



Worker's Compensation Litigation in Massachusetts

Effective Communication
amongst interested parties

Conciliation

- Claim or discontinuance/modification?
- Lost time or medical only?
- File contents/claim notes
- Treatment records
- Prior conditions
- Light duty offers
- Potential for resolution (Section 19, lump sum)

Conference

- Proper AWW calculation
- IME or record review
- Surveillance
- Subpoenas
- Hypothetical questions
- Employer or employee statements
- Incident reports

Pre and post Impartial

- Post-Conference medical submissions
- IME addendum
- Follow up hypotheticals
- 11A Motions
- Status Conferences/Motion Sessions

Hearing

- Employer witness availability
- Vocational experts/labor market surveys
- Submission of additional medical evidence if applicable
- Role of detailed communication in effective cross-examination
- Planning for post-hearing development of the record

Post-Hearing

- Depositions
- Post-hearing submission of medical records
- Written Closing Arguments
- Closure of the record
- Review Board Appeals and beyond