

Workers' Compensation Centennial Symposium Dinner Speech (Andrew Reinhardt)
April 7, 2011 Boston, Ma in Workers' Compensation 100 Year Celebration

I am tremendously humbled as just one lawyer who stands before you on behalf of workers' compensation claimant attorneys around the entire United States who represent millions of injured workers.

I'm particularly humbled in this centennial year, to have this job.

I was encouraged today by the testimony of professors Speiler, Burton and Boden on several points they made that expanded upon their congressional testimony of just a few months ago.

And the points they made quite clearly which cannot be contradicted are that 1.) over the last 20 years workers compensation benefits throughout the United States have been trending downward and many injured workers benefits and 2.) their ability to get paid and covered by workers compensation has been significantly decreased and also that 3.) the AMA Guides for permanent impairment have no evidentiary basis whatsoever despite the fact that they are often used to determine an injured worker's ability to be compensated.

And, if I could, I would like to add a few points to their testimony that I believe are equally true.

That there are many large corporations who are unpunished for bad faith and fraud in the workers compensation system.

That work safety regulations are often ignored until there is a disaster.

And, I could cite the BP disaster, the West Virginia mine disaster and also problems similar to the one recently in Japan where nuclear regulations are far less than satisfactory.

I wonder how many of you would be surprised to learn that until 2007 it would be a felony for an attorney to be compensated for representing a Veteran on an appeal before the Veterans Administration. That was the law until 2007.

I will also add to the testimony of our professors today that we often forget that organized labor is responsible for child labor laws, for minimum wages and for the very existence of the workers compensation systems as well as for safety guidelines.

Yet, now, today some politicians will stand for nothing short of annihilation of organized labor.

In so doing, they seek to destroy the grand bargain and so called quid pro quo that was struck between employers and injured workers.

I will also mention, if I could, that undocumented workers in many states are denied benefits or receive decreased benefits even for injury or death in spite of the fact that their employers may know that they are undocumented.

Each of us has a role. WILG's role, the organization that I am here to represent, workers compensation claimant's attorneys around the country, has a role in the court room and in our legislatures and in shedding the light on many of these ugly problems that still exist.

100 years after Shirtwaist we need to find a way to restore some semblance of a bargain between employers and injured workers.

This is something that we can either do together or continue to do battle on.

I would hope that each of you, on whatever side you stand, whether you are on the claimant's side, whether you are an academician or whether you are with an insurance company or employer, will understand that attorneys who represent injured workers represent your friends, your spouses, your children and also you.

When the time comes that you call on a workers compensation claimant's attorney to help you, I hope that your attorney will tell you that you have a remedy and that the bargain that was struck supposedly some 100 years ago and since still exists.

I pray that we can work together.