

Do I Need An Attorney to Settle My Minnesota Workers' Compensation Claim?

If you've been injured at work and your employer's insurer contacts you about a potential settlement of your claim, your first reaction might be relief—no protracted legal fighting and you can move past the benefits issues to focusing on recovering from your injury. Your second thought, though, might be to wonder if you need a lawyer. After all lawyers are expensive and charge by the hour? They also use weird



Should I Settle?

and Latin phrases, so do you REALLY need a lawyer.

In one sense, the answer is no. You do not NEED a lawyer. There is no law that requires you to hire a work comp lawyer, you can sign a settlement agreement without any representation. You don't need to have it approved by a lawyer before you sign it.

But by the same token do you need a mechanic to replace your transmission? Maybe not? you can do it yourself right? Unless you've got significant personal experience with the workers' compensation system, you're unlikely to know the full range of benefits available to you—not to mention that you're unlikely to know exactly what it might

turn out to be that you don't know, the "unknown unknowns." Without that knowledge, it's hard to evaluate whether the sum offered by the proposed settlement is a good deal for you or not.

But what about mediators, you might ask—perhaps a mediator from the Department of Labor and Industry is involved in your case? The trouble is, mediators aren't there to advocate for you. (They're not there to advocate for your employer, either.) Instead, the mediator's job is to help the negotiation process move along. While that help might include giving you information about benefits that are potentially available to you, it's

not intended to be a substitute for actual advocacy. The mediator is not looking out for you, in fact their only job is to settle the case.

And, signing a settlement agreement isn't something to take lightly. It's pretty difficult to get a "do-over" in the world of workers' compensation settlements. For the sake of your finances, and the sanity of any future workers' compensation attorney you hire, please don't wait until after you've signed to seek legal help; get the help you need first.

The thing to remember is that every work comp attorney in Minnesota charges the same rate, the fee is always contingency (you don't pay unless you win) and the fee is set by Minnesota Statute. Rosengren Kohlmeyer has posted an in depth analysis on this precise issue [here](#).

Rosengren, Kohlmeyer & Hagen
Law Office Chtd.

Mankato, Minnesota

507-625-5000