

WORKERS COMPENSATION PARALEGAL

2007 revision and update by Heather Dolif. 2007 revision and update reviewed by Shannon M. Bell, Esq., of McElroy, Deutsch, Mulvaney & Carpenter, LLP.

Originally drafted by Todd A. Field, Angela Wagoner, and Bill Salvatore. Originally reviewed by Joel S. Babcock, Esq., of Senter, Goldfarb & Rice, and Mark A. Simon, Esq.

ALL OF THE BELOW DUTIES ARE ASSUMED TO, AND MUST BE, UNDER THE DIRECTION AND SUPERVISION OF A LICENSED ATTORNEY.

DUTIES OF PARALEGAL REPRESENTING CLAIMANT

A. COMMENCEMENT OF ACTION/DISCOVERY

1. New client telephone screening.
2. Participate in initial interview. Obtain claim information and medical authorizations from client. Ascertain issues in dispute under direction of attorney.
3. Determine claim status and/or assist in filing claim with Division of Workers Compensation. Verify parties in proceeding.
4. Assist attorney in evaluation of employer and/or insurance carrier liability.
5. Draft Entry of appearance for attorney review.
6. Obtain medical and employment records, and causation reports. Obtain copy of insurance carrier claim file. If provider will not release records, set a records deposition and send a subpoena *duces tecum* under guidance of the attorney.
7. Transmit medical record request authorizations to claimant's treating physicians/providers.
8. Tickle response to authorizations for release of information and interrogatories.
9. Obtain prior workers compensation claim history from Division of Workers' Compensation.
10. Research legal questions/issues.
11. Meet with Claimant to go over response to interrogatories. Prepare response to interrogatories and requested attachments, under attorney's guidance.

12. Submit Claimant's mileage, prescription, or any other reimbursement request to carrier.
13. Coordinate transportation requests and needs with carrier.
14. Schedule pre-hearing conference and/or settlement conference and notify parties.
15. Conduct periodic review and evaluation of claim status. Maintain contact with claimant to ascertain medical and employment status, and wage information, if applicable.
16. Contact claims adjuster regarding initial payment of lost wages, authorization for medical care, and admissions of liability.
17. Contact claimant's treating physicians to coordinate medical care and determine status of claimant's treatment.
18. Contact and assist in retention of vocational rehabilitation counselor for employability evaluation and to schedule testimony at hearing.
19. Draft correspondence to all parties.
20. Review and organize claim documentation including:
 - a. Medical and employment records.
 - b. Vocational rehabilitation reports.
 - c. Division of Labor claims.
 - d. Opposing party documentation.
21. Depositions:
 - a. Schedule depositions of party(ies), expert and lay witnesses.
 - b. Draft Notices of Deposition for attorney review.
 - c. Schedule and confirm court reporter.
 - d. Schedule interpreter if necessary.
 - e. Prepare subpoenas, determine fees, and coordinate service.
 - f. Digest/summarize deposition transcripts.

22. Draft Motions, Applications for Hearing, and Request for Expedited Hearing, if applicable, for attorney review.

23. Draft Interrogatories and Requests for Production of Documents for attorney review.

24. Prepare Request and Notice for Division Independent Medical Examination (DIME) and schedule same. Assist with preparing client for IME appointment. Follow up with respondents to ensure medical records sent to DIME physician and review medical records to supplement if necessary, under attorney's guidance.

25. Obtain treating physician's report of MMI/Impairment Rating.

26. If applicable, calendar deadline to object to FAL and file either DIME request or Application for Hearing, under attorney's guidance.

27. Prepare Request for Lump Sum paperwork, if applicable, for attorney review.

B. HEARING PREPARATION

1. Request and schedule hearing with Division of Administrative Hearings. Send out confirmation of hearing notices.

2. Prepare medical records, employment documentation, tax records, and vocational reports for exchange with opposing counsel twenty (20) days prior to hearing.

3. Conduct informal witness interviews.

4. File reports in accordance with W.C. Rule VIII(I)(3) with Division of Administrative Hearings.

5. Follow up with medical providers and employers for updated information.

6. Re-evaluate disputed issues with attorney.

7. Assist with witness coordination for hearing testimony. Draft Endorsement of Witnesses and Exhibits for hearing, for attorney review. Prepare subpoenas and services of same for expert or lay witnesses.

8. Prepare exhibits for use by attorney at hearing.

C. SETTLEMENT

1. Schedule Claimant to come in and review Full and Final Settlement Agreement and Motion for Approval of same, with attorney.
2. Coordinate delivery of settlement proceeds to DOWC or respondents.
3. Follow up on status of settlement proceeds.

DUTIES OF A PARALEGAL REPRESENTING DEFENSE

A. COMMENCEMENT OF ACTION/DISCOVERY

1. Review and break down claim file received from insurance carrier. Determine parties to proceeding and issues in dispute, under attorney's guidance.
2. Review case for outstanding Application for Hearing, pending motions, Interrogatories, and/or Requests for Production of Documents. Inform attorney of outstanding deadlines. Verify filing of Employer's Report of Injury and verify whether carrier has admitted or denied liability.
3. Advise opposing counsel and/or co-respondent of employer's and insurance company's representation. Draft Entry of Appearance for attorney review.
4. Review and summarize medical, employment and tax records, and vocational reports. Assess claimant's medical treatment to date and identify providers/facilities from which to request records. Maintain and update tracking log for medical and employment records. If provider will not release records, set a records deposition and send a subpoena *duces tecum* under guidance of the attorney.
5. Bates label and exchange incoming medical records pursuant to Rule XI(B)(2) and VIII(I)(1), under attorney's guidance.
6. Coordinate transportation, travel, and lodging as necessary for Claimants and/or witnesses.
7. Prepare DIME medical packets for submission to the DIME doctor.
8. Tickle response to authorizations for release of information and interrogatories.
9. Obtain claimant's prior workers compensation claim history from Division of Workers' Compensation.

10. Schedule pre-hearing conference, settlement conference and/or independent medical examination (IME).
11. Draft correspondence to claimant's counsel, insurance adjuster, and both divisions.
12. Draft Request and Notice for Division IME and schedule same. Coordinate payment of IME.
13. Depositions:
 - a. Schedule depositions of party(ies), expert and lay witnesses.
 - b. Draft Notices of Deposition for attorney review.
 - c. Prepare subpoenas, determine fees, and coordinate service.
 - d. Schedule and confirm court reporter.
 - e. Schedule interpreter if necessary.
 - f. Obtain curriculum vitae from IME physician.
 - g. Digest/summarize deposition transcripts.
14. Schedule *Samms v. District Court* interviews for claimant's treating physicians and claimant's counsel.
15. Prepare response to Interrogatories, review and compile documents for submission with response to interrogatories, prepare privilege log with attorney's guidance.
16. Review and organize claim documentation for additional providers, for medical records releases, assess claimant's prior injuries if any, pre-existing conditions if any, and any inconsistencies in claimant's documentation.

B. HEARING PREPARATION

1. Request and schedule hearing with Division of Administrative Hearings. Send out confirmation of hearing notices.
2. Prepare medical records, employment documentation, tax records, and vocational reports for exchange with opposing counsel twenty (20) days prior to hearing.
3. Conduct informal witness interviews.

4. File reports in accordance with W.C. Rule VIII(I)(3) with Division of Administrative Hearings.
5. Follow up with medical providers and employers for updated information.
6. Re-evaluate disputed issues with attorney.
7. Assist with witness coordination for hearing testimony. Draft Endorsement of Witnesses and Exhibits for hearing, for attorney review. Preparation of subpoenas and services of same for expert or lay witnesses.
8. Prepare exhibits for use by attorney at hearing.

C. SETTLEMENT

1. Review settlement proposal and documentation including Full and Final Settlement Agreement.

D. LIABILITY AND PIP CLAIM

1. Conduct legal research regarding disputed issues as requested by attorney.
2. Contact insurance carrier and/or defense counsel regarding subrogation issues or alternatively, with separate personal injury attorney.
3. Request copy of PIP file.
4. Review PIP file for additional discovery leads and any prior or subsequent injuries.
5. Bates label and exchange documents pursuant to rules, under attorney's guidance.

DEFENSE PARALEGAL DUTIES WHERE CLAIMANT IS *PRO SE*

A. COMMENCEMENT OF ACTION/DISCOVERY

1. Review and break down claim file received from insurance carrier. Ascertain parties to proceeding and disputed issues, under attorney's guidance.
2. Review case for outstanding Application for Hearing, contact DOAH for hearing dates, if applicable, pending motions, Interrogatories, and/or Requests for Production of Documents. Inform attorney of outstanding deadlines. Verify filing of Employer's Report of Injury and verify whether carrier has admitted or denied liability.

3. Advise claimant and/or co-respondent of employer's and insurance company's representation. Draft Entry of Appearance for attorney review.
4. Draft Motion to Engage in Discovery, pursuant to C.R.S. § 8-43-207(1)(e) and *In re Thompson*, 2004 WL 837568 (Colo. Ind. Cl. App. Off., April 14, 2004), under attorney's guidance.
5. Review and summarize medical, employment and tax records, and vocational reports. Assess claimant's medical treatment to date and identify providers/facilities from which to request records. Maintain and update tracking log for medical and employment records. If provider will not release records, set a records deposition and send a subpoena *duces tecum* under guidance of the attorney.
6. Bates label and exchange incoming medical records pursuant to Rule XI(B)(2) and VIII(I)(1), under attorney's guidance.
7. Coordinate transportation, travel, and lodging as necessary for Claimants and/or witnesses.
8. Prepare DIME medical packets for submission to the DIME doctor.
9. Tickle response to authorizations for release of information and interrogatories.
10. Obtain claimant's prior workers compensation claim history from Division of Workers' Compensation.
11. Schedule pre-hearing conference, settlement conference and/or independent medical examination (IME).
12. Draft correspondence to claimant, insurance adjuster, and both divisions.
13. Draft Request and Notice for Division IME and schedule same. Coordinate payment of IME.
14. Depositions:
 - a. Schedule depositions of party(ies), expert and lay witnesses.
 - b. Draft Notices of Deposition for attorney review.
 - c. Prepare subpoenas, determine fees, and coordinate service.
 - d. Schedule and confirm court reporter.
 - e. Schedule interpreter if necessary.

- f. Obtain curriculum vitae from IME physician.
- g. Digest/summarize deposition transcripts.

15. Schedule *Samms v. District Court* interviews for claimant's treating physicians and claimant.

16. Prepare response to Interrogatories, review and compile documents for submission with response to interrogatories, and prepare privilege log with attorney's guidance.

17. Review and organize claim documentation for additional providers, for medical records releases, assess claimant's prior injuries if any, pre-existing conditions if any, and any inconsistencies in claimant's documentation.

B. HEARING PREPARATION

1. Request and schedule hearing with Division of Administrative Hearings.
2. Prepare medical records, employment documentation, tax records, and vocational reports for exchange with opposing counsel twenty (20) days prior to hearing.
3. Conduct informal witness interviews.
4. File reports in accordance with W.C. Rule VIII(I)(3) with Division of Administrative Hearings.
5. Follow up with medical providers and employers for updated information.
6. Re-evaluate disputed issues with attorney.
7. Assist with witness coordination for hearing testimony. Draft Endorsement of Witnesses and Exhibits for hearing, for attorney review. Preparation of subpoenas and services of same for expert or lay witnesses.
8. Prepare exhibits for use by attorney at hearing.

C. SETTLEMENT

1. Draft Full and Final Settlement Agreement and Motion for Approval of same, under attorney's guidance. Tickle return date of settlement documents from Claimant.

2. Schedule pro se settlement hearing at Division of Administrative Hearings with claimant. Draft written confirmation of same to claimant, Division of Administrative Hearings and insurance adjuster.

3. Coordinate delivery of settlement proceeds to claimant from insurance carrier.