



## When is an Attorney Necessary for Work Related Injury?

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Ouch! You've become injured on the job. Co-workers say, "Get a lawyer." Your boss says, "I'll handle it." How do you know what to do?

### **IF YOU NEED MEDICAL TREATMENT**

First thing you must do is report your injury to human resources and, if you need to, ask to see a doctor. If the response from your employer is anything other than directions to the clinic, you need a lawyer. Some employers try to get an injured employee to forego filing for benefits under workers compensation out of fear it will increase their insurance payments. Don't rely on an employer's good will to treat your injury. If surgery becomes necessary, or treatment lingers, the employer may run short on good will and money. I've seen it far too often. And there is a one year statute of limitations to file for a work related injury. Also, if you lose your job before you file, the employer has an additional defense called "Post-termination" that can hamper you from getting treatment.

### **IF RECOMMENDED TREATMENT IS DENIED**

If treatment that your doctor finds necessary is denied, you need a lawyer. More and more often these days, treatment recommended by a treating doctor is being denied by insurance adjusters. If the treatment is sent to UR (Utilization Review) an out-of-state doctor who has never seen the injured worker may deny the treatment! When this happens, there are time limits to appeal these decisions, and technicalities which may overturn these decisions. A lawyer can help negotiate all these twists and turns in the system.

### **BEFORE YOU SEE A QME**

If the insurance company wants you to choose a QME, you need a lawyer. Do not be pressured into this without advice from a professional. First you'll be asked to choose a specialty of medical professional. This is vital to getting a good result! Choosing the wrong specialty can result in a panel of biased doctors who cannot write a substantive report, one that will stand under judicial scrutiny should the case go to trial. A computer somewhere in the state of California randomly picks the names of three doctors, and the unrepresented lay-person, must choose one name, sight unseen, without any knowledge of their practice, bedside manner, history, etc. An attorney may have knowledge of these doctors, and if not, has colleagues throughout the state from which to gain feedback.

### **BEFORE YOU GIVE A RECORDED STATEMENT**

Lastly, if the insurance company sends an investigator to take your recorded statement, you need an attorney. Do not give a recorded statement without benefit of legal counsel. You don't know the investigator, how the questions may be skewed to benefit the insurance company, or what legal fallout may result from your unintended responses.

There are, of course, many complicated legal issues which undoubtedly require an attorney. But in the beginning of a case, this is a basic guide to determine whether yours requires the assistance of a professional.

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