

## FRANCIS X. WICKERSHAM

SHAREHOLDER



### AREAS OF PRACTICE

Workers' Compensation

### CONTACT INFO

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### ADMISSIONS

Pennsylvania  
1989

### EDUCATION

Widener University School of Law  
(J.D., 1989)

Villanova University (B.A., 1986)

### HONORS & AWARDS

The Best Lawyers in America®,  
Workers' Compensation Law -  
Employers  
2023-2024

### ASSOCIATIONS & MEMBERSHIPS

Claims & Litigation Management  
Alliance (CLM)

Greater Philadelphia Executive  
Claims Council

Montgomery County Bar  
Association

Pennsylvania Bar Association

### OVERVIEW

Frank devotes his practice to representing employers from many different industries in a variety of Pennsylvania workers' compensation claims. He has successfully defended construction companies, food service companies, nursing homes, pharmaceutical companies, retail stores and supermarkets in cases involving hearing loss due to exposure, occupational noise, psychiatric injuries from abnormal working conditions, injuries from contact with toxic chemicals in the workplace and fatalities.

Frank's articles on important Pennsylvania workers' compensation issues have appeared in well-known employer publications, such as the *A.M. Best Insurance Digest*, *Counterpoint* and the Pennsylvania Self Insurers' Association newsletter. He is a writer and editor of the firm's *Hot In Workers' Comp*, a monthly update on significant developments in Pennsylvania workers' compensation law. Frank has also given numerous presentations and seminars on critical developments in Pennsylvania workers' compensation law to various employer and insurance industry groups, as well as to his colleagues.

In 1986, Frank received his undergraduate degree from Villanova University. He attended the Widener University School of Law and obtained his *juris doctor* in 1989.

Frank is an active member of the workers' compensation sections of the Pennsylvania and Montgomery Bar associations. He also has a long association with the Upper Merion Lacrosse Club as a member of the board, as well as with the King of Prussia Soccer Club, where he has served as a soccer coach for many years.

### YEAR JOINED

1992

## THOUGHT LEADERSHIP

**Act 111 is not an unconstitutional special law regulating labor, and an IRE physician's evaluation is competent to support a modification of benefits despite not considering the most recent medical records and diagnostic studies.**

King of Prussia  
Workers' Compensation  
April 1, 2024

The claimant underwent an Impairment Rating Evaluation (IRE) on September 20, 2011, following a July 5, 2005, work injury.

**Workers' Compensation Appeal Board violates long-standing workers' compensation principles by overturning credibility findings made by a worker's compensation judge.**

King of Prussia  
Workers' Compensation  
April 1, 2024

The claimant suffered a work injury to her right thumb in the nature of a strain/sprain.

**Injuries sustained by a claimant while commuting were not compensable under the Act as the claimant was not a traveling employee with no fixed place of work.**

King of Prussia  
Workers' Compensation  
March 1, 2024

The claimant worked as a crew leader for the employer's tree-trimming business. On October 1, 2021, while driving home in his personal vehicle at the end of the workday, the claimant sustained injuries in a motor vehicle accident. What's Hot in Workers' Comp, Vol. 28, No.

**Although claimant cannot be working with a concurrent employer on date of work injury with another employer, the relationship with the concurrent employer was sufficiently intact that concurrent wages must be included in calculating average weekly wage.**

King of Prussia  
Workers' Compensation  
February 1, 2024

The claimant sustained an injury on December 29, 2018, while working as a home health aide. The claim was accepted by the employer, and the claimant began receiving benefits at the rate of \$468 per week, based on an average weekly wage of \$520. What's Hot in Workers' Comp, Vol. 28, No.

**Bureau directed to identify and publish in Pennsylvania Bulletin a different, nationally recognized schedule for valuing pharmaceuticals.**

King of Prussia  
Workers' Compensation  
February 1, 2024

A Fee Review Hearing Officer ordered the carrier/petitioner to pay Summit Pharmacy approximately \$72,500 as reimbursement for generic drugs provided to the claimant for her work injuries. What's Hot in Workers' Comp, Vol. 28, No.

## CLASSES/SEMINARS TAUGHT

*One Less Workers' Compensation Zombie in the Apocalypse*, CLM Work Comp, Casualty & Risk Management Conference, Chicago, IL, May 18, 2023

*State of the Union - Medical Marijuana*, Workers' Compensation Insurance ExecuSummit, Uncasville, Connecticut, January 24-25, 2023

*Protecting Against Unreasonable Medical Expenses and Fee Reviews*, Marshall Dennehey Workers' Compensation Seminar, October 27, 2022

*Unique Workers' Compensation Aspects of Independent Contractors and Traveling Employees*, Lorman Education Services webinar, December 16, 2021

*The URO Challenge and the Impact of Medical Marijuana*, Marshall Dennehey webinar, October 29, 2020

*Mitigating the Risk of Workplace Bullying*, Marshall Dennehey Workers' Compensation Seminar, October 24, 2019

*Pot For Pain*, Marshall Dennehey Workers' Compensation Seminar, October 25, 2018

*In a Pickle: The Implications of Protz*, Marshall Dennehey Workers' Compensation Seminar, October 19, 2017

*Defense Counsel Wish List*, Marshall Dennehey Workers' Compensation Seminar, October 19, 2016

*Aging Gracefully? The Senior Workforce and Impacts on Workers' Compensation*, CLM Atlanta, Atlanta, Georgia, May 2016

*Doped Up: Implications of Compound Medications, Generic Drugs and Medical Marijuana*, Marshall Dennehey Workers' Compensation Seminar, October 22, 2015

*Marijuana in Workers' Compensation - Medical and Legal Challenges*, CLM 2015 Medical Legal Summit, Chicago, Illinois, June 3, 2015

*Medicare Liens and Set-Asides and Workers' Compensation Liens*, Philadelphia Bar Association's Bench-Bar & Annual Conference, October 18, 2014

*Behind the Robe: An Interview With the Judges*, Roadmap to Success - Understanding Workers' Compensation, Marshall Dennehey seminar, October 24, 2013

Career Day, Upper Merion Middle School, 2011

*Case Law Update*, Broadspire and Glaxosmithkline, 2010

*Navigating the Workers' Compensation Court Room*, Berkley Midatlantic Group, 2010

*How to Distinguish Between ADA, FMLA and Workers' Compensation Actions*, Wegmans, 2009

*Record Retention and E-Discovery*, The Addis Group, 2009

*Legal Updates: A Survival Guide*, Pennsylvania Self-Insurers Association Annual Meeting, 2008

*Impact of New Vocational Regulations on Pennsylvania Workers' Compensation Claims Handling*, Sedgwick Claims Management Services, 2007

*Impact of New Vocational Regulations on Pennsylvania Workers' Compensation Claims Handling*, Cambridge Integrated Services, 2007

*The Do's and Don'ts of Utilization Reviews*, Montgomery Bar Association, 2007

Career Day, Upper Merion Middle School, 2005

Law Day, Caley Elementary School, 2002

Law Day, Caley Elementary School, 2001

*Ethical Considerations in Workers' Compensation*, Montgomery Bar Association, 2000

*Interplay Between Workers' Compensation and Liability*, Insurance Society of Philadelphia, 1999

*Act 57 and its Impact On Workers' Compensation Litigation*, Pottstown Hospital, February 1998

## PUBLISHED WORKS

- "Back to the Future: A Post-'Protz' Primer on Pre-'Protz' Law," *Pennsylvania Law Weekly*, August 11, 2022
- "Blurred Lines: A Breakdown of Conventional Workplace Boundaries During the Pandemic," *Pennsylvania Law Weekly*, August 5, 2021
- "Medical Marijuana: Reasonable and Necessary Medical Care for Injured Workers?" *The Legal Intelligencer's Cannabis Law Supplement*, May 27, 2020
- "Workers' Compensation Fraud Case Against Pharmacies & Physicians Dismissed by Court," *What's Hot in Workers' Comp--Special PA Alert*, September 18, 2019
- "Pot for Pain: A Cannabis Conundrum in the Courts," *CLM Magazine*, September 2018
- "Much Anticipated Protz Decision Comes Down," *Philadelphia Bar Reporter*, September 2017
- "Protz: Problems for Practitioners and Politicians," *Pennsylvania Law Weekly*, August 22, 2017
- "State of Confusion: *Duffey v. WCAB* and Pennsylvania's Impaired Impairment Rating System," *Defense Digest*, Vol. 23, No. 2, June 2017
- "Aging Gracefully? The Impact of a Senior Workforce on Workers' Compensation," *Workers' Compensation*, page 28. August/September 2016
- "Supreme Court of Pennsylvania Carves Out Exception to Exclude Remedy Provisions of the Pennsylvania Workers' Compensation Act For Late Manifesting Occupational Disease Claims," ABA TIPS *Workers' Compensation And Employers' Liability Law Committee Newsletter*, Winter 2014
- Case Law Alerts*, regular contributor, 2010-present
- "Legal Updates," *Pennsylvania Self-Insurers Association Newsletter*, 2009-present
- "Ask an Expert," *Pennsylvania Self-Insurers Association Newsletter*, January 2009
- Digest of Insurance Law, Pennsylvania Workers' Compensation*, Best's Directory of Recommended Insurance Attorneys, 2007-present
- Special Pennsylvania Workers' Compensation Law Alerts*, 2006-present
- Critical Case Summaries, *Pennsylvania Self-Insurers Association Newsletter*, 2006-2008
- What's Hot in Workers' Comp*, Marshall Dennehey Workers' Compensation Department newsletter, 2002-present
- "Decisions Impact Workers' Comp Benefits: Court Focuses on Release Agreement, Length of Employment," *The Legal Intelligencer*, March 2001
- "Independent Contractor or Employee: Supreme Court Rolls Over Controversial Commonwealth Court Decision Holding That Federal and State Motor Carrier Regulations Require Finding of Employment," *Defense Digest*, Vol. 7, No. 2, April 2001
- "Lykins: The Supreme Court Eliminates Unemployment Compensation Credit for pre-Act 44 Injuries," *Counterpoint*, January 1999
- "Act 44 and Pre-Amendment Injuries: Banic Breaks the Mold," *PSIA Workers' Compensation Newsletter*, March 1996
- "Pennsylvania Workers' Compensation Update," *Counterpoint*, newsletter of the PA Defense Institute, June 2002-present

## RESULTS

### The defense successfully proves flaw in claimant's expert testimony

#### **Workers' Compensation**

**December 13, 2023**

We successfully defended a Claim Petition on behalf of a national trucking company where the claimant alleged a disabling aggravation of a pre-existing cervical condition from a fall at work. Our thorough review of the medical records and the presentation of the evidence convinced the judge that the claimant did not meet his burden of proof on causation.

### Successfully Defended a Claim Petition on Behalf of a National Trucking Company

#### **Workers' Compensation**

**December 11, 2023**

We successfully defended a claim on behalf of our client where the answer was late without a reasonable excuse. However, we persuaded the workers' compensation judge that the claim petition was not well-pled as to the main allegation. We further convinced the judge that the claimant did not meet his burden of proof on causation.

### Workers' Compensation Appeal Board affirms Judge's decision granting a petition to terminate benefits.

#### **Workers' Compensation**

**February 16, 2022**

The Appeal Board rejected the claimant's argument that the testimony of the employer's medical expert did not support the judge's finding of a termination of benefits for a low back injury because the employer's medical expert testified that if the claimant was asymptomatic in her back prior to her slip and fall in a kitchen at work, the injury may have aggravated a pre-existing, underlying condition in her lumbar spine.

## REPRESENTATIVE CASES

*School District of Philadelphia v. WCAB (Hennegan)*, 751 A.2d 729 (Pa. Cmmwlth. 2000)

*McKinney v. WCAB (Decision Data)*, 752 A.2d 928 (Pa. Cmmwlth. 2000) (rev. per cuiam, 770 A.2d 326 (Pa. 2001))