

Nevada Workers' Compensation Law Blog

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Worth Paying Attorneys' Fees? You Judge.

This is a real story about a real client. We will protect his identity by calling him Joe, and by saying only that he worked for a very large employer. He hired me near the end of his claim, and after considering what issues might still come up on his claim, I agreed to discount my usual fee and represent him for a 20% contingency fee of any permanent partial disability award.

When the adjuster would not agree to use one of several rating physicians I suggested, a chiropractor was assigned from the [rotating list](#) maintained by DIR to conduct the impairment evaluation. I went with Joe to his rating evaluation, and it was apparent to me that the doctor had not done very many rating evaluations. The insurer offered Joe a 13% whole person impairment for his low back injury that included a surgery with a fusion at L5-S1 and ongoing neurological complaints in his legs. The lump sum equivalent of that award for Joe, given his age and his average monthly wage, was \$51,586.

I have advised Joe not to accept the offer, as I think that the AMA Guides call for at least a 20% impairment, and that the correct percentage may actually be over 25%. I filed an appeal for Joe, and the insurer has agreed to do more diagnostic testing that will help determine whether he is entitled to a 25% PPD award instead of the 13% originally offered.

If the insurer offers a 25% award, the lump sum award will be approximately \$99,200. If that amount is offered, after payment of attorneys fees, Joe will net about \$79,360 for his PPD award. You can do the math to determine whether it was worth it to Joe to hire an experienced workers' compensation attorney to help him on his claim.

According to DIR, in 2009, there were 6,616 rating evaluations done in Nevada. DIR employees in the north and south are required to review only 10% of those rating reports for obvious errors or for questions that should be referred to the panel of six rating doctors. It is anyone's guess as to the number of injured workers who should have received a higher PPD but didn't, because of errors by the rating doctors. If you decide not to have legal representation during the time your claim is open for medical care, at least take advantage of experienced workers comp lawyers who are willing to review your PPD award for free.

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