

Five P's of Workers' Compensation

In a previous blog post, we stressed the importance of ignoring external pressures and internal qualms when deciding whether to institute your workers' compensation matter against your Employer. We hope that you have had a chance to review the post, and have concluded that your rights supersede a supposed "friendship" with your boss, or your reluctance to "make waves," or "pursue a handout." Now that you have decided to file your claim for workers' compensation benefits and have retained us to help you maneuver through the legal and factual morass of litigating your case, there are some measures that you should take in order to prepare for your inevitable, first, "Day in Court."

Here are some helpful tips, known as Martin Law's Five P's, for your first appearance before the Honorable Judge:

1. **PREPARE** – Review the back story of your incident. You must be ready to answer questions that concern the identity of your Employer, date of hire, contract of hire, job title, work schedule, salary, supervisor, and union membership, if applicable. Moving on to your actual incident, you must be prepared to address inquiries that concern the circumstances of your incident, including but not limited to: the time and place it occurred; if there were any witnesses; to whom you reported your incident and how; medical treatment that you have undergone for your injuries; pre and post work-related and non-work-related incident histories; whether you have returned to work and for whom, and any sources of income. Before you attend your first Hearing, a mental evaluation of all these areas should be sufficient. If necessary, jot down a few notes that you may use to prompt your recall. However, do not write a

long statement that you plan to read to the Honorable Judge. When you appear before the Honorable Judge, you should easily and naturally relate your story, and not sound as if you are reading from a prepared script. Please read all the correspondences that we send to you prior to the first Hearing. Our letters offer you instructions and sound advice to prepare for your appearance before the Honorable Judge.

2. PROMPT – Please try to arrive for your first Hearing at least 45 minutes before your designated start time. If you arrive early, then you will have plenty of time to meet with your attorney in order to discuss your case. During the preparation period, your attorney will review your case with you, answer all of your questions, and reduce your fears and jitters. You will be able to observe what transpires in the Honorable Judge’s Hearing Room, as well as note what the Honorable Judge likes and dislikes. Of course, your attorney, will cue you in on the Honorable Judge’s preferences.
3. PATIENCE – Pack plenty. Although your case is listed for a specific time, more often than not, your case is one of many that the Honorable Judge has scheduled for that day, which means your hearing might be delayed. The Honorable Judge will reach your case, and he or she will be attentive.
4. POLITE – Yes, you have entered an adversarial proceeding, but you will be a much better witness if you harness any anger that you harbor against your Employer and tell your story in a concise and even manner. You are not going to win your case if you fight with the Honorable Judge and/or opposing counsel.
5. PAY DAY – Not after the first Hearing. You are not going to appear before a, “Judge Judy.” Your testimony is one of the many elements of your case. At the end of your first Hearing, the Honorable Judge is not going to award or deny the payment of benefits to you. The Honorable Judge will set the trial schedule for your case. During

trial, both your attorney and opposing counsel will submit medical records and legal arguments to the Honorable Judge which he or she will consider in deciding your workers compensation case.

If you keep the Five P's in mind, then you will be on your way to making a lasting positive impression upon the Honorable Judge.