Foundational elements of offer, acceptance, and consideration
 - b. The quid pro quo and Grand Bargain
 - c. The contract of employment, waiver, constraint of arbitration, the opt-out by collective bargain
 - d. Non-physical recoveries
 - i. FMLA, ADA, Title VII, Title IX, FLSA
 - e. Statutory employees, general contractors, misclassification
 - f. Criticality of accident date – law, contracts of coverage, etc.

September 17, 2026

- IV. Constitutional Law
 - a. Fundamental rights – due process, property, contract, privacy, self-incrimination
 - b. Ancillary statute – HIPPA,
 - c. Access to courts
 - d. Administrative process, court review
 - e. The Grand Bargain.
- V. Dispute resolution process
 - a. Jurisdiction, venue – mandates and potentials
 - b. Trial, appellate, and court processes
 - c. Evidentiary issues
 - d. Burden of proof
 - e. Existence of presumptions
 - f. Timelines, requirements, and deadlines.
 - g. ADR
 - i. Arbitration, Mediation, Workers' Compensation

September 24, 2026 (Ch 13, 16, 16)

- VI. Accidents v. Occupational
 - a. Accident theory – definition
 - b. Occupational disease theory
 - c. Repetitive trauma theory
 - d. Statutory additions (black lung, etc.)

October 1, 2026 (Ch. 43,)

- VII. Medical Benefits
 - a. Doctor choice/pharmacy choice
 - b. Instigation, alteration, conclusion
 - i. Referrals, testing, remediation
 - c. Disputes
 - d. Record obtention, admission
 - e. Drug testing
 - f. Emergency care
 - g. Definitions

October 8, 2026(Ch. 31, 45. 47)

- VIII. Indemnity Benefits
 - a. The durational parameters (temp./perm)
 - b. The degree parameters (partial/total)
 - c. Death benefits (dependence)
 - d. The calculation process (AWW)
 - e. The Maximum Medical Improvement concept and complications
 - f. The impairment rating process – complications of multiple injury
 - g. Repayment of over payments
- IX. Ancillary benefits
 - a. Penalty and interest provisions
 - b. Attorney fee provisions (benefit and penalty)
 - c. Medical transportation
 - d. Vocational rehabilitation
 - e. Retraining/Education

October 15, 2026

- X. Interactions with other laws
 - a. Unemployment compensation (replacement or reduction)
 - b. Social Security disability or retirement (Offset and reverse)
 - c. Election of other states (concurrent jurisdiction)
 - d. Medicare/Medicaide
 - i. Centers, reporting, consideration

- e. Health insurance, group disability,
- f. FMLA and return to work
- g. ADA, return to work, accommodation
 - i. Special Injury funds

October 22, 2026

- XI. Claims process
 - a. Informal processes
 - b. Pleading tools
 - c. Sufficiency – information
 - d. Standing
 - e. Due process
 - f. Presumptions

October 29, 2026

- XII. Defenses
 - a. Direct and affirmative
 - b. Impacts – benefits or beyond
 - c. Pleading and proving - waiver
 - d. Offsets and calculations
 - e. Forfeiture and history

November 5, 2026

- XIII. Preparation
 - a. Discovery
 - i. The rules and tools
 - ii. Statutory production or shelter
 - iii. The enforcement process – motion
 - b. Narrowing of issues
 - c. Motion practice – limine and more

November 12, 2026

- XIV. Limitations and Repose
 - a. Counting

- b. Tolling
 - c. Legislative Intent
 - d. Estes and the present day
- XV. Finality
- a. Order or recommended order
 - i. Involvement of Administrative official
 - b. Appellate process
 - i. Opinions – published or not
 - ii. Precedential value
 - iii. Lateral and vertical stare decisis
 - iv. Statutory interpretation

November 19, 2026

- I. Evidence
 - a. Burdens of production and proof
 - b. Qualifications or constraint – *Daubert*, *Frye*, etc.
 - c. Code, rules, or habit (practice)
 - d. Specific inclusion or exclusion

November 26, 2026

Thanksgiving

December 3, 2026 Final Exam or Other Measure.