

that time is limited - important issues might not get discussed at a single hearing. That is why you have the right to several hearings. More important – **a great deal can be accomplished without a hearing.** I am frequently able to solve problems on the telephone. A single phone call can sometimes substitute for an entire hearing.

### **9. WHAT HAPPENS AFTER MY HEARING?**

After your hearing, your lawyer will review what happened – but he may be due before another judge and can't give you the time he'd like. If that happens, you can call me. Because I'm not rushed by judges, we can review your hearing in a relaxed and thorough manner.

Within a couple of weeks after your hearing you will receive the official Notice of Decision. The insurance company has 30 days to appeal – so you or your doctor may not get paid right away. If it appeals, we must wait for a written decision from the Commissioners of the Board.

## **Your Workers' Compensation Hearing**

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## 1. WHAT IS A HEARING?

A hearing is a meeting between you, the insurance company, and a judge. Your case may require only one hearing, or it may require several. Each hearing has a different purpose: it may be to start or increase your weekly benefit, or for payment of your doctor's bills or to authorize a medical test – or it may be to discuss technical legal issues.

At a hearing you tell the judge what you are demanding and how the law supports your demand. Sitting opposite you will be one or more representatives from the insurance company. That person's job is to convince the judge to refuse your demand. Sometimes the judge will make a decision right away. Sometimes the judge will want more evidence, and will schedule a future hearing. A court reporter makes a record of everything that is said. If you don't speak English, the judge will provide an official interpreter, free of charge.

At some hearings you will not be asked to speak at all. At others, you may have to testify under oath. Sometimes witnesses will have to appear, and sometimes only the lawyers will talk. The judge determines what happens at a hearing, following the law and the Board's rules.

## 2. DO I HAVE TO ATTEND MY HEARING?

Unless the judge has excused you, it's a good idea to be at every hearing.

That way, the judge is reminded that your case is not just over legal issues, but involves a human being who is going through hard times. If you are working, traveling, or sick, tell your lawyer – the judge will likely excuse you.

## 3. WHAT DO I DO WHEN I GET MY HEARING NOTICE?

Make sure your lawyer knows, then immediately show your hearing notice to your doctor(s) so that he can send an updated report to the Board. Ask for your own copy – the most reliable way of making sure your medical report will be at the hearing is if you bring it yourself.

## 4. SHOULD I MEET WITH MY LAWYER BEFORE THE HEARING?

Unless you are scheduled to testify at a trial hearing, it is not necessary that you meet with your lawyer before your hearing, though you are welcome to. The issues we discuss at hearings usually involve facts and law that do not require a meeting beforehand.

## 5. WHAT DO I DO WHEN I GET TO THE HEARING?

When you arrive, the judge's clerk will check your hearing notice. You will then wait in a large room with other injured workers. Depending on the judge's schedule, you may have to wait for 30 minutes to an hour past the time on your notice. Your lawyer will speak with you before you see the judge – sometimes you'll talk for a very short time, sometimes for longer. He

may not come to see you right away – but will when the judge gets closer to calling your case.

## 6. CAN I TELL THE JUDGE WHAT I THINK HE NEEDS TO KNOW?

No one knows better than you how much you are suffering, but you should never speak unless your lawyer agrees. Every hearing has a particular purpose – if you say something that is not relevant, you risk offending the judge. Also, you may say something that does real damage to your case – you may think you are helping, but in fact you may be badly harming your case.

## 7. WILL I ALWAYS HAVE THE SAME LAWYER AT ALL MY HEARINGS?

I believe it is better to have a team of lawyers working for you, not just one. Your team shares your computer file, so we know your past hearings, your phone calls and office visits, and communications from the insurance company. The strategy for your case is also recorded in your file. Each lawyer in your team has a laptop computer, e-mail, and a cell phone. Therefore, they can reach me in the middle of a hearing to help resolve serious issues.

## 8. WHAT HAPPENS IF SOMETHING IMPORTANT DIDN'T GET DONE?

There are many thousands of injured workers seeking hearings, but few judges. The Board knows