

## LINDA WAGNER FARRELL

SHAREHOLDER



### AREAS OF PRACTICE

Workers' Compensation

### CONTACT INFO

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Jacksonville, FL 32202

### 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.

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## ASSOCIATIONS & MEMBERSHIPS

American Bar Association

Barrister, E. Robert Williams Inn of Court, 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

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## YEAR JOINED

2018

## THOUGHT LEADERSHIP

### The burden of proof remains! Causal connection must be proven.

**Jacksonville**  
**Workers' Compensation**  
**September 1, 2023**

The claimant, shot by unknown assailant while walking between his employer's locations, did not meet his burden of proof. However, the District Court certified the below question to the Supreme Court for further clarification. What's Hot in Workers' Comp, Vol. 27, No.

### To qualify as compensable under the heart-lung statute, the claimant must show "disability."

**Jacksonville**  
**Workers' Compensation**  
**August 1, 2023**

The claimant, a law-enforcement officer, was hired in 2004 after undergoing a pre-employment physical. In 2008, he sought care with his primary care physician and was diagnosed with hypertension. What's Hot in Workers' Comp, Vol. 27, No.

### In order to rely on the pay and investigate provision of Florida's Workers' Compensation Statute, a letter must be sent and must be sent timely.

**Jacksonville**  
**Workers' Compensation**  
**July 1, 2023**

The injured worker, a rest area attendant, mixed a solution for cleaning that allegedly exploded in her face, causing an immediate chemical reaction, on November 1, 2020. The claim was accepted as compensable on November 13, 2020. What's Hot in Workers' Comp, Vol. 27, No.

### Regardless of whether a second opinion is reasonable or medically necessary, if a referral is made, it must be acknowledged within the applicable three or ten-day period or the defense of medical necessity is waived.

**Jacksonville**  
**Workers' Compensation**  
**June 1, 2023**

The claimant sought authorization of a second opinion, as recommended by the treating physician. The claimant conceded that the doctor ultimately testified that the second opinion was not medically necessary. What's Hot in Workers' Comp, Vol. 27, No.

### The Judge of Compensation Claims found that the offer of travel reimbursement does not satisfy the employer/carrier's obligation to provide medical transportation.

**Jacksonville**  
**Workers' Compensation**  
**May 1, 2023**

The claimant filed a petition for benefits seeking authorization for transportation to all medical appointments. The employer/carrier authorized Monti Transportation for same. What's Hot in Workers' Comp, Vol. 27, No.

## **CLASSES/SEMINARS TAUGHT**

*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

### 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.