

**SOUTHERN ILLINOIS UNIVERSITY
SIMMONS LAW SCHOOL
WORKERS' COMPENSATION
SYLLABUS - FALL 2024**

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T/Th 3:15 p.m.-4:30 p.m.

PURPOSES OF THE COURSE AND STUDENT LEARNING OBJECTIVES:

Workers' Compensation law was, and continues to be, in integral part of American jurisprudence. It is uniquely a statutory creation and, thus, varies from state to state. Often, the statutory schemes developed are tied to the political realities of the state to which they apply. As such, this course will utilize multiple sources including text, statutes, and cases that I will provide for your review. Although this course will primarily focus on the Illinois Workers' Compensation Act and the Missouri Workers' Compensation Law, we will also discuss the systems in other states. Regardless of where you practice, the core concepts will be a transferable knowledge base.

As a student in this class, you should expect to achieve the following learning outcomes throughout the semester:

- Using a relevant fact pattern, students will be able to identify legal issues related to the various workers' compensation claims and defenses covered in this course, make critical and effective arguments regarding the application of workers' compensation law to the fact pattern and determine the proper resolution of the identified legal issues.
- Students will be able to articulate the distinctions between different forms of benefits under the workers' compensation system, including liability for medical care, lost earnings, and permanency benefits.
- Students will learn to draft documents frequently utilized in workers' compensation cases.
- Students will be able to critique workers' compensation as a system for providing equitable redress for workplace injuries and for promoting social justice.
- Students will be able to identify instances of inequity in the valuation of damages and make persuasive arguments that promote equity.
- Students will be able to effectively employ strategies of active listening, empathy and effective allyship during classroom discussions and group work.

- Students will be able to identify possible instances of implicit and explicit biases in fact patterns and/or cases as well as present effective strategies to respond to or avoid these biases.

REQUIRED TEXT:

Duff, Workers' Compensation Law: A Context and Practice Casebook (3rd edition 2021)
ISBN 978-1-5310-2275-4 & eISBN 978-1-5310-2276-1

RECOMMENDED SOURCES:

Presbrey & Werts, Illinois Workers' Compensation Guidebook, (2022 edition, Matthew Bender) (A copy should be available in the Law Library.)

REQUIRED CLASS TECHNOLOGY:

1. *D2L*

To supplement class, I will be using D2L. You are responsible for familiarizing yourself with the information posted and discussed on D2L prior to the examination. All assignments will be posted on D2L.

1. *Class Polling*

We will conduct online polling during class using Microsoft Forms. **You should be able to participate from a computer, tablet, or smartphone device during class using a QR code or link to the poll.**

CLASS ATTENDANCE:

Active class participation is essential to success in this course. You should not plan on taking **any** absences in this class unless you have an unforeseen or unavoidable conflict. As such, attendance is mandatory (including any make-up class), and you may

miss no more than four (4) classes during the semester. I would advise that you not use all your absences early in the semester. Those exceeding the maximum number of absences will be subject to the ramifications described in the Law School's attendance policy. See School of Law Rules III.5 (f)-(g). The attendance requirement is not subject to modification by a professor, nor may a professor excuse an absence. If the maximum number of absences allowed has been exhausted, the Associate Dean for Academic Affairs may grant leave and relief from the regular attendance requirement in extraordinary circumstances.

This semester, there may be make-up class sessions. Failure to attend make-up classes or to complete a make-up class assignment will count as an absence.

An attendance sheet will be distributed at the beginning of each class. Please sign the attendance sheet acknowledging that you (1) are present, (2) are prepared to participate in the class discussion, **and** (3) have completed any assignment. You may not sign for anyone but yourself. **If you miss more than five minutes of class for any reason, you may not sign the attendance sheet and you will be counted as absent.** Repeated tardiness will also result in being marked absent. If you must miss more than five minutes of class, you may still come to class provided that you do not cause an interruption.

CLASS PREPARATION, PARTICIPATION & ASSIGNMENTS:

Reading Assignments

Reading assignments will be posted on D2L. I will post the reading schedule for each two-to-four-week period well in advance to provide time for you to prepare for class. This will ensure that if we need to spend extra time on a particular concept, we can do so without having to constantly adjust an already published reading schedule. **The first reading assignment is available on D2L.**

1. Class Preparation Assignments

To assist you in your class preparation and to enhance your learning, I will provide you with additional assignments as you work through the reading assignments. You must complete these class preparation assignments by the start of class. Each assignment will have detailed instructions regarding submission. Please do not hesitate to reach out to me if you have any questions.

2. In-Class Participation

You are required to **actively participate in class**. When called on, be prepared to share your thoughts with the class. Additionally, there will be online polling and quiz questions that you will be asked to answer individually. You are not expected to know every answer,

but you are expected to demonstrate that you have sufficiently prepared the assigned materials. Finally, we will engage in some group activities. **If a student is not prepared to discuss the assigned materials when called upon, or fails to actively participate during the in-class activities, the student will be marked as absent for that class and the student's grade may be lowered.** (See CLASS ATTENDANCE and GRADING sections of the syllabus for more information about attendance and assessment on class preparation and participation).

3. Out-of-Class Assignments

To reinforce your learning, we will be completing several out-of-class assignments. These will include (among other activities) exam writing exercises.

COURSE WORKLOAD:

You might be interested to know that the ABA standards incorporate out of class work in the calculation of credit hours. Under the ABA standards, you **should expect to spend 150 minutes per week in class (2.5 hours) plus a minimum of 6 hours of study/class preparation, for a total of 8.5 hours a week.** Our class preparation assignments and out-of-class activities account for much of this time. The remaining time will be spent reviewing and preparing for exams.

PROFESSOR & STUDENT EXPECTATIONS:

As a law student, I expect that you will treat your time spent in class and preparing for class as a professional. You can expect the same from me. While the following list is not exhaustive, these guidelines will assist in the creation of a comfortable and productive learning environment throughout the semester.

You can expect me:

- To start and end class on time.
- To reply to e-mails within 24 hours on weekdays and 48 hours on weekends.
- To be available during my posted office hours (and to provide alternative office hours should any require rescheduling).
- To assign out of class work that adequately covers the material and meets the learning objectives of the course while adhering to the time expectations for a 3-credit course.
- To give exams that accurately reflect the material covered in class and assigned in our readings.

I can expect you:

- To come to every class and to be on time.
- To be attentive and engaged in class.
- To refrain from using laptops, cell phones and other electronic devices during class for anything other than class work.
- To spend an adequate amount of time on the assigned readings for each week, making an effort to understand the legal principles covered, and carefully completing the assignments.
- To seek help when appropriate.

GRADING:

A. Final Examination (65%) The final examination will be a **comprehensive closed book examination** at the end of the semester. More details will be provided in class.

B. Class Preparation & Participation (5%)

Careful preparation and active class participation is fundamental to success in law school. To receive full credit, a student must complete the following tasks:

1. Carefully read all assignments prior to attending class. This includes looking up any new terms or medical conditions in a dictionary or online equivalent resource. If a student is not prepared to discuss the reading material when called upon, the student's preparation and class participation grade may be lowered.
2. Complete all class preparation assignments in a timely **and** professional manner, demonstrating minimum professional competency.
3. Actively participate in class.

C. Out-of-Class Exercises (30%)

Information regarding each assignment's requirements and the basis for grading will be distributed with each assignment.

D. Late Out-Of-Class Assignments

All assignments will have a specified date and time by which they will be due. To receive credit for an assignment, students are expected to complete and submit it by the specified date and time that it is due. If extraordinary circumstances prevent a student from completing and/or submitting an assignment on time, the student must contact me within 24 hours of the due date to request an extension of time. Students should plan on submitting all assignments in a timely manner, as extensions of time will only be considered for extraordinary and unavoidable circumstances.

***BAN ON COLLABORATION ON CLASS PREPARATION, OUT-OF-CLASS
ASSIGNMENTS, & EXAMS:***

You are not allowed to obtain help from any other person (including any other student) or from generative artificial intelligence (including, but not limited to, ChatGPT and Lexis AI) on any class preparation, exercises, or out-of-class assignment in this course **unless expressly stated otherwise in the instructions to that assignment**. This ban on collaboration includes obtaining written materials from any other person or generated artificial intelligence and/or communicating with any other person about an assignment. This ban on collaboration applies to both graded and ungraded exercises. If you violate the ban on collaboration policy, you can be found in violation of the Honor Code, which can lead to serious penalties, including expulsion. An Honor Code investigation must also be reported to the Bar Examiners, even if you are cleared of any violation. When in doubt about how to proceed, ask me.

The exams in this course will be closed book. You may **NOT** consult materials of any kind, with any person other than the proctor, nor access any other resource, including, but not limited to generative artificial intelligence. Failure to comply with this rule will result in a failing grade on this exam. You also may be found in violation of the Honor Code, which can lead to serious penalties, including expulsion. An Honor Code investigation must also be reported to the Bar Examiners, even if you are cleared of any violation.

PLAGIARISM:

Plagiarizing another's work, in whole or in part, is a violation of the Honor Code and can lead to serious penalties, including expulsion. An Honor Code investigation must also be reported to the Bar Examiners, even if you are cleared of any violation. The Honor Code defines plagiarism as:

passing off another's ideas, words, or work as one's own, including written, oral, multimedia, or other work, either word for word or in substance, unless the student author credits the original author and identifies the original author's work with quotation marks, footnotes, or other appropriate designation in such a way as to make clear the true author of the work.

EMERGENCY PROCEDURES:

Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with **Emergency Preparedness @ SIU**. Emergency response information is available on posters in buildings on campus, on the Emergency Preparedness @ SIU website, and through text and email alerts. To register for alerts, visit <http://emergency.siu.edu/>.

ATTACHMENTS:

This Syllabus incorporates by reference the Law School Syllabus Attachment and the Provost Syllabus Attachment available on the course D2L page.

NOTICE OF RECORDING POLICIES:

For the benefit of students who are unable to attend a particular class due to an unavoidable circumstance, and for students who wish to review a particular class to better facilitate learning objectives, class sessions will be recorded. You must contact Professor Johnson for the recording. Because of the possibility of a technical malfunction, Professor Johnson cannot guarantee the successful recording of every class. Students are free to make audio (not video) recordings of class lectures for their own purposes, but are not permitted to distribute that recording to other individuals inside or outside of class.

OFFICE HOURS:

My Office Hours will be on Mondays and Wednesdays from 9:30-10:30 a.m. Feel free to stop by my office outside of these hours. I will also be available throughout the semester via email or (if you want to schedule something) by appointment via Zoom or phone. If you would like to schedule a Zoom or phone appointment with me, please email me with some proposed dates and times.

FIRST ASSIGNMENT:

You must sign onto D2L for the first assignment.