



HOW TO CHOOSE A LAWYER FOR YOUR WORKERS' COMPENSATION CLAIM

A free publication by the Law Offices of James Scott Farrin

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Introduction

What's in this book?

You've been hurt at work and now you need guidance, but who do you call? Without a background in workers' compensation law, how can you know which attorney or law firm will be right for your situation?

Finding a good, trustworthy lawyer may seem like a difficult task. There are law firms on nearly every street corner, but having "a lawyer" is not enough. You deserve a knowledgeable, caring advocate who understands the nuances of the workers' compensation system.

With those concerns in mind, we'd like offer this booklet as a guide. The principles here can help you choose a good attorney for your case.

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Knowledge

The number one thing to look for when you consider hiring an attorney for your workers' compensation claim is what we call competence. This doesn't mean the attorney is merely "serviceable." Rather, it is a legal term meaning the attorney is well-qualified in the particular legal field. In workers' compensation, we strongly suggest you look for an attorney who is a board certified specialist in workers' compensation law.

Board certification is a stringent process. To be a board certified specialist, the attorney must:

- Pass an extensive exam testing their knowledge of intricate details of the Workers' Compensation Act, benefits, and process;
- Have handled workers' compensation cases for an average of at least 500 hours per year (no fewer than 400 hours any year) for at least five years;
- Complete at least 36 hours legal education in workers' compensation or related fields over the past three years, with at least 18 hours during that period directly in workers' compensation education; and
- Have at least 10 peer references that the attorney is qualified to sit for the exam.

Even many good workers' compensation attorneys never fully meet the requirements of becoming board certified. In fact, there are not many board certified specialists in the entire state. When an attorney is board certified as a specialist in workers' compensation, you can have a greater degree of trust that they are highly skilled in handling your claim.

Experience

We believe that to truly understand the nuances of workers' compensation, the attorney has to be constantly engaged in handling workers' compensation claims. There are many general practice attorneys who, despite the fact they may be excellent attorneys, can quickly become lost in the workers' compensation system.

The old saying "practice makes perfect" certainly applies in such an intricate area of the law. If you need an operation, wouldn't you prefer an experienced surgeon over a physician fresh out of residency? As with other important decisions, having an experienced professional on your side can be critical.

It is also important to make sure the attorney will fight for your claim by being willing to go through mediation, hearing, or appeal if necessary to get the best result in your case. An experienced attorney will understand how to best advocate for your case when the insurance carrier has dug in its heels on the value of your claim.

Resources

You deserve a law firm that dedicates powerful resources to handle your case. Regardless of the size of the firm, we suggest you ask questions designed to help you understand how the firm uses its resources for its clients.

For instance, you want to make sure the attorneys have a manageable caseload and are not spread too thin. We also believe strongly in having enough paralegals to assist the attorneys with the cases. Another hallmark of a firm that has focused its resources is making good use of technology to help your case proceed smoother and quicker. It also is a significant benefit if the lawyers know the local doctors and how those doctors handle WC claims.

We encourage you to understand the level of resources a firm will devote to your case. Better resources are typically the result of experience and can help lead to better results in your case.

Communication

Communication can be a surprisingly weak point for some attorneys. We cannot tell you the number of times someone has called us after hiring someone else to complain that they never hear from the attorney they hired. Our advice is always the same, go talk to the attorney and get them to listen to you.

We believe the firm should be organized enough to keep you in the loop about everything going on with your case. It is, after all, your life and your case. You can also trust that if the firm is organized enough to keep you up to date, they are more likely able to keep the case moving the direction it needs to go and stay on top of important issues during the case, too.

When you first contacted a firm, were you able to speak with an attorney within a reasonable period of time? Did they actually listen to you and guide you, or did they just try to sell you on hiring them? These are often key indicators of how they will treat you later. Make sure you hire an attorney who will make a real effort to keep the lines of communication open.

Involvement

This point may seem obvious, but the attorney should be heavily involved and invested in your case. We'd suggest the attorney should have regular in-depth reviews of your case. This way, they can quickly address any issues that develop in order to head off any potential problems.

We believe a proactive attorney serves you better than a reactive attorney. Does the attorney dictate regular memos in your case? Does the attorney have a regular review of your file? Does the attorney chart a roadmap for your case and explain it to you so you know what to expect? Does the attorney have planned brainstorming sessions about your case with other attorneys in the firm? These are all things we believe help the attorney do a better job in your case.

Empathy

Most people don't think of lawyers as especially caring, but any lawyer who has devoted his or her career to helping injury victims should care about the clients he or she serves. We believe the best lawyers help injured workers because they care about the dramatic impact these injuries have on you and your life. Thankfully, we know many caring attorneys across the state and are glad there are concerned, caring attorneys from whom you can choose.

But be on the lookout for attorneys who view you as an interruption and attorneys who are more interested in how much money they can make from your case than on how they can make a positive difference in your life. A caring attorney should be honest with you, guide you, and listen to you. This is the type of focused care you deserve.



empathy

noun

the intellectual identification with or vicarious experiencing of the feelings, thoughts, or attitudes of another.

Passion

How is passion different from empathy? Here, we are talking about a passion for justice. You can see this by how involved a lawyer is in the broader legal community.

We believe most good attorneys will be involved in groups such as state and local bar associations and the North Carolina Advocates for Justice, the largest group of lawyers in the state focused on helping victims. Attorneys who are passionate about helping victims of workplace injuries will frequently write books and articles or teach seminars to help other attorneys grow in their knowledge, so those attorneys can then better serve their own clients. Many good attorneys and paralegals are very active in their communities, civic groups, and churches.

Attorneys who truly care are passionate about making the world better – and especially passionate about making sure individuals have a fair chance when facing big insurance companies.

Sample Questions

Here are a few easy questions to help you gauge a potential attorney for your workers' compensation claim;

"How many attorneys in your firm handle workers' compensation claims?"

We believe it is beneficial to have a team of attorneys available so that if your primary attorney is out, someone else can make sure your case keeps moving forward.

"Of these attorneys, how many focus only on workers' compensation claims?"

Attorneys who handle only WC claims will typically have more experience in WC.

"How many attorneys in your firm are Board Certified Specialists in Workers' Compensation Law?"

Many firms don't have any Specialists. In fact, as of June 2014, there were fewer than 150 Board Certified Workers' Compensation Specialists in the entire state of North Carolina. There are many good WC attorneys who are not Specialists, but it helps give you peace of mind to know your attorney has met the rigorous requirements of certification.

"What is your firm's policy on whether you take every fourth check from ongoing wage-loss benefits?"

There are some firms that will routinely take every fourth check, but we believe a firm should not take any of your benefits checks except under exceptional circumstances. Use this question to make sure you understand the fee agreement.

"How many cases has your firm resolved in the last 12 months?"

A proactive firm is more likely to resolve more cases than a firm that passively waits for the insurance company. Plus, the more cases a firm has resolved recently, the more relevant experience they are likely to have.

"How many cases does your firm take to mediation annually?"

There is no magic number, since this relates in part to the size of the firm. But we believe you will get better results in the case if you are willing to go to mediation and prepare the case from day one as though you expect to go to mediation or hearing.

"How many cases has the firm taken to hearing in the last twelve months?"

Again, there is no magic number, but a zealous, aggressive firm is more likely to take cases to hearing.

"Has your firm taken WC cases to the Court of Appeals?"

This would also demonstrate the firm's history of aggressively representing its clients.

"How familiar are your attorneys with the local doctors used by the workers' compensation carriers?"

Attorneys who are regularly engaged in WC cases tend to know the local doctors very well and may be able to help ensure you get proper medical attention.

"How frequently do you speak with your clients?"

We very strongly believe attorneys should talk with their clients on a regular basis.

"How involved are the attorneys with the community?"

This may not relate to the attorney's competency at all, but it is nice to know whether the attorney is engaged with their community.

Conclusion

Of course, we believe our firm and our attorneys embody the ideals you should seek when looking for a workers' compensation attorney, but we also can gladly report there are other attorneys and firms across the state about whom we also feel very good. In other words, you have good options. If you follow the tips in this booklet, we believe you will find a good attorney for your case. We don't pretend to be the only good firm in the state. And, in some cases, we are not the best fit for your particular circumstance. But we are committed to helping you understand your options and arming you with the knowledge you need to make an informed decision.



About the Law Offices of James Scott Farrin

Our firm was founded in 1997 to try to make sure injured people aren't taken advantage of or bullied. Since then:

- We have recovered over \$1.8 billion total for over 65,000 clients since 1997. And counting.
- We recovered over \$225 million total for over 5,000 clients in 2023.
- And these numbers don't include the \$1.25 billion we helped recover against the U.S. government for 15,700 claimants in a historic class action case.

We've done this because we have lots of quality professionals. Over 60 attorneys. Over 200 staff. 11 attorneys board certified in North Carolina in their fields.

If you've been injured, please call us for a free case evaluation. We're available 24/7 to take your call at 1.866.900.7078 or visit us on the web at www.farrin.com.

***Disclaimer:** Each case is unique and must be evaluated on its own merits. Prior results do not guarantee a similar outcome. Re Black Farmers Discrimination Litigation, the Law Offices of James Scott Farrin led a team of firms to recover \$1.25 billion for African-American farmers from the U. S. government for discrimination.*