

Hiring a **Workers Compensation Lawyer** is rarely something people plan for. It usually happens after a fall, a lifting injury, a machine accident, a back that finally gives out after years on the line, or a doctor's report that turns a "minor" injury into months away from work. By the time most injured workers start calling lawyers, they are in pain, worried about paychecks, and already getting mixed messages from employers, adjusters, and doctors.

That is exactly why the right questions matter. A good lawyer should not be offended by careful screening. In practice, the best attorneys usually welcome it. They know this is not like hiring someone to close on a house or review a contract. A workers compensation claim can affect medical care, wage benefits, job status, settlement value, and sometimes the client's long-term ability to work at all.

I have seen people hire too quickly because a law office called back first, advertised hardest, or sounded confident for ten minutes on the phone. Later they learned the lawyer rarely appeared in court, delegated everything to staff, or pushed settlement before the medical picture was clear. I have also seen the opposite, a worker who spent one extra day asking smart questions and ended up with a lawyer who caught missing benefits, forced treatment approval, and changed the outcome of the case.

The questions below are not meant to turn a consultation into an interrogation. They are meant to help you hear how a lawyer thinks. Strong answers are rarely slick. They are usually specific, measured, and grounded in experience.

Start with the lawyer, not the commercial

Before you discuss settlement numbers or hearing strategy, find out who you are actually hiring. Ask, "How much of your practice is devoted to workers compensation cases?" Then ask, "How long have you handled work injury claims?" Those two answers together tell you a great deal. A lawyer who handles these claims every week generally sees patterns that a general practitioner will miss.

Go further. Ask, "Do you represent injured workers, employers, or both?" and "Have you handled claims involving my type of injury?" A shoulder tear from repetitive work, a warehouse back injury, and an occupational lung claim may all fall under the same system, but they are not handled the same way. A lawyer who truly knows the field should also be able to answer, "Have you handled claims in my industry?"

One of the most practical questions is often skipped: "Who in your office will actually manage my file?" Follow that with, "Will I meet the lawyer who appears at hearings?" and "How many active cases do you carry right now?" Caseload matters. Some excellent attorneys run busy practices well. Others are simply overloaded. If you sense vagueness here, pay attention.

The next layer tells you how well the lawyer can assess risk early. Ask, "What does a strong claim usually look like in this state?" and "What weaknesses do you see in my case at first glance?" You want honesty, not flattery. If every answer sounds like easy money, be careful.

A few more questions round out the picture: "Have you handled cases against my employer or its insurer before?" "How often do you appear before the local workers compensation judges?" "Do you usually resolve claims by settlement, hearing, or a mix of both?" "What is your approach when the insurance company denies treatment early?" and "What should I bring you after this meeting?" A lawyer with real experience can answer these without hiding behind generalities.

Experience is not one thing

Many people ask whether a lawyer is experienced, hear “yes,” and stop there. That is not enough. Experience in workers compensation is granular. You want to know whether the lawyer has handled cases that resemble yours in the ways that matter.

If your injury involves the spine, ask, “How many cases involving back injuries have you handled?” If your problem developed slowly from repeated motion, ask, “How many cases involving repetitive stress claims have you handled?” If there are neurological symptoms, ask, “How many cases involving traumatic brain injuries have you handled?” For respiratory, chemical, or toxic exposure issues, ask, “How many cases involving occupational illness have you handled?”

Hard cases deserve even harder questions. Ask, “Have you handled claims with delayed reporting issues?” because many workers do not realize they are badly hurt on day one. Ask, “Have you handled cases where the worker had a prior injury?” because insurers love to blame everything on the old MRI, the old car crash, or the old workers compensation file.

Litigation experience also matters. Ask, “Have you handled claims involving independent medical examinations that went badly?” “Have you handled retaliation issues alongside a compensation claim?” and “Have you taken cases on appeal?” A lawyer who has lived through these situations is less likely to panic when your case becomes difficult.

Client patterns reveal a lot too. Ask, “What percentage of your clients come from referrals by former clients?” A high referral rate is not proof of quality, but it often reflects trust. Ask, “What percentage of your cases are denied at first and later recovered?” because some lawyers are better than others at reviving claims that looked dead.

To understand how the lawyer builds cases, ask, “How often do your cases require depositions?” and “How often do your cases require vocational experts?” Finally, ask, “What patterns do you see with the insurers that commonly defend these cases?” and “When do you decide a case needs aggressive litigation instead of patient negotiation?” Those answers tell you whether the lawyer sees each file as unique or treats every claim like a template.

The first strategy conversation should feel concrete

A useful consultation should move quickly from biography to strategy. Once the lawyer knows the basics, ask, “Based on what I have told you, do you think my injury is clearly work related?” Then ask the harder companion question, “What facts could make causation harder to prove?” The second answer is often more valuable than the first.

Deadlines can ruin otherwise valid claims, so ask, “Is there a deadline I may already be close to missing?” Then deal with insurer tactics immediately. “Should I give a recorded statement to the insurer?” and “Should I continue speaking with the adjuster directly?” are basic questions, but people get hurt by bad advice here all the time. In many cases, a careless recorded statement creates problems that did not exist before.

You should also ask, “Do I need to notify my employer again in writing?” and “What documents matter most in the first thirty days?” Early paperwork often decides whether a case starts on solid ground or turns into a credibility fight.

A capable lawyer should be able to explain benefit calculations in plain terms. Ask, “How do you evaluate whether temporary disability benefits are being underpaid?” and “How do you estimate the value of permanent

impairment in a case like mine?" These are not simple math questions. They involve wages, work restrictions, medical opinions, state formulas, and bargaining leverage.

The next set of questions shows whether the lawyer can think a few moves ahead. Ask, "If the insurer disputes my restrictions, what is the next move?" "If I can work light duty, how does that affect the claim?" and "If my employer says no light duty is available, what happens then?" In real cases, these issues often surface before anyone mentions settlement.

Then press on timing and judgment. "At what point do you discuss settlement seriously?" is a smart question. So is, "When is it smarter not to settle?" Too many injured workers assume every lawyer wants to settle quickly. Some do. The better ones know when rushing is expensive. Close this part by asking, "What could the insurance company do next that would not surprise you?" Lawyers who know the territory can usually sketch the likely road ahead.

Medical care often drives the whole case

Workers compensation files are built on medicine, but not always on good medicine. That distinction matters. Ask early, "Do I have the right to choose my own doctor in this state?" and, if the answer is no, "If not, when can I switch doctors?" Those rules vary and can shape the entire claim.

If you are already uneasy about treatment, ask, "What should I do if the company doctor minimizes my symptoms?" Then ask, "How much weight do judges give treating physicians versus independent examiners?" The lawyer's answer should be practical, not academic. In some cases, one careful treating specialist can do more than three rushed evaluations arranged by the insurer.

Document collection deserves attention. Ask, "What medical records should we request immediately?" and "Should I keep a pain journal or symptom log?" I have seen simple records make a significant difference, especially where symptoms fluctuate or the chart notes are thin. A short daily log of pain levels, sleep disruption, missed activities, numbness, and medication side effects can reinforce credibility when used properly.

Restrictions are another hinge point in many cases. Ask, "How do you use work restrictions to strengthen a claim?" and "What if the MRI looks mild but my pain is severe?" Experienced lawyers know that scans and symptoms do not always line up neatly. They should also be ready for the return-to-work problem. Ask, "What if my doctor says I can return before I feel safe?"

Some of the most contested claims involve workers who were not perfectly healthy before the accident. That does not end the case. Ask, "How do you prove an aggravation of a preexisting condition?" A strong answer here is especially important if you had prior treatment, degenerative findings, or an old injury in the same body part.

Serious treatment disputes require direct questions. "What if I need surgery and the insurer refuses authorization?" "What if I need mental health treatment after the injury?" and "Do you work with nurse case managers, and how do you limit their influence?" should all be on your list. Nurse case managers can be helpful in some settings, but injured workers often do not understand whom they really serve.

Finally, ask, "Should I post anything about my injury or activities on social media?" and "What common medical mistakes hurt otherwise good claims?" The second question often produces some of the most useful advice in the whole meeting. Missed appointments, incomplete histories, casual comments like "I'm fine," and noncompliance with therapy can all be used against you.

Communication problems cost clients money

A technically skilled lawyer who never calls back can still damage a claim. Delay breeds missed deadlines, client mistakes, and avoidable mistrust. Ask, “How quickly do you return calls or emails?” and “Who should I contact when I have a benefits question?” If the office cannot answer this clearly, expect frustration later.

Case transparency matters just as much. Ask, “Will I get copies of key filings and medical reports?” and “How often should I expect case updates if nothing major happens?” Some clients want weekly contact. Others prefer to hear only when something changes. The right office sets expectations rather than leaving people in the dark.

It also helps to know the preferred communication channel. Ask, “Do you prefer phone, email, or client portal communication?” Then test the lawyer’s ability to teach. “Can you explain legal issues in plain language when I am unsure?” may sound obvious, but not every strong litigator is a clear communicator. You need both.

Preparation can make or break testimony. Ask, “How do you prepare clients for depositions or hearings?” and “Will you review my testimony with me before I speak under oath?” The right answer is not coaching falsehood. It is preparation for the format, the traps, the pacing, and the importance of accuracy. An injured worker who has never been cross-examined should not walk in cold.

Cases also strain people emotionally. Ask, “How do you handle a client who is frustrated or scared?” That answer tells you a lot about temperament. Good workers compensation lawyers have usually guided clients through panic over unpaid checks, denied surgeries, and sudden return-to-work orders. They should understand that anxiety is not unusual.

Life changes during claims, so ask, “What happens if I move to a different city or state during the claim?” and “What happens if I lose my job while the case is pending?” If language is a barrier, ask, “If I speak limited English, what language support is available?” Privacy deserves attention too. “How do you protect confidential medical information?” is worth asking, especially when broad releases are involved.

No attorney-client relationship is frictionless, so ask, “If there is a disagreement between us on strategy, how is it resolved?” End this section with a practical question: “What signs should prompt me to call you immediately?” A seasoned lawyer will usually mention things like a sudden termination, surveillance, a new medical denial, or a request to sign unfamiliar paperwork.

Fees, costs, and settlement math need plain answers

Many workers hesitate to contact a lawyer because they assume they cannot afford one. Workers compensation fees are often regulated, but the details still matter. Ask, “How is your fee calculated under state law?” and “Are there any upfront costs?” The office should explain this directly, without softening the fine print.

Then ask, “Who pays for medical record fees, filing fees, or expert witnesses?” and “If we lose, will I owe anything?” I have seen clients shocked by expenses they never thought to discuss. A straightforward lawyer will walk through the likely costs and the less common ones too.

Fee structure can affect incentives, so ask, “If we settle quickly, does your fee change?” Then move into valuation. “How do you evaluate whether a lump sum settlement is fair?” is one of the most important questions in the process. A case is not just worth a headline number. It is worth what remains after fees, costs, liens, future treatment needs, and any effect on other benefits.

That leads naturally to the deeper settlement questions. Ask, “Should I consider leaving future medical care open or closing it out?” “How do Medicare interests affect settlement in my case?” and “Could a settlement reduce my Social Security Disability benefits?” These are not side issues. In some files, they are the difference between a decent resolution and a costly mistake.

Medical bills and outside claims deserve their own discussion. Ask, "How are unpaid medical bills handled at settlement?" and "Will child support, taxes, or other liens affect what I receive?" A surprisingly high number of clients hear a gross number, celebrate, and only later understand the net.

To avoid that, ask, "Can you show me a sample settlement breakdown?" and "What is the difference between gross settlement value and net recovery?" If a structure is proposed, ask, "If the insurer offers a structured settlement, how do you review it?" Then ask the question that reveals judgment more than optimism: "What would make you tell a client to reject an offer that looks good on paper?" The best lawyers can answer that instantly.

The final questions reveal character

Toward the end of the consultation, ask the questions that do not fit neatly into procedure but often matter most. "Have you ever advised a client to change lawyers, and why?" can produce a surprisingly candid answer. So can, "What do you wish injured workers asked more often before hiring you?" Lawyers who have practiced for years usually have a strong view on this.

You should also ask, "What concerns you most about my case?" and "What do you need from me to give this claim its best chance?" These questions shift part of the conversation back where it belongs. Even the best Workers Compensation Lawyer cannot fix a case if the client hides prior injuries, skips treatment, misses [Get more info](#) deadlines, or disappears for weeks at a time.

The next two questions are pure practicality. Ask, "If I hire you today, what happens in the next week?" and "If I do not hire you, what should I still do immediately to protect myself?" An ethical lawyer will answer the second question helpfully, even if you walk out without signing.

Verification matters too. Ask, "Can I speak with a former client or read recent reviews?" Reviews are imperfect, and confidentiality limits direct references in some offices, but you should still look for patterns. Then ask, "Why should I hire your office instead of another workers compensation lawyer?" A confident attorney should be able to answer without attacking competitors.

The last two questions are the ones many people are afraid to ask, even though they can be the most revealing. "What is the hardest part of a case like mine?" invites realism. "After hearing my story, would you personally take this case if your own family member were the client?" invites integrity.

That final question has a way of cutting through sales language. If the lawyer pauses, qualifies everything, or pivots away, notice it. If the lawyer answers thoughtfully, explains the risks, and still says yes, you may have found the right advocate.

What a strong answer sounds like

Strong answers in this area are usually specific, cautious, and tied to facts. A good lawyer might say your notice issue is fixable but not harmless. They might tell you a surgery denial is common in their local system and explain the exact motion or hearing request they would file. They might warn you that your old back injury will become a central defense issue, then outline how updated imaging, a treating specialist, and a careful work history could address it.

Weak answers often sound broad and easy. "We'll take care of everything." "These cases settle all the time." "Don't worry about the old injury." "Just trust us." Those lines may feel reassuring in the moment, but they do not tell you how the lawyer actually works.

A useful consultation should leave you with a clearer picture of your claim, your deadlines, your medical issues, your likely pressure points, and the role the lawyer would play. It should also give you a realistic sense of the trade-offs. For example, pushing for a quick settlement may bring money sooner but leave too little for future treatment. Fighting for every disputed benefit may improve the outcome but lengthen the case and increase stress. There is no honest version of workers compensation practice that ignores those tensions.

Take notes. Compare answers. If two lawyers say the same thing about the weak spot in your case, believe them. If one lawyer promises a result the others carefully avoid promising, ask yourself why. Most injured workers do not need the loudest lawyer. They need one who knows the local system, understands the medicine, prepares thoroughly, speaks plainly, and is willing to tell the truth even when the truth is inconvenient.

That is what these one hundred questions are designed to uncover.

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FAQ About Workers Compensation Lawyer

What not to say to a workers' comp attorney?

Never lie, hide facts, or omit prior injuries when speaking to your workers' comp attorney. Total honesty about your medical history, the accident details, and your activities is critical, because any inconsistencies can ruin your case credibility with the insurance company or judge.

What are the odds of winning a workers' comp case?

Most initial workers' compensation claims are approved without a formal trial. Nationally, only about 5% to 10% of claims are flatly denied. For cases that do face a formal dispute, hearing, or trial, the odds of winning generally hover around 50% or vary by state, depending heavily on legal representation and medical evidence.

When should you get a workers' comp lawyer?

You should hire a workers' comp lawyer if your claim is denied, your benefits are delayed, your injury requires surgery or causes permanent disability, or your employer pushes you to return to work too early or retaliates. You generally do not need a lawyer for minor injuries with smooth, undisputed processing.