

PA Federation of Injured Workers



Questions for a Perspective Attorney

- Before you sign with a workers' compensation attorney, interview him or her. Some people go to their local workers' compensation hearing location and talk to other injured workers for a referral. Call any injured worker groups in your state and ask them for a referral. The PFIW has panel attorneys that have been interviewed by our local Chapters, to make sure they are good qualified attorneys, and referrals can come from each Chapter.
- Ask if he/she only represents injured workers. Never hire an attorney that does work for employers or insurance companies. This is a clear conflict of interest.
- Ask if the attorney will initially pay for the cost of any depositions you may need. Most IME or physician depositions cost a significant amount of money (\$3,000 - \$9,000) and would be impossible for you to come up with. This cost is, most of the time, reimbursed to the attorney whether or not you prevail in the litigation.
- It is important that you know exactly what is going on in your workers' compensation claim. Ask the perspective attorney if he/she will send you copies of all correspondence pertaining to your claim. The attorney may be working on several claims at once and all will be at different stages. It is your job to make sure your attorney has all the facts about your claim correct.
- During the hearing process for your claim bills may start to pile up. Ask the perspective attorney if he/she will help to shelter you from the bill collectors.
- The most expected attorney fee for workers' compensation is 20% of your benefit income. Ask the perspective attorney if he/she will take your case for less than the normal 20% or ask to have a cap for your legal fees of 250 weeks.
- After you have explained what has transpired in your claim up-to-date ask the perspective attorney what would be his/her plan of action will be to help you establish your claim. Find out if they will pursue penalty petitions and recover attorney fees when you prevail on a petition. You do not want someone who will not just sit back and allow your employer/insurer to harass you without action.
- Ask the perspective attorney how far in the court system will they pursue your claim. Some cases must go to the Supreme Court to prevail. You need an attorney that is there for the long haul.
- If your injury claim is being denied by your employer you will need a source of income to get you through the long hearing process it will take for the PA Bureau of Workers Compensation to acknowledge your injury claim. Ask the perspective attorney if he/she will help you establish a Social Security Disability Claim. (*Note: Some attorneys charge a separate fee for the help with Social Security Disability filings, some include it as part of the legal service for workers' compensation.*)
- Find out what the perspective attorney does outside of his/her practice to support injured workers. Ask if he/she are a member of Pennsylvania Trial Lawyers Association (PTLA) and a LAWPAC contributor. Find out if they give seminars on workers' compensation.
- Most good attorneys has a rating for the field of practice. It is called a Martindale Hubbell rating. (This will tell you how good they are in the field of practice they pursue). Note: Not all attorneys are rated by Martindale-Hubbell.

How to Rate an Attorney

Martindale-Hubbell provides a lawyer rating system, which evaluates lawyers and law firms in the United States and Canada, based on peer review. The Rating System is based on the confidential opinions of members of the Bar and the Judiciary. Martindale-Hubbell representatives conduct personal interviews with members of the Bar to discuss those members under review. Additionally, confidential questionnaires are sent to lawyers and judges in the same geographic area and/or area of practice as the member being rated. All Rating review materials are strictly confidential, to allow participants to provide candid assessments of their

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colleagues.

Each Martindale-Hubbell Rating has two components: legal ability; and general ethical standards. The Legal Ability Ratings are: C (good to high); B (high to very high); and A (very high to preeminent). The General Ethical Standards rating denotes “adherence to professional standards of conduct and ethics, reliability, diligence and other criteria relevant to the discharge of professional responsibilities.” The General Recommendation Rating for Ethical Standards is “V” (very high). According to Martindale-Hubbell, a lawyer will not receive a Legal Ability Rating unless he or she has been endorsed for a “V” under the Ethical Standards Rating.

The ratings are described by Martindale-Hubbell as follows:

- A **CV** Rating is an excellent first Rating and a statement of a lawyer’s above average ability and very high ethics.
- A **BV** Rating is an indication of an exemplary reputation and well-established practice. A typical lawyer is in mid-career, with a significant client base and high professional standard.
- An **AV** Rating shows that a lawyer has reached the height of professional excellence. He or she has usually practiced law for many years, and is recognized for the highest levels of skill and integrity.

The Rating System is fluid and reflects the career development of the lawyers included. A lawyer’s Rating will generally improve over time, but can be revised downward or removed, if a decline is noted in legal ability or ethical standards.

Additional information about the rating system can be found on the Martindale-Hubbell Web site. *It should be noted that not all lawyers or law firms are rated by Martindale-Hubbell.*

Always negotiate what you will pay as an attorney fee!



Need more help to sort this all out.

Give us a call at the PFIW

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