

Robert J. Fitzgerald

Shareholder

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Mount Laurel – 856.414.6009



Bob is the managing attorney of the Workers' Compensation Department in the firm's Mount Laurel office. He devotes his entire practice to workers' compensation defense litigation, providing experienced counsel to employers and insurance carriers. Bob has represented employers in many industries, including retail services, hospitals and health care, banking, construction, manufacturing and distribution. Through his extensive litigation experience and educational offerings, Bob has helped clients achieve significant monetary savings and reduce their workers' compensation expenditures.

Bob works in tandem with his clients to develop risk management and litigation strategies that best suit their business needs and goals. He stays abreast of current trends, and frequently authors articles and conducts seminars on issues impacting workers' compensation in New Jersey. Bob is a regular contributor to the firm's quarterly newsletter, *Defense Digest*, and the New Jersey Defense Association publications, and is a frequent presenter for our monthly What's Hot in Workers' Comp Live webinar.

Bob is admitted to practice in New Jersey and Pennsylvania, as well as the U.S. District Courts for New Jersey and the Eastern District of Pennsylvania. He earned his *juris doctor* from Widener University School of Law, where he was a member of Phi Delta Phi, Honor Chapter. Bob is an active member of the New Jersey Self Insurers' Association, New Jersey Defense Association and New Jersey State Bar Association.

Education

- Widener University Delaware Law School (J.D., 2000)
- Temple University (B.A., 1994)

Admissions

- New Jersey, 2000
- Pennsylvania, 2000

Practices

- Workers' Compensation Defense

- U.S. District Court Eastern District of Pennsylvania, 2000
- U.S. District Court District of New Jersey, 2000

Honors & Awards

- New Jersey Super Lawyer Rising Star (2006-2007, 2010)
The Super Lawyers list is issued by Thomson Reuters. A description of the selection methodology can be found [here](#). No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

Associations & Memberships

- New Jersey Defense Association
- New Jersey Self Insurers' Association
- New Jersey State Bar Association

Representative Cases & Matters

- Successfully proved that client was not liable for any workers' compensation benefits for a quadriplegic who had a catastrophic fall at the respondent's quarry where the petitioner alleged the respondent was acting as a general contractor. *Daryl Hopkins v. Lehigh Hanson, et al.*, Claim Petition no. 2012-12762, et al., (JWC E. Cox, Jun 16, 2015)
- Successfully proved that petitioner, a graduate student and teaching assistant, was not considered an employee of a university when he was performing research for his graduate degree.

Classes & Seminars Taught

- *Know When to Hold 'em, When to Fold 'em! Best Bets to Limit Exposure in Claims Management*, National Comp 2024, Las Vegas, NV, October 16, 2024
- *Open Mic: Ask the Experts*, New Jersey Self Insurers' Association Annual Conference, April 24, 2024
- *A State-By-State Guide to Avoiding Attorneys' Fees and Sanctions*, Marshall Dennehey Workers' Compensation Seminar, October 27, 2022
- *Workers' Compensation Winter Roundup*, Graham Company webinar, December 15, 2020
- *Setting the Strategy Stage: When to Deny and Fight a Workers' Compensation Claim*, Marshall Dennehey webinar, October 30, 2020
- *The Intersection of Workers' Compensation and Health Care*, Marshall Dennehey Workers' Compensation Seminar, October 24, 2019
- *What Do You Want From Your Defense Attorney*, Marshall Dennehey Workers' Compensation Seminar, October 25, 2018
- *Ingredients for Successfully Defending Claims for Work Injuries at Home*, Marshall Dennehey Workers' Compensation Seminar, October 19, 2017
- *Do's and Don'ts of Fact Witnesses*, Marshall Dennehey Workers' Compensation Seminar, October 27, 2016

Published Works

- "New Jersey Appellate Division Continues to Turn Away Alleged Intentional Workplace Injury Claims," *Defense Digest*, 2025-09-01, Vol. 31, No. 3
- "New Jersey Supreme Court Holds That in a Civil Action, the Jury, Not the Judge,

Decides the Issue of Whether There Is a Special Employee Relationship," *Defense Digest*, Vol. 29, No. 3, September 2023

- "Penalties, Sanctions and Other Bad Employee Words," *Defense Digest*, Vol. 28, No. 3, October 2022
- "I've Got Your Papers Right Here! New Jersey Appellate Division Reverses Extending Workers' Compensation to Owner Based on Alleged Producer and Carrier Errors," *Defense Digest*, Vol. 28, No. 1, April 2022
- "New Jersey Workers' Compensation and Property Leases. Two Greats Tastes That Don't Taste Great Together," *Defense Digest*, Vol. 27, No. 5, December 2021
- "Better Not Be Late! Workers' Compensation Occupational Exposure Claims and the Statute of Limitations," *Defense Digest*, Vol. 27, No. 2, March 2021
- "New Jersey Supreme Court Once Again Affirms Employers' Subrogation Rights," *Defense Digest*, Vol. 26, No. 3, September 2020
- "Workers' Comp Update: The NJ Supreme Court One Again Affirms an Employers' Subrogation Rights," *New Jersey Defense Magazine*, July 2020
- "The Appellate Division Beats Back Another Challenge to the Intentional Injury Exception of the New Jersey Workers' Compensation Statute," *Defense Digest*, Vol. 25, No. 3, September 2019
- "New Jersey Workers' Compensation Section 40 Subrogation Provisions Beat Back a Challenge by the Motor Vehicle Insurance Verbal Threshold," *Defense Digest*, Vol. 25, No. 1, March 2019
- "Dot Your I's and Cross Your T's. Insurance Coverage Cancellation Must Be Done Right in New Jersey Workers' Compensation," *Defense Digest*, December 2018, Vol. 24, No. 4
- "Bifurcation, Compensability and Other Confusing Things in New Jersey Workers' Compensation," *Defense Digest*, Vol. 24, No. 3, September 2018
- "Burdens of Proof and the New Jersey Workers' Compensation Second Injury Fund," *Defense Digest*, Vol. 23, No. 2, June 2017; *New Jersey Defense Association Newsletter*, Spring 2018
- "Workers' Compensation Liens Rule!!! The Appellate Division Fends Off Another Challenge to Section 40 of New Jersey's Worker's Compensation Statute," *Defense Digest*, Vol. 22, No. 4, December 2016
- "What Did You Know and When? The Latest Analysis of the "Discovery Rule" Exception to the Statue of Limitations Defense," *Defense Digest*, Vol. 22, No. 3, September 2016
- "More Than 100% Disabled? The New Jersey Appellate Division's Latest Analysis of Permanent/Total Disability Benefit Awards," *Defense Digest*, Vol. 22, No. 1, March 2016 and *New Jersey Defense Association Newsletter*, Spring 2016

Results

Successfully Defended a Claim for Permanent/Total Disability Benefits Where the Potential Exposure Exceeded Half a Million Dollars

We successfully defended a claim for permanent/total disability benefits and significantly lowered our client's exposure. Given the petitioner's age and the exposure of the case, our client faced a potential indemnity exposure of more than \$500,000. Prior to trial, the petitioner refused to accept any settlement offer below permanent/total disability benefits. Following the petitioner's testimony at trial, the judge dismissed the claim for

permanent/total disability benefits and recommended a partial disability settlement, which equated to approximately \$57,000 (only 10% of the potential cost) in total exposure, which was accepted by the petitioner.

Medical provider claim petition dismissed, with prejudice.

The parties were litigating a motion for medical treatment in which a physician was recommending an additional spinal surgery. The physician moved forward without authorization and performed spinal surgery on the petitioner. In order to complete the surgery, the physician brought in several ancillary services, including a vendor to perform diagnostic monitoring during the surgery. Following the surgery, the medical provider submitted its bills to the carrier, which were rejected based upon the lack of authorization. After a medical provider claim petition was filed, the respondent filed a motion to dismiss the matter for failure to obtain the requisite statutory authorization. The medical provider argued that it was only providing ancillary services and, therefore, did not require the authorization of the carrier under the New Jersey Workers' Compensation Statute. The medical provider also argued that they were the "victim" since they were advised by the physician that the procedure was authorized. The judge rejected both arguments, holding that all medical providers including providers that provide ancillary services for surgical procedures, are required to obtain the same authorization for their treatment, or risk not receiving financial reimbursement.

Favorable decision in New Jersey workers' compensation matter.

The case involved a compensable claim for right hip and shoulder fractures sustained in a fall. At issue was the level of permanent disability for the compensable injuries and the relatedness of a subsequent hip replacement surgery. The petitioner's demand before trial was more than \$450,000, plus almost \$78,000 for medical expenses. The employer's final offer was \$180,000. After a three-day trial in Ocean County, the judge awarded permanency benefits totaling less than \$153,000. Further, the judge determined that the hip replacement surgery was not related and denied the entire \$78,000 medical bill claim.

Workers' compensation defense verdict for a prominent health care system.

The petitioner filed a motion for additional medical and temporary disability benefits, essentially alleging she was permanently and totally disabled from prior compensable shoulder and leg injuries. After a three-day trial and extensive briefing, the judge dismissed the motion. He determined that, despite the compensable injuries, the petitioner had plateaued medically and was not entitled to any further benefits.

Thought Leadership

March 1, 2026

Watch That First Step! New Jersey Again Addresses The Eternal Battle of Intentional injuries vs. The Exclusive Remedy Doctrine

September 1, 2025

New Jersey Appellate Division Continues to Turn Away Alleged Intentional Workplace Injury Claims

March 1, 2025

A Carrier May Have No Duty to Defend an Intentional Injury Claim Against an Employer Arising from a New Jersey Workers' Compensation Case

March 1, 2024

Lack of Insurance Coverage Does Not Defeat Workers' Compensation Bar for New Jersey Workers' Compensation Intentional Injury Claim

September 1, 2023

New Jersey Supreme Court Holds That in a Civil Action, the Jury, Not the Judge, Decides the Issue of Whether There Is a Special Employee Relationship

October 1, 2022

Penalties, Sanctions and Other Bad Employer Words

April 1, 2022

I've Got Your Papers Right Here! New Jersey Appellate Division Reverses Extending Workers' Compensation Coverage to Owner Based on Alleged Producer and Carrier Errors

December 1, 2021

New Jersey Workers' Compensation and Property Leases. Two Greats Tastes That Don't Taste Great Together

April 20, 2021

Special Workers' Compensation Alert - New Jersey

March 15, 2021

Better Not Be Late! Workers' Compensation Occupational Exposure Claims

March 1, 2021

Better Not Be Late! Workers' Compensation Occupational Exposure Claims and the Statute of Limitations