

Illinois Trial Lawyers Association
Education Fund

WORKERS' COMPENSATION NOTEBOOK

Chapter 34

SECTION 5(b) LIENS WORKERS' COMPENSATION LIENS AND EMPLOYERS' RIGHT TO REIMBURSEMENT

TIMOTHY J. REULAND
Speers, Reuland & Cibulskis, P.C.
Aurora

CONTENTS

	PAGE NO.
I. THE APPLICABLE STATUTE: A SYNOPSIS	1
II. WHAT MUST OCCUR FOR A WORKERS' COMPENSATION LIEN TO EXIST?	1
III. THE STATUTORY DUTIES OF AN EMPLOYEE WHO FILES A THIRD-PARTY ACTION	2
IV. TO WHAT DOES THE LIEN ATTACH?	4
V. THE EMPLOYER'S OPTIONS FOR ENFORCING THE LIEN	6
VI. ESCAPING THE LIEN	8
VII. CALCULATING THE EMPLOYER'S REIMBURSEMENT: FEES AND EXPENSES	10
A. ATTORNEYS FEES	10
B. EXPENSES	12
C. FUTURE BENEFITS	13
VIII. CONCLUSION	14
APPENDIX: 820 ILCS 305/5(b)	16

