

**School:** Legal  
**Course:** Litigation for non-lawyers  
**Faculty:** Albert Randall, President, Franklin & Prokopik, P.C.

### **Summary**

The course "Litigation for Non-Lawyers," taught by Albert Randall of Franklin & Prokopik, P.C., provides a comprehensive overview of the litigation process in workers' compensation cases, focusing on the roles and responsibilities of non-lawyers. The course begins by defining litigation in the context of workers' compensation and outlining the general process involved.

One of the key areas of focus is the importance of adhering to strict timelines and procedural requirements. Randall emphasizes that missing deadlines or failing to follow proper procedures can lead to significant negative consequences, including the loss of defenses or dismissal of claims. He highlights the critical role that claims examiners and case managers play in ensuring that all necessary documentation is filed promptly and accurately.

Effective communication is another central theme of the course. Randall discusses the need for clear and timely communication between claims examiners, attorneys, and other stakeholders. This communication is essential not only for the smooth progression of the case but also for building strong working relationships and trust among the parties involved. He notes that poor communication can lead to misunderstandings, delays, and increased costs.

Pre-litigation preparation is crucial for the success of any case. Randall advises non-lawyers on the importance of gathering comprehensive evidence early in the process. This includes obtaining wage statements, benefits information, and witness statements. Conducting thorough investigations and ensuring that all relevant information is available can significantly strengthen a case and improve the chances of a favorable outcome.

The course also addresses common challenges that arise during litigation. For example, Randall talks about dealing with "frequent flyers" – individuals who have a history of multiple claims. He explains that while it is essential to manage these cases carefully, most claims do not fall into this category, and it is important to focus on the broader picture. Additionally, he discusses the complexities of handling cases with significant jurisdictional differences, which can impact the strategies and procedures used in litigation.

In conclusion, the course provides valuable insights and practical advice for non-lawyers involved in workers' compensation litigation. By understanding their roles, adhering to timelines, communicating effectively, and preparing thoroughly, non-lawyers can play a vital part in the successful resolution of claims.

### **Learning Objectives**

1. Understand the basic principles and processes involved in workers' compensation litigation.
2. Identify the roles and responsibilities of various stakeholders in the litigation process.
3. Recognize the key legal terms and concepts used in workers' compensation cases.
4. Develop strategies for effective communication and collaboration with legal professionals.
5. Learn the common pitfalls and best practices in managing workers' compensation claims and defenses.

### **Primary Takeaways**

1. Workers' compensation litigation involves multiple stakeholders, each with specific roles and responsibilities.
2. Effective communication and understanding of legal terminology are crucial for non-lawyers involved in litigation.
3. Preparing for litigation requires thorough documentation and strategic planning.
4. Common pitfalls in workers' compensation litigation include inadequate documentation and lack of clear communication.
5. Best practices involve proactive management, continuous learning, and collaboration with legal professionals to navigate the complexities of workers' compensation law.

### **Course Outline**

- 1) Introduction to Workers' Compensation Litigation
  - a) Overview of workers' compensation law
  - b) Importance of understanding litigation for non-lawyers
- 2) Roles and Responsibilities
  - a) Stakeholders in the litigation process
    - i) Employers
    - ii) Employees
    - iii) Insurance companies
    - iv) Legal professionals
  - b) Specific duties and expectations

- 3) Key Legal Terms and Concepts
  - a) Important legal terminology
    - i) Causation
    - ii) Apportionment
    - iii) Medical necessity
  - b) Understanding legal documents and processes
  
- 4) Effective Communication Strategies
  - a) Communicating with legal professionals
    - i) Clarity and precision in communication
    - ii) Documentation and record-keeping
  - b) Collaboration and teamwork
  - c) Working with legal teams
  - d) Engaging with medical professionals
  
- 5) Common Pitfalls and Best Practices
  - a) Common mistakes in workers' compensation litigation
    - i) Inadequate documentation
    - ii) Poor communication
  - b) Best practices for managing claims
  - c) Proactive management strategies
  - d) Continuous learning and improvement
  
- 6) Conclusion
  - a) Recap of key points
  - b) Encouragement for continuous learning and collaboration in the litigation process

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