



1970

Symposium on Workmen's Compensation: Introduction

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Recommended Citation

Siegel, Richard D. (1970) "Symposium on Workmen's Compensation: Introduction," *Kentucky Law Journal*: Vol. 59 : Iss. 1 , Article 5.
Available at: <https://uknowledge.uky.edu/klj/vol59/iss1/5>

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SYMPOSIUM ON WORKMEN'S COMPENSATION

INTRODUCTION

Workmen's compensation is the sole protection offered the injured American worker of today. Administered by states, these workmen's compensation programs have not received the national examination and criticism reserved for some of the more prominent federal programs, *e.g.*, Social Security. Yet the American worker is not less deserving or entitled to adequate protection because the programs are state administered. For this reason, the Kentucky Law Journal presents this symposium on workmen's compensation in the hope of fostering nationwide discussion and intellectual analysis of the advantages and disadvantages of workmen's compensation programs, possible federal intervention, the plight of the injured worker, etc.

The symposium is structured in two sections, Articles and Special Comments. The Articles section is designed to deal with the topic and problems of workmen's compensation in a broad general sense. The first article, prepared by noted author, lecturer and workmen's compensation practitioner, Samuel B. Horovitz, presents an international overview of workmen's compensation. The author has been exposed to innumerable foreign workmen's compensation programs in his travels, and he relates these to American programs in terms of trends and desired improvements. M. Roscoe Lowery, immediate past President of the International Association of Industrial Accident Boards and Commissions, then elaborates on the extent of federal intervention in the historically state administered workmen's compensation programs. To complete the Articles section, the team of Joseph A. Page, professor at Georgetown University Law Center, and Gary B. Sellers, Counsel for the Center for the Study of Responsive Law, combine for an evaluation of the plight of the American worker, the cir-

cumstances under which workmen's compensation programs prove inadequate, and pose recommendations for much needed improvements. The article by Page and Sellers is derived from a study they are leading of occupational safety by a team of "Nader's Raiders."

The Special Comments section, prepared by some of the most able Kentucky workmen's compensation practitioners, is designed to deal with special problems faced by the Kentucky practitioner. Due to the uniform nature of state workmen's compensation programs, these problems are inherent in a good many of the states, and hence the analyses and solutions are applicable in many jurisdictions. The first of these comments, prepared by Richard D. Cooper deals with the "going and coming" rule and one of its major exceptions, the "operating premises" exception as developed by the Kentucky courts. The second comment, prepared by James M. Graves, a Louisville practitioner, deals with the accident requirement of workmen's compensation and its evolution. The third comment deals with the procedural problem inherent in all workmen's compensation programs, *i.e.* the reopening of claims and the enforcement of awards. The final comment in this section deals with a problem inherent in all workmen's compensation programs and Kentucky's inadequate solution, *i.e.*, determination of disability. Prepared by Alvin B. Trigg, practitioner and workmen's compensation instructor at the University of Kentucky College of Law, the comment justly criticizes Kentucky's method of determining disability and suggests much needed improvements.

R.D.S.