

LINDA WAGNER FARRELL

SHAREHOLDER



AREAS OF PRACTICE

Workers' Compensation

CONTACT INFO

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ADMISSIONS

Florida
2002

U.S. District Court Middle District
of Florida
2007

EDUCATION

Florida Coastal School of Law
(J.D., 2002)

University of North Florida (B.A.,
1997)

HONORS & AWARDS

AV® Preeminent™ by Martindale-
Hubbell®

Florida Super Lawyers Rising Star
2011, 2013-2014

Florida Trend Magazine "Legal
Elite Up and Coming"
2007-2008

Jacksonville Women Lawyers
Association, Woman of the Year
2008

904 Magazine "Legal Eagle,"
Workers' Compensation
December 2011

OVERVIEW

Linda practices exclusively in the area of workers' compensation defense. As an advocate for her clients, Linda not only defends insurance carriers and self-insured employers in workers' compensation matters, but also provides guidance for implementing effective risk management strategies and workers' compensation programs with an eye toward cost efficiency. When businesses are audited by the State for workers' compensation coverage compliance or subject to stop-work orders, Linda partners with them to develop a strategic defense approach. She also assists clients with premium disputes and some employment matters, and also represents uninsured employers with regard to workers' compensation claims.

Linda is an active instructor who lectures on various issues involving workers' compensation. She has lectured on behalf of the Workers' Compensation Section of The Jacksonville Bar Association, Lorman Education Services and AAA Construction School. She is also a Certified Instructor of Insurance Education, State of Florida, and often presents seminars to clients. Linda also speaks regularly for the Workers' Compensation Claims Professionals organization.

Prior to joining Marshall Dennehey, Linda was the workers' compensation practice group leader at one of the leading defense firms in the southeast. Linda has been awarded an AV® Preeminent™ rating by Martindale-Hubbell, the highest rating for professional competence.

Linda is a native of Jacksonville. Before entering law school, she worked as a business consultant for a national management company.

ASSOCIATIONS & MEMBERSHIPS

American Bar Association

E. Robert Williams Inn of Court, Barrister, 2009 to present

First Coast Manufacturers Association, Workforce Development Committee

Florida Bar

Friends of 440 Scholarship Fund, Co-Chair, 2007-2008; Executive Board Member, 2007-2008

Jacksonville Bar Association, Workers' Compensation Section, Co-chair, 2007-2008

Jacksonville Women Lawyers Association, Vice President, 2004-2005

Phi Alpha Delta Legal Fraternity

Workers' Compensation Claims Professionals

YEAR JOINED

2018

THOUGHT LEADERSHIP

Essential hypertension without evidence of disability did not meet the presumption of compensability under the Heart/Lung Bill, Fla. Stat. 112.18(1).

**Jacksonville
Workers' Compensation
September 1, 2024**

The claimant, a police officer, was hired on July 28, 1997, and had a pre-employment physical that was negative for hypertension. On October 7, 2021, the claimant reported to work but was not feeling well. What's Hot in Workers' Comp, Vol. 28, No.

First District Court finds that judge of compensation claims abused his discretion in rejecting terms of employment contract as the contract expressly provided claimant would receive his salary only during the five-month championship playing season.

**Jacksonville
Workers' Compensation
August 1, 2024**

The claimant signed a seven-year Minor League Uniform Contract. Per the contract, his salary at the time of his accident was \$1,500 per month to be paid over the five-month championship playing season. What's Hot in Workers' Comp, Vol. 28, No.

A pending petition for fees and costs only does not toll statute of limitations, nor does payment of attorney's fees and/or costs, as these petitions are pending and relate to jurisdiction only.

**Jacksonville
Workers' Compensation
July 1, 2024**

This claim involved a compensable accident date of August 8, 2019, where the employer/carrier provided benefits. The last benefit, an indemnity benefit, was made on November 13, 2020. What's Hot in Workers' Comp, Vol. 28, No.

A judge of compensation claims must be specific when awarding non-professional attendant care to a family member.

**Jacksonville
Workers' Compensation
June 1, 2024**

The claimant petitioned for attendant care benefits to be paid to her husband. The judge of compensation claimant ordered the employer/carrier to pay him for 30 hours per week at the federal minimum wage. What's Hot in Workers' Comp, Vol. 28, No.

Reporting an injury via a Petition for Benefits within 30 days of the alleged accident does not fulfill the notice requirement.

**Jacksonville
Workers' Compensation
May 1, 2024**

The claimant, a senior claims adjuster, worked remotely in Orlando and once a quarter went to Tallahassee to the employer's office. He typically was picked up by a rental car company. What's Hot in Workers' Comp, Vol. 28, No.

CLASSES/SEMINARS TAUGHT

Motions to Dismiss and Motions for Summary Final Order, webinar, Florida Bar Workers' Compensation Section, May 8, 2024

Work Comp Academy 2023 – The Next Generation, The Office of Judges of Compensation Claims, faculty member, May 19, 2023

A State-By-State Guide to Avoiding Attorneys' Fees and Sanctions, Marshall Dennehey Workers' Compensation Seminar, October 27, 2022

Workers' Compensation Law and Ethics Update, Marshall Dennehey webinar, May 13, 2022

Pre-Existing Conditions, Major Contributing Cause and Apportionment, Marshall Dennehey webinar, December 3, 2020

Pre-Existing Conditions, Major Contributing Cause and Apportionment, Marshall Dennehey webinar, November 5, 2020

Opioids...The Not So New Epidemic, Workers' Compensation Claims Professionals Annual Claims & Leadership Conference, June 10, 2019

Opioids in Workers' Compensation, Florida Bar Workers' Compensation Forum, April 12, 2019

Opioids...The not so New Epidemic, Workers' Compensation Claims Professionals Holiday Conference, December 13, 2018

Top 5 Challenges Relative to Workers' Compensation Claims, Property and Casualty Claims and For Mediators, FCCI Educational Conference, October 2018

Medical Marijuana in Workers' Compensation, 2018 Florida Bar Workers' Compensation Forum, April 13, 2018

PUBLISHED WORKS

"*Ex Parte* Doctor Conferences Cannot Suggest, Direct or Instruct What Treatment or Care to Recommend," *Defense Digest*, Vol. 25, No. 1, March 2019

Case Law Alerts, contributor, April 2018-present

What's Hot in Workers' Comp, contributor, March 2018-present

MEDIA COMMENTARY

"Florida OIR Orders Larger Workers' Comp Rate Cut of 6.6%," AM Best *BestWire*, November 10, 2020

RESULTS

Settlement Agreements Upheld in Florida Workers' Compensation Cases

Workers' Compensation **January 31, 2024**

We successfully argued that a settlement agreement, based upon a binding and enforceable agreement reached via email between the parties, is enforced. The claimant had given her attorney authority to settle, but subsequently changed her mind. Based upon case law, there was unequivocal authority to settle and it was too late for the claimant to negate the agreement previously reached. The judge of compensation claims agreed and upheld the settlement.

Successful Defense of PTD Benefits and More in Florida.

Workers' Compensation **April 11, 2019**

We successfully defended a petition for permanent total disability benefits, supplemental benefits and penalties, interest, costs and attorneys fees. The judge entered a Final Compensation Order, finding the claimant was not permanently and totally disabled despite a substantial, but not exhaustive, job search.

Defense Verdict in Final Compensation Order

Workers' Compensation **January 17, 2019**

The order involved multiple petitions filed by a *pro se* claimant for compensability of contact dermatitis and concrete burns allegedly sustained while working. The judge ruled in favor of the employer on all petitions, finding compensability was previously resolved and the ongoing issues were moot. The judge denied and dismissed, with prejudice, claims for temporary total and temporary partial disability benefits, authorization of medical care, and all corresponding penalties and interest.

Successful Defense of Petition for Permanent Total Disability Benefits and More

Workers' Compensation **January 17, 2019**

Successfully defended a petition for permanent total disability benefits, supplemental benefits and penalties, interest, costs and attorneys fees. The judge entered a Final Compensation Order, finding the claimant was not permanently and totally disabled despite a substantial, but not exhaustive, job search.

SIGNIFICANT REPRESENTATIVE MATTERS

Obtained a defense verdict in a Final Compensation Order involving multiple Petitions filed by a *pro se* claimant for compensability of contact dermatitis and concrete burns allegedly sustained while working. The Judge ruled in favor of the employer/carrier on all Petitions finding compensability was previously resolved and the ongoing issues were moot.

Successfully defended a Petition for permanent total disability benefits, supplemental benefits and penalties, interest, costs and attorneys fees. The Judge entered a Final Compensation Order finding the claimant was not permanently and totally disabled despite a substantial, but not exhaustive, job search.