

The Bigger Picture

Tenacity helps this team improve the lives of injured workers.

Paralegal: Lynne J. DeVenny

Attorney: J. Griffin Morgan

Firm: Elliot Pishko Morgan; Winston-Salem, N.C.

Practice Areas: Workers' compensation, employment, civil rights, personal injury.

Years as a team: 14

Number of attorneys in firm: 4

Number of paralegals in firm: 2

Web site: www.epmlaw.com

How did you and your attorney come to work together?

DeVenny: I had known Griff and other members of the firm since the late '80s, through the North Carolina Academy of Trial Lawyers and the local community college paralegal program. They were terrific speakers and great mentors — always willing to answer my questions when I first was learning workers' compensation law. In 1994, when I found out Griff was looking for a paralegal, I jumped at the chance to apply for a job at a firm where I already had so many role models and that also handles employment and civil rights cases. I was so excited about the interview, I forgot to bring my résumé, but Griff hired me without seeing it!

What are the strengths your paralegal brings to the team?

Morgan: The strengths of our team are Lynne's professionalism and independence. She takes ownership of a case as soon as the client retains our firm. She immediately obtains, reviews and summarizes five to 10 years of medical records so that we understand our client's medical condition prior to and after the workplace injury or disease. She reads case law and attends continuing legal education seminars so that she understands the various legal theories that can benefit our clients. She frequently develops close working relationships with clients and is able to place the clients' legal claims within the context of their emotional needs and family considerations. Lynne is an excellent and quick writer. She is meticulous about details and follow-up. As a result, very few of the many balls we are trying to keep in the air are dropped.

Lynne's considerable skills allow me to focus on work I enjoy the most — developing the legal theories of our cases, drafting pleadings, writing briefs, mediation, trial preparation, trial work and appellate work. Her efficiency and attention to detail allow the firm to represent more clients competently and zealously than we otherwise could.

What have been some of the most challenging cases your team has worked on and why were they challenging?

DeVenny: Several of our workers' compensation cases come to mind because of the challenge of obtaining some unusual workers' compensation benefits for catastrophically injured workers. In

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one case, the North Carolina Industrial Commission set aside a prior *pro se* compromise settlement agreement for our client who, due to her inability to read, had accepted a lump sum settlement that didn't compensate her for lifetime disability benefits. She also had lost her Social Security disability income for years due to failure to include offset language in the original agreement. Approved settlement agreements rarely are set aside in our state, so this extraordinary result took extensive factual investigation to obtain, plus we had the additional challenge of working with an illiterate client and the Social Security Administration.

In another case involving a client who became a quadriplegic due to a fall at work, we persuaded the defendants to purchase an electric "standing" wheelchair for her, in addition to her basic wheelchairs, and to pay for an elevator and other disability modifications in her new home. In a case involving a young forearm amputee in her twenties, after several years of litigation, the defendants were ordered to pay for a myoelectric prosthesis requested by the treating physician. The defendants originally had refused to pay for it, arguing that the body-powered prosthesis they had provided was adequate.

These types of cases take a tremendous amount of factual, medical and legal research from a variety of sources, as well as persuasive and well-supported written arguments to the defendants and the Commission to convince them to provide nontraditional, and usually much more expensive, durable medical equipment. But the rewards are priceless when you see your paralyzed client standing for the first time in years, or watch a vivacious young woman using her much more realistic-looking and powerful prosthetic arm to reach over her head or pick up a single sheet of paper.

What were your paralegal's contributions to the previously mentioned cases?

Morgan: Lynne is an advocate for our clients with the opposing parties, the medical providers and within our own firm. In the first case mentioned, Lynne not only worked zealously to set aside the settlement agreement, but she successfully encouraged our client to enroll in literacy classes, open her own bank accounts and obtain the assistance of a psychologist for

issues outside the scope of our legal representation. Her advocacy for our client within and outside the parameters of our legal representation resulted in a dramatic improvement to our client's life.

Similarly, she became a close confidant and advocate for our paralyzed client. She not only helped the client obtain the best adaptive equipment available to enable her to live as independently as possible, but she worked with the client to assist her in understanding the need to bring a third-party claim against her husband and mother-in-law because they owned the building where she was injured. It was a difficult decision to bring a claim against her husband, who was her primary care provider and upon whom she had become very dependent. However, with Lynne's assistance that decision ultimately benefited the client and her family.

In the third case, Lynne was instrumental in researching and learning about the best possible medical devices for our seriously injured client. She then assisted in developing the factual and legal arguments necessary to win the claim. At the same time, she encouraged our client to remain strong and not give up through the lengthy litigation process.

What have you learned from this experience?

DeVenny: Never give up, keep advocating for your clients and don't accept "no" for an answer. Do the research and obtain the documentation to prove the medical necessity for the treatment or equipment that your clients need, even if it's atypical. Then keep presenting the employers and insurance companies with well-stated written facts and the evidence to convince them to do the right thing — to give injured workers the best quality of life possible, even after catastrophic injuries.

Working in Griff's practice also greatly has increased my knowledge of employment law and workers' rights. I have had the opportunity to work on a number of different employment and labor law cases, including sexual harassment, wage and hour, and Americans with Disabilities Act claims. Griff and his partners' willingness to advocate for the "little guy" has made me much more aware of the importance of developing existing case law to offer workers greater protection. Sometimes it isn't about a monetary recovery. The opportunity to help someone who otherwise might have a hard time finding legal representation,

and to make and apply good case law also is important and really satisfying. Griff also is an extremely effective legal writer and editor, and has encouraged me to develop my own legal writing skills by allowing me to help draft briefs and manuscripts. His skillful editing is one of our strengths as a writing team and has improved my writing skills.

What advice would you give paralegals to help them gain more responsibility and work more effectively with attorneys?

Morgan: My recommendation is to view the job as a profession with the opportunity and honor to make a real difference in clients' lives. Possibly the most important quality a paralegal can have to gain more responsibility is for the paralegal to take ownership of the case and the client, and not simply depend on the attorney to provide instructions each step of the way. A paralegal that can help identify the routine information, correspondence, discovery and issues in most cases, and develop a consistent system for obtaining the information, drafting the correspondence and discovery, following up on the responses and identifying the issues will be invaluable to a firm.

What advice do you have for other paralegal-attorney teams?

DeVenny: Communicate — schedule regular team meetings to create and update plans of actions in your cases. Be creative problem solvers. Treat clients like you would want to be treated if you were seriously hurt and needed help during a devastating and confusing period in your life.



Do you know of a great legal team?

Tell us!

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editorlat@jamespublishing.com
 and your legal team could
 appear in a future issue of LAT.