

Workers' Compensation Practice

Fennemore Craig has significant experience in workers' compensation, and related employment and labor areas. Fennemore Craig has developed a broad and varied employment practice. The needs of our employer clients require the firm to be responsive and qualified in all areas of employment law, including labor law, employment benefits, workers' compensation, and employee health and safety. Our practice in each area involves both counseling and representation in adversarial proceedings, including appellate proceedings. We also maintain an active legislative and lobbying practice to assist our clients in employment areas, including workers' compensation, affected by legislation.

The nature of Fennemore Craig's experience and the scope of our representation permits two benefits to flow to our clients. First, we work with in house management and administrative representatives to improve and define employment relationships and to reduce the likelihood that disputes will arise. Second, we draw upon the expertise of our attorneys in the various employment areas and address the distinct but often related issues that arise.

Workers' Compensation

Fennemore Craig provides legal representation and counsel to a number of major corporations which are self-insured or self-rater insureds for workers' compensation. We also represent insurance companies that provide workers' compensation coverage for smaller employers, and uninsured employers. The firm represents employers in all facets of workers' compensation litigation before the Industrial Commission of Arizona and Arizona's appellate courts. It has substantial experience in defending against claims for psychiatric conditions and exposure to toxic substances, as well as more common physical injuries. In the appellate arena, the firm recently obtained a decision authorizing employers to pay workers' compensation benefits directly to group insurance carriers under some circumstances, thereby avoiding a claimants' receipt of double benefits. It also obtained a favorable appellate interpretation of the "dual-purpose trip doctrine," which limits the compensability of injuries incurred during trips for combined business and personal errands.

Fennemore Craig also assists employers in qualifying for self-insurance status and advises clients, or their administrative representatives, on the many legal, medical and administrative issues which arise in connection with workers' compensation claims outside the litigation arena. In addition, the firm's legislative and lobbying practice includes preparing legislative proposals, lobbying and testifying before legislative committees on workers' compensation matters.

Employee Health and Safety

We provide legal representation and assistance to many employers on employee health and safety issues. We counsel employers about their obligations to comply with federal, state, and local health and safety standards. When necessary, we represent employers in all facets of litigation including state and federal OSHA proceedings, and in Arizona and federal courts.

Labor/Management

In the labor law area, Fennemore Craig counsels clients concerning contract interpretation and grievance procedures and represents employers in labor arbitrations. We also represent employers in negotiating collective bargaining agreements, in representation elections, and in defending unfair labor practice charges before the NLRB and in contested cases in the United States District Court. Fennemore Craig has substantial experience and capabilities in all areas described above.

Employment Contracts and Torts

In the general employment area, Fennemore Craig counsels employers about personnel manuals and procedures, drug and alcohol testing policies, and compliance with specific state and federal statutes and regulations. Fennemore Craig has broad litigation experience in civil actions involving allegations of breach of employment contract, wrongful termination, employment discrimination, and related tort actions. We appear frequently for our clients before federal and state administrative agencies, including the Arizona Civil Rights Division, Equal Employment Opportunity Commission, and the Department of Economic Security.

Workers' Compensation Practice Group

Scott M. Finical, *Chair*

(602) 916-5300