

## Handling An Iowa Worker's Compensation Claim-In Thirty Minutes Or Less

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1. Interviewing the Client
  - Review materials client has received from Carrier or WCC
  - Determine the Issues
  - Determine whether there is a valid workers' compensation claim
2. Obtaining the Necessary Records
  - File from Workers' Compensation Carrier
    - A. Injury report
    - B. Medical records/Nurse Case Manager Records
    - C. Earnings records
  - Medical Records from treating and evaluating physicians
  - Request patient history form
3. Preparing the Case
  - Discovery-Interrogatories and Request for Production
  - Independent Medical Evaluation
  - Vocational Consultant
  - Medical Conferences and Depositions
  - Lay Person Statements and Depositions
4. Negotiating the Settlement
  - Know the value of your claim
  - Know the types of settlements
  - Know the consequences of a settlement
  - Mediation as a means of settlement
5. Hearing
  - Pay attention to deadlines set out in the WCC Hearing Report
  - Prepare Exhibits as required by the WCC
    - Medical records chronologically by provider
    - Non-medical records- make sure each document is specifically identified
  - Prepare a short opening statement
  - Be mindful of time limitations in presenting your case
    - Keep testimony concise

## Don't bring in unnecessary witnesses or exhibits

Remember that hearing is governed by the Iowa Administrative Procedure Act and the Iowa Workers' Compensation Commission. The rules are somewhat relaxed as to how testimony and exhibits are introduced into evidence.

## EPILOGUE

Advice from the Oldtimer.

Due to the complexities of the Iowa Workers' Compensation laws, the uninitiated attorney often runs the risk of jeopardizing the claim by his or her lack of knowledge of the many rules and regulations governing the litigation of a contested case. If you don't intend to handle workers' compensation cases as part of your practice, you may be performing the greatest service to the injured worker by referring the case to an attorney specializing in workers' compensation. In the alternative, acting as co-counsel with an experienced attorney will provide you with a mentor who can help you gain the experience needed to handle workers' compensation cases in the future.

If it's your first workers' compensation case, take the time to become acquainted with the Iowa Workers' Compensation laws. This is best done by reviewing the Workers' Compensation Statutes, Chapters 85-87. The WCC website provides access to agency decisions and forms that you will need, from Petitions to settlement documents. Another resource is the Workers' Compensation Volume of Iowa Practice. IAJ, The Iowa Trial Lawyers workers' compensation section, has a chatroom for members where questions can be posed and answered by experienced attorneys, and one can learn of the latest decisions pertaining to workers compensation cases at the agency through Supreme Court levels. The Iowa State Bar Association website publishes decisions both at the agency and appellate levels.