



Good advice in life, and in work comp law, is essential.

So, you've done your research and decided to hire an attorney to represent you in your Minnesota Workers Compensation case. You've signed a retainer agreement. You've signed a stack of releases and medical authorizations that your attorney has used to request your Work Comp file from the state, your medical records and your employment file. Hopefully, you are satisfied that he or she is knowledgeable in the law and has the experience necessary to help you navigate your case through the morass that is the Minnesota Workers Compensation Act. You are confident in their ability. You trust your attorney. You have the case of to this trusted advisor. There is one thing further you must do...take your lawyers advice.

Not long ago I received a call from a QRC (Qualified Rehabilitation Consultant) to whom I had obtained approval from the employer to perform a Rehabilitation Consultation with my client to determine if she met the criteria for him to provide her with rehabilitation services. This particular QRC informed me that after meeting at length with my client he determined that she did qualify for his services and, in fact, he had prepared a Rehabilitation Plan detailing what those services would be. There was just one problem. The client refused to sign off on the plan.

I called my client to see if she had any questions I could answer and to find out why she would not sign off on the plan. Her answer was that she did not understand why she needed a QRC. Although I had explained to her previously the services a QRC could provide to her, I went over them again in detail. I did not mind. It is very common for me to explain the same legal concepts to a client on more than one occasion. I view it as an essential part of the process that my clients understand the law so that they can make informed decisions about their case. But in this particular case, it was clear to me that the client understood that a QRC would be invaluable to her in attending doctor appointments and acting as a liaison between me and her doctors and the insurance adjuster. She understood that receiving TTD (Temporary Total Disability) wage benefits requires that she perform a "diligent job search" and that a QRC is almost essential in meeting this burden. Despite seeming to understand these things, she still did not want to sign off on the plan because she said she was afraid a QRC might try to force her back to work before she was ready. Despite my assurances that this was not the case, that returning to work was a decision to be made mutually between her and her doctor, she persisted in refusing to sign off on the plan. She had had a previous work injury (with a different attorney and QRC) and did not "trust the system." I finally told her: "Look, I know you might not 'trust the system,' but do you trust me?" She said that she did. I told her "then trust what I am telling you and follow my advice." In the end, she signed.

The moral of this story is to absolutely ask questions of your lawyer so that you understand what is happening in your case. But if you trust your lawyer and believe you understand a particular issue in your case and still are not sure what particular action to take, then take your lawyers advice. If you do not trust your lawyer, get a new one.

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