

Questions

- I. John, a claimant's attorney, represents Mary who is having some problems with her memory and focus. John wants to have the Board appoint a guardian, as the workers' compensation case involves questions regarding future benefits and John is not sure that Mary understands what is happening.

Mary has a different opinion. She feels fine and does not have any problem with her faculties. She refuses to allow a guardian to be appointed.

What does John do.

2. John represents a claimant before the board. A hearing has been scheduled. On the day of the hearing, Dan defense attorney offers to settle the case including attorney fees for \$40,000.00. Dan tells John, that John and his client should split up as to the amount for attorney fees and the amount for the claimant.

The offer is a reasonable offer.

- A. Is there a conflict for John?
- B. Should he accept the offer?

Assume the offer separates the benefits from the attorney fees, but John and Dan disagree on the amount of the attorney fees.

3. John represents a claimant and wants to withdraw his representation. What are the ethical obligations.

- A. Client has been arrested for crime of dishonesty?
- B. Client files a complaint with the Bar Association.
- C. Client does not get along with John.
- D. Client does not cooperate in getting information, or working with John in the case.
- E. Client is a chronic complainer, calls every day and complains. He sends emails to John cross copying the insurance company, complaining, and divulging attorney client communications.

4. Sam is injured on the job. He worked for ABC company, which is owned by Sam Sr. Sam's father. Sam Sr wants his son to be paid all the benefits as that is why he has workers' compensation. World Wide Insurance is the workers' compensation carrier and hires Ben to represent the employer. Ben does not agree with Sam Sr, Ben has some legitimate concerns about the injury and the extent of the obligation to pay for the benefits.

Sam Sr doesn't care and just want the benefits to be paid. He has told Ben to pay the bills. What are Ben's obligations to Sam Sr, Sam?

5. John files a claim on behalf his client and suspects that there is a lot of information in the files of both the insurance adjustor and the employer.

He request by letter a list of all the records for discovery.

This is ignored by the carrier.

What options does John have

A. Depose the employer. Regarding the file.

B. Depose the adjustor regarding the file.

6. Sam is an unrepresented claimant. He has filed a claim but does not know what he is doing. The carrier has hired Ben to represent the them.

A. Sam is told by the ph officer about filing for a hearing under 110©.

B. The adjustor informs Sam not to worry about the requesting a hearing.

C. Ben offers a settlement which waives certain benefits.

Sam agrees and wants to sign the Compromise and Release. He arrives at Ben's office to sign the paper work.

1. What obligations does Ben have to Sam as to the terms of the agreement.

2. What obligations does Ben have to advise Sam as to the collateral consequences of the agreement. (i.e. Medicare, future medical treatment, waiver of rehabilitation, child support liens, liens of health insurance carriers etc.)

7. John and Ben go before the Board arguing a question of law regarding the Alaska Worker's Compensation Statute. The board issues its decision . There is no appeal, and the case is later resolved . Six months later , Ben in a casual conversation with the hearing officer who wrote the decision, says, " by the way I enjoyed reading your opinion".

A. Is this an ethical problem?

B. Is a participant in the hearing prohibited from ever talking with the hearing officer re the case?

C. Is the hearing officer prohibited from ever speaking about the case ex parte with one

of the participant?

D. When does a WCC cease to be “pending”.

8. Is there an obligation for the defense to inform the Board that an SIME selection was employed by them for an ime?

Is there an obligation as in civil law for the employer to furnish CV and history of the IME physician regarding his work as an expert witness?