

Workers' Compensation Applicants' Attorneys

Attorneys who represent injured workers in their workers' compensation cases are called applicants' attorneys. Their job is to protect your rights, plan a strategy for your case, be your advocate, gather information to support your claim, keep track of deadlines, represent you in hearings before a workers' compensation judge, and tell you about additional claims and benefits that may be available.

Q. How are attorneys paid?

A. Most applicants' attorneys provide one free consultation. If you hire an attorney, you don't pay right away. Instead, the attorney's fee is taken out of some of your benefits later. The fee is usually 9% to 15% of your final permanent disability settlement or award, plus an additional amount if you receive vocational rehabilitation benefits. A workers' compensation judge must approve the fee.

Note: Often applicants' attorneys will not take cases where the worker does not have a permanent disability.

Q. When do I need an attorney?

- A. You may need an attorney if:
- You believe your employer or the claims administrator is treating you unfairly or withholding benefits; or
 - You have a permanent disability that limits you or causes pain; or
 - You're not sure how to proceed with your case, and no one else will help.

Q. What are possible drawbacks of hiring an attorney?

A. The attorney's fee will be taken out of your benefits. Also, other people involved in your case may be allowed to speak only with your attorney on important matters, and cannot speak directly with you.

Q. How do I choose an attorney?

- A. Choose one with experience in workers' compensation, preferably one who is certified by the State Bar of California as a workers' compensation specialist. You can get names of applicants' attorneys from the following:
- Information & Assistance. See the factsheet, *State Information & Assistance officers*.
 - State Bar of California (phone: 1-415-538-2120; website: www.calbar.ca.gov)
 - Local bar association
 - California Applicants' Attorneys Association (phone: 1-800-459-1400; website: www.caaa.org)
 - County legal aid society
 - Your union (if you have one)

- Other injured workers.

Choose carefully. In your first meeting, see how well the attorney and his or her staff communicate with you. If you hire an attorney and then later want to switch, it may be difficult to find another attorney to take your case.

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