



Illinois Workers' Compensation Commission

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JB Pritzker, Governor

Michael J. Brennan, Chairman

PRO SE SETTLEMENT CONTRACTS

A "pro se settlement contract" is a document formalizing a negotiated workers' compensation case settlement between an injured worker (known as the "petitioner") who is not represented by an attorney and his or her employer (known as the "respondent"). The term "pro se" is a Latin phrase that means "for oneself." So, persons who represent themselves without the aid of an attorney are known as pro se petitioners.

All workers' compensation settlement contracts must be presented to the IWCC for consideration. An Arbitrator, the hearing officer appointed by the Governor to adjudicate workers' compensation cases, will review and approve the settlement contract if the terms are in the best interest of the parties. An Arbitrator is similar to a judge in civil-court cases.

Some things for injured workers to keep in mind when seeking approval of a pro se settlement contract.

- A workers' compensation case must be formally filed and assigned to an Arbitrator before the settlement contract can be reviewed.
- The attorney for the employer can file the case by submitting a signed settlement contract (the employer's attorney **does not** represent the injured worker).
- All settlement contracts must be electronically submitted to the Arbitrator by the employer's attorney using CompFile, the IWCC's electronic filing and case management system.
- All parties, including the injured worker, must sign the contract before submitting it for the Arbitrator's review.
- The parties must personally appear at a hearing with the Arbitrator **prior to approval** of the settlement contract to review the terms of the settlement.
- Due to [IWCC policy changes](#) in 2020 during the COVID-19 pandemic, these hearings before the Arbitrator can be scheduled virtually via Webex. Those typically present at the hearing will be the Arbitrator, the employer's attorney, and the injured worker.
- Even though the employer's attorney and the injured worker have reached an agreement and signed the settlement contract, the contract is not considered valid until the Arbitrator conducts a hearing with the parties and approves the settlement contract.
- The Arbitrator's approval is discretionary rather than a required act. At the hearing, the Arbitrator will inquire if the injured worker has concerns about the terms of the settlement and advise the injured worker of the rights he or she is giving up if the Arbitrator approves the settlement contract.
- After approval, the employer's attorney will receive an electronic copy of the final, approved settlement contract and deliver a copy to the injured worker.

Disclaimer: The information contained in this document is intended for informational purposes only and should not be construed as legal advice. As the administrative court system, the IWCC must be impartial. The IWCC staff can explain procedures and basic provisions of the law to members of the public but cannot provide legal advice or act as an advocate for either the employee or the employer. Should you require legal advice, please consult an attorney licensed to practice in the State of Illinois.