

Francis X. Wickersham

Shareholder

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Frank provides seasoned defense counsel to employers, insurance carriers and third-party administrators across the full spectrum of workers' compensation matters. His practice blends deep legal knowledge with a solutions oriented approach that supports clients both inside and outside the courtroom. In addition to his litigation work, Frank regularly advises on risk management practices designed to prevent claims before they arise.

Clients value Frank's ability to pair innovative legal strategy with real-world practicality, achieving favorable outcomes while reducing exposure and controlling costs.

An accomplished writer, Frank's articles on trending issues impacting workers' compensation have appeared in various publications. He also provides monthly Pennsylvania case law updates for the firm's *What's Hot In Workers' Comp* newsletter. In addition, Frank is a frequent speaker for local and national employer and insurance industry groups. He is an active member of the Montgomery County Bar Association, the Claims & Litigation Management Alliance, and the RIMS Delaware Valley Chapter.

Frank received his undergraduate degree from Villanova University and his juris doctor from the Widener University School of Law.

Education

- Widener University Delaware Law School (J.D., 1989)
- Villanova University (B.A., 1986)

Admissions

- Pennsylvania, 1989

Practices

- Workers' Compensation Defense
- Cannabis Law

Honors & Awards

- The Best Lawyers in America®, Workers' Compensation Law - Employers (2023-2026)

Associations & Memberships

- Claims & Litigation Management Alliance (CLM)
- Montgomery County Bar Association
- RIMS - Delaware Valley Chapter

Representative Cases & Matters

- *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 cuam, 770 A.2d 326 (Pa. 2001))

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
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Results

The defense successfully proves flaw in claimant's expert testimony

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. While providing the requisite direct testimony, on cross examination, the claimant's expert admitted when he first saw the claimant one month after the work incident, the claimant had a head droop from cervical fusion surgery five months before the date of injury, and said that surgery "unrelated" to the work injury would be needed to correct it. This was inconsistent with the expert's direct examination testimony, which was that the work incident had caused the head droop. Further, with the employer's expert, who reviewed the testimony of the claimant's expert and reviewed all medical records pre- and post-incident, we were able to establish that the opinion of the claimant's expert was flawed, pointing out that the claimant's expert failed to perform a side-by-side comparison of pre-injury diagnostic studies to post-injury studies, which would indicate whether the head droop was a slow progression from the prior surgery or due to a traumatic incident. The Judge found that the claimant's expert failed to adequately explain what he saw in the studies completed after the work incident that supported his theory on causation.

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

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.

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. But, at the judge level, the claimant admitted under cross examination that she had a prior work injury to her low back that she did not report, which caused her to experience ongoing low back symptoms. The Board noted that the potential expansion of the claimant's low back injury, based upon the testimony of the employer's medical expert, was dependent on whether the claimant had no prior low back complaints, which said she did (and failed to disclose). The Board, thus, held that the judge correctly found the claimant's low back injury was limited to that of a lumbar strain and sprain from which she was fully recovered. The decision was affirmed.

Thought Leadership

May 1, 2026

Pennsylvania Supreme Court Limits 120-Day Notice Requirement for Owner-Employees

April 1, 2026

A Dispenser of Durable Medical Equipment is Not a Health Care Provider Under Section 109 of the Act and Therefore May Not Seek Recourse Through the Medical Fee Review Process

March 1, 2026

Commonwealth Court Rules the Security Fund Is Not Subject to Attorney-Fee Assessments

March 1, 2026

Pennsylvania Supreme Court Holds Co-Worker Immunity Applies Only When Both Employees Are Acting in the Course of Employment At The Time of Injury

February 4, 2026

Commonwealth Court Holds that a Workers' Compensation Judge Has the Authority Under the Act to Address Fee Disputes Between Claimant's Attorneys

January 1, 2026

Commonwealth Court Affirms Workers' Compensation Judges' Authority to Amend Injury Description Under Section 413(a) Despite Initial Notice of Compensation Payable Limitation

January 1, 2026

Commonwealth Court Reverses Denial of PTSD Claim, Holding Police Officer Faced Abnormal Working Conditions After Deadly Struggle

December 1, 2025

TOP 10 DEVELOPMENTS IN PENNSYLVANIA WORKERS' COMPENSATION IN 2025

November 1, 2025

Commonwealth Court Finds Firefighter's PTSD Resulted from Abnormal Working Conditions After Two Infant CPR Incidents Within a Brief Period of Time

October 1, 2025

Section 305.2(c.1) Does Not Require Claimant to Prove Non-Entitlement to Benefits Before Record Closes and Imposes No Timeline for Submission

September 1, 2025

Commonwealth Court Allows Second Review Petition, Rejects Res Judicata Defense on Psychological Injury Claim

September 1, 2025

Commonwealth Court Reverses Dismissals, Holds Claim Petition Preserved Claims and Orders Remand

September 1, 2025

Commonwealth Court Upholds Penalties Against Employer for Failure to Pay Fee Review Determinations

September 1, 2025

Commonwealth Court Affirms Notice Was Timely in Electrocutation and Tremor Injury Claim

August 1, 2025

Court Affirms Termination Petition After C&R Agreement Limits Scope of Work Injury