

Linda Wagner Farrell

Shareholder

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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.

Education

- Florida Coastal School of Law (J.D., 2002)
- University of North Florida (B.A., 1997)

Practices

- Workers' Compensation Defense

Admissions

- Florida, 2002
- U.S. District Court Middle District of Florida, 2007

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)

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

Classes/Seminars Taught

- *Florida's New Rules of Civil Procedure and Impact on Workers' Compensation Claims*, The Florida Bar Workers' Compensation Section webinar, September 10, 2025
- Panelist, Florida Office of Judges of Compensation Claims' OJCC Work Comp Academy, October 18, 2024
- *Medical Marijuana – Workers' Compensation*, 2024 Northeast Florida Disability Management Forum, October 4, 2024
- *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

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.

Results

Exceptional Advocacy Leads to Indemnification Win

We were successful in having a motion for indemnification granted. Our client's subcontractor did not secure workers' compensation coverage as required by the statute. Therefore, our client—the contractor—became the statutory employer and accepted the claim as compensable, providing medical and indemnity benefits and reaching a settlement compromise with the injured worker. We filed a motion for indemnification, requesting that the subcontractor be ordered to reimburse our client for all monies paid on the claim. After an evidentiary hearing was held, where we presented evidence and called the vice president of claims to testify, the judge of compensation claims granted our motion.

Successfully Contested Claimant's Request for Authorization for a Van with a Wheelchair Lift, Arguing Its Medical Necessity

We successfully contested a claimant's request for authorization for a van equipped with

a wheelchair lift, arguing it was not a medical necessity following a work-related injury. Testimony revealed the claimant's significant mobility challenges were due to a work-related traumatic brain injury and spastic hemiplegia. However, the employer/carrier contested the request, asserting it was neither reasonable nor medically necessary based on the authorized treating physician's assessment. Ultimately, the judge of compensation claims found the claimant did not meet the burden of proof to establish the necessity of the van, siding with the employer/carrier's argument, and denied the authorization request along with the claims for attorney's fees and costs.

Settlement Agreements Upheld in Florida Workers' Compensation Cases

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.

In another matter, we filed a motion to enforce a settlement agreement reached by the parties at mediation, which the judge of compensation claims granted. Despite attending mediation, reaching an agreement and having a mediation report drafted, the claimant did not sign the agreement. He then terminated the services of his attorney and retained new counsel. At the hearing held before the judge, Linda called the claimant's former attorney as a witness and also conducted a direct examination of the claimant. Ultimately, the judge found that the claimant had agreed to settle and changed his mind later. Therefore, the settlement agreement was enforced.

Successful Defense of PTD Benefits and More in Florida.

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. The judge found the claimant's job search was not sufficient or reasonable in light of the totality of the circumstances, including her physical impairment, age, employment history, training, education, motivation, work experience, work record, and diligence to establish entitlement to permanent and total disability benefits. The judge held the testimony of the employer/carrier's vocational experts was persuasive in his decision to deny PTD benefits, finding the claimant was employable with the assistance of vocational counseling.

Defense Verdict in Final Compensation Order

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. Most significantly, the judge

granted the employer's defense of medical non-compliance from March 21, 2017, present and found that the claimant required no further treatment for his work-related injury. The employer can recover taxable costs against the claimant pursuant to Florida Statute 440.34 as the prevailing party on all petitions.

Successful Defense of Petition for Permanent Total Disability Benefits and More

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. The judge found the claimant's job search was not sufficient or reasonable in light of the totality of the circumstances, including her physical impairment, age, employment history, training, education, motivation, work experience, work record, and diligence to establish entitlement to permanent and total disability benefits. The judge held the testimony of the employer/carrier's vocational experts were persuasive in his decision to deny permanent total disability benefits, finding the claimant was employable with the assistance of vocational counseling.

Thought Leadership

January 1, 2025

Judge of Compensation Claims abused his discretion in denying a motion to continue a final hearing when the reasoning behind the request was out of the appellant's control.

December 1, 2024

TOP 10 DEVELOPMENTS IN FLORIDA WORKERS' COMPENSATION IN 2024

November 1, 2024

Once again, sufficient compliance with the drug-free workplace policy rules by employers and medical review officers is not enough.

October 11, 2024

Prescription Disputes Remain under the Exclusive Jurisdiction of the Florida Dept. of Financial Services

September 1, 2024

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

August 1, 2024

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.

July 1, 2024

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.

June 1, 2024

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

May 1, 2024

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

April 1, 2024

The 120-day rule does not apply if the employer/carrier only accepted compensability and provided treatment for a temporary exacerbation.

March 1, 2024

Claimant attorney's appeal of judge of compensation claims' order denying a statutory fee on settlement overturned by First District Court of Appeal and held to be reasonable.

February 1, 2024

Judges of compensation claims have the authority to take a flexible and holistic approach to permanent total disability claims as the triers of fact. The Blake methods are guidelines, not requirements.

January 1, 2024

The employer/carrier was unable to overcome presumption, and COVID-19 found to be work-related for firefighter, requiring heart transplant.

December 1, 2023

TOP 10 DEVELOPMENTS IN FLORIDA WORKERS' COMPENSATION IN 2023

November 1, 2023

Allowing your manager to "pop" your back at the end of a long shift is not an injury that arose out of employment.