

Revisiting the Going And Coming Rule In Iowa

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I. Why is there a "going and coming rule"?

I have a client who came to me after having two surgeries on her shoulder. The first surgery was made necessary by a work related injury that the employer agreed to accept. The second surgery was in dispute, not the need for it, but who would be responsible for the cost. The second surgery was made necessary after the client fell at an Iowa rest area after visiting the Des Moines company doctor. The client was heading back to Kansas City, Missouri where she lived. Although she had asked to see a doctor in Kansas City the employer refused her request and made appointments for her to see the Des Moines doctor in the middle of winter. This put her at great risk traveling during Iowa's icy highways. As I researched the subject I became aware of several reasons why the rule existed with so many exceptions.

Along with the development of the industrial revolution, workers' compensation became a necessary feature of the American worker's benefits package. More complicated job tasks, faster moving and more complex industrial machinery, the automobile, concrete and glass high-rise buildings centered in large cities and the ever expanding sales territory lead to more injuries, more severe injuries. Employers have enjoyed an increase in profits. All of these factors have lead governments to realize they should share in the costs of maintaining injured employees healing from an industrial accident. This recognition made it necessary to expand the concept of a compensable injury.

II. What is the general rule?

The general rule is that, absent special circumstances, an employee is not entitled to compensation for injuries occurring off of the employer's premises on the way to and from work. *Farmers Elevator Co., Kingsley v. Manning*, 286 N.W.2d 174, 178(Iowa 1979); *Otto v. Independent School District*, 237 Iowa 991, 23 N.W.2d 915(1946). A worker who has a definite place and time of work ordinarily is not considered to be acting within his employment while returning to his home. *Farmers Elevator Co., Kinglsey v. Manning*, 286 N.W. 2d 174, 178 (Iowa 1979) This is known as the "going and coming" rule. Conceptually, it is clear that the employment is the cause of injuries in going and coming: if not for the job there would be no reason in most cases to approach or leave the premises. *I Larson, supra*, at 4-12. To be compensable an injury must arise out of and occur within the course of the employment. The going and coming rule pertains to the second prong of the coverage test, requiring that the injury

arise " in the course of " the employment. This test measures the work connection of the incident as to time, place and activity. *Id. at 4-1*. It is the claimants burden to prove the injury arose out of and in the course of the employment. *Lindahl v. L.O. Boggs Co.*, 236 Ia. 296, 172 NW 607 (1945).

III. What are the recognized exceptions?

There are several and there may be more depending on the facts of your case and your creativity. They include the following:

- (A) Special Errand Rule Exception.
- (B) Dual Purpose Exception.
- (C) Employer's Assumed Obligation Exception.
- (D) No Fixed Site Of Employment Exception.
- (E) Extension Of Premises Exception.
- (F) Special Hazards Theory Exception.
- (G) Zone Of Protection Exception.
- (H) Transportation Necessity Exception.
- (I) Zone Of Danger Exception.
- (J) Divided Premises Exception.
- (K) The Social Function Exception.
- (L) Lunch Break Exception.
- (M) Medical Treatment Exception.

IV. What is the purpose of having a rule if there are so many exceptions?

Our work place has become a complex place. There's more than just the farm yard to consider. The definition of the work place, like the definition of "family" has evolved with time. Computers, fax machines, modems, home-site work stations and other forms of information processors have expanded the scope of the workplace. Automobile transportation, low-cost airplanes, expanding sales territories due to the elimination of tariffs will surely continue to challenge traditional notions of the work place setting. Lawyers have to think globally when they define the job site and the acts that further the employer's business.

You have to understand how your client performs his work before you can appreciate what law may apply to the case. Find out exactly what your client was doing at the time of the injury. Why he or she was doing the act, how the employee believed it would help the employer's trade, whether it has been done before, if it is a violation of established or written rules and how the employer says it should have been done. Then analyze whether it could have been done in the way the employer believes it should have been done. Talk to other employees to see if they have acted in a similar manner in the past. Is there a work rule prohibiting the act? Is it in writing? Was it clearly communicated to the employees? How? When? Is it reasonable? The list of questions is endless. Visit the work place to see how many entrances and exits are available. Visit at the beginning and the end of the client's work shift to observe how employees

enter and exit the premises. Discover whether the employer has a contract with the landlord for maintenance of the hallways, doorways, elevators, sidewalks, skywalk, parking ramps and parking lots. Who was in charge of maintaining each structure? Who was responsible for salting the surfaces and keeping them clean of debris, snow and ice? Did the employer hand out or post announcements about construction? Was the employee's car, plane, home computer, roller skates, bicycle needed to carry out the employee's job? Remember it may be the employee's job, but it's the employer's business that usually places him or her in the place where they got hurt. What was the reason the employee felt compelled to be where he was at the time of the injury? Use the "but for" test. Does it help or hurt your cause? Walk the route, drive with the employee, film it and ask yourself: What alternative routes were available and allowed by the employer? Did the employer's rules create greater risks, different risks or require more time? If it is outside the scope of employment, then can you sue the land or building owner?

A. Special Errand Rule Exception.

This exception addresses those instances where a worker performs a duty not usually considered to be among those of the worker's regular employment, provided it is performed at the direction of the employer or demanded by the business. *Otto v Independent School Dist.*, 237 Iowa 991, 23 N.W. 2d 915 (1946); *Chia v. Quaker Oats* (App. Descn. May 1994). This may also be referred to as the special service exception. A janitor called back after hours may be covered under this exception. *Kyle v. Greene High School*, 208 Iowa 1037, 226 N.W. 71 (1929).

In *Otto* a janitor who had been working for the school district for twelve years, slipped and fell on the icy sidewalk on his way to work at 5:00am during a cold and bitter winter day. His work required him to open and close the school building on a daily basis. His employment contract required him to have the building heated to 70 degrees by 9:00am when school opened. He lived approximately five blocks from the school. On the morning he was injured his wife insisted he put a pair of old socks over his rubbers. In rejecting the claim the court found nothing unusual about the walk to work that morning. Something more than a walk to work at the beginning of the work day is required. Had the claimant been to work and left for a special errand for the employer it may have changed the outcome of the case, but without more there was no basis to except the going and coming rule. The act leading up to the injury, must be something outside of the normal duties of the claimant for there to be a special errand.

There are several cases from other jurisdictions discussed by the court. They involve fact situations dissimilar to *Otto's*. The fact claimant had fixed hours, had not been called to an emergency, had not been to work already that morning, had no work duties to perform away from the school and his job duties required work only on site at the school house place him squarely within the basic rule. You can't help but think the socks over the rubbers were factored in as well.

B. Dual Purpose Exception.

This exception is closely related to the special errand exception. Under this exception, the worker makes a trip which combines a non-compensable (personal) purpose with a special errand for the employer. See *Folay v. Keister Lumber Co.*, 175 N.W. 2d 385 (Iowa 1970); *Allen V. Allen* (Arb. Descn., 941868) In *McMullin v Department Of Revenue*, 437 N.W. 2d 596 (Iowa App. 1989) the court relying on the dual purpose doctrine found the injury compensable. "Injury during a trip which serves both a business and a personal purpose is within the course of employment if the trip involves the performance of a service for the employer which would have caused the trip to be taken by someone even if it had not coincided with the personal injury." *Id.* at 598-599, citing *Larson, 1 Workmen's Compensation Law, sec. 18.*

The employees were tax examiners working on a permanent assignment in Cleveland, Ohio. Assignments were sent by mail from Des Moines. The auditors had a large amount of responsibility and discretion to determine the manner in which their assigned tasks were to be completed. It was established office practice to pick up and deliver state employees at the airport. Iowa supervisors had been chauffeured from the airport on prior occasions. The State of Iowa received benefit from this practice. There were no set hours of work. The auditors did often times work evenings and on the weekends. They were encouraged by the department to do so, and even though they were not paid overtime, they were compensated with vacation days. At times the office was left unattended because no staff had been assigned to the Cleveland office. It was a two man office. The injury occurred as a result of a car collision as the claimant drove to the airport to pick up his co-worker and also to perform personal items of business at the end of his day. The claimant had intended to pick up his co-worker at the airport, transport the co-worker to the office garage, pick up the mail, go to the branch office to do some work and then go to the airport for a personal trip back to Iowa by plane. On the way to the airport to pick up the co-worker he was involved in a serious car accident. Citing the dual purpose doctrine the court found the injury compensable.

If, however, the work has had no part in creating the necessity for travel, if the journey would have gone forward though the business errand had been dropped, and would have been canceled upon failure of the private purpose though the business errand was undone, the travel is then personal, and personal the risk. *Pohler v. T.W. Snow Construction Co.*, 239 Iowa 1018, 33 N.W. 2d 416 (1948) Generally speaking "if the work of the employee creates the necessity for travel, he is in the course of this employment, though he is serving at the same time some purpose of his own..." as quoted in *Rubendall v. Brogan Const. Co.*, 113 N.W. 2d 265 (Iowa 1962)

C. Employer's Assumed Obligation Exception.

If the employer assumes responsibility to furnish transportation to and from the job site the going and coming rule will not prevent an injury from being compensable. In *Pribyl v. Standard Elec. Co.*, 67 N.W. 2d 438 (Iowa 1954) the claimant was traveling to a job site in his

own vehicle, under his own control, being paid eight cents per mile for a fifty four mile round trip under a written agreement between the union he belonged to and the employer that had hired him through the union hall. The original agreement had required the employer to furnish transportation of all men for jobs outside of Linn County. The modified agreement required the payment of mileage for this one particular job. The employer did not want the responsibility and expense of arranging for twenty-five men to travel from Linn County to Johnson County. The Court agreed with the Industrial Commissioners construction of the contract. "It construed the contract as singular and not separate and distinct, as simply further providing how the employer would carry out his obligation to provide transportation." The Court held the employer had the **obligation** to provide transportation. To fulfill its obligation it negotiated to pay mileage. That mileage payment did not relieve the employer of the transportation obligation. The obligation to furnish transportation existed irrespective of the payment of mileage expense. The court goes on to point out, the fact employees were not getting paid for the time it took to travel, was not dispositive; nor would it be dispositive if the employer were not paying mileage expense. That thought is borne out by the court in the *Medical Associates Clinic, P.C. v. First Nat'l Bank*, 440 N.W. 2d 374 (Iowa 1989) case. What the Court seems to be saying is that the employer had assumed the responsibility for transportation of workers and the way it is carried out is not dispositive of the issue. It should be noted this was a death claim by the widow.

In *Pribyl* there is language that should not be ignored. The Court cautioned, after citing several cases where the employer merely paid the costs of transportation, that an injury occurring during the journey has often been held one not arising out of and in the course of employment. *Id.* at 444. "It must be conceded that there must be something more than mere payment of such transportation costs. We have more here. The facts and circumstances clearly disclose that the employer paid the eight cents per mile for fifty four miles as a means of carrying out its obligation to furnish transportation to and from Coralville. There was no gratuity." *Id.* at 444.

Another situation arises when the employer provides the transportation or a supervisor rides along and either drives or directs the trip. In *Johnson v. Farmer*, 537 N.W.2d 770, 772 (Iowa 1995) the court stated: "A leading expert in the field of workers' compensation law has expressed the view that, when an injury occurs while a worker is being transported to an intended place of employment in a vehicle owned by the employer, the latter's control over that situation makes the vehicle an extension of the work place. I Arthur Larson, *Larson's Workmens' Compensation Law Sec. 17.00, at 4-209 (1995)*. We believe that this principle holds true irrespective of how the employee's compensation is measured. It is particularly true where, as here, a supervisory employee of the injured person's employer is, on the employer's behalf, directing the route and operation of the vehicle." The Court found the injury occurred within the course of employment when the injured person was being driven by his foreman in the employer's truck to a site where the injured worker and his foreman were to perform measurements necessary for work to be commenced at a later time. Neither the foreman nor the injured worker were to be compensated for the travel or the measuring activities. *Id.* at 772.

D. No Fixed Site Of Employment Exception.

This exception usually arises with travelling salesmen. This is really a no brainer. See *Lawyer & Higgs, Iowa Workers' Compensation, Law and Practice, sec. 6-15 (1991)*. The Iowa Supreme Court cites *Katz v. A. Kadans & Co.*, 232 N.Y. 420, 134 N.E. 330, 23 ALR 401 in *Otto v. Independent School Dist.*, 23 N.W.2d 915, 916 (Iowa 1946) stating: "...or was engaged in regular work that had no particular situs but required him to travel from place to place...". If your client gets injured while out of town, he or she has probably combined personal and business related errands. See section B for a discussion of the dual purpose exceptions.

E. Extension Of Premises Exception.

If the site of the injury is closely related in time, location and employee usage, to the work premises; and, the employer has exercised control over the site of the injury, the extension of premises exception may apply. In *Frost v. S.S. Kresge Co.*, 299 N.W.2d 646 (Iowa 1980) Mrs. Frost was dropped off by her husband just outside the front entrance to work. She had arrived a few minutes before 8:00am to participate in an employee birthday party breakfast. The workday was to begin at 8:30am. She slipped on an accumulation of ice on the public sidewalk within twenty five feet of the regularly used entrance. The Court pointed out the many labels attached to these cases and stated: "Labels have been attached to these exceptions; application however is often difficult. In this case, for example, is an icy sidewalk a special hazard?" (Most "special hazard" cases, in contrast to the present one, involve substantial dangers such as the crossing of railroad tracks.) And is the "divided premises: exception inapplicable because Mrs. Frost crossed the sidewalk after leaving her husband's vehicle, as opposed to crossing it in route from an employer-operated parking lot? Or is twelve feet from Kresge's door, as opposed to twenty, as some of the evidence indicated, close enough to be considered part of the premises solely because of its proximity and, if so, where should the line be drawn?"

The Court in finding the injury compensable found *"this fall was closely connected in time, location, and employee usage to the work premises itself to entitle Mrs. Frost to the protection of the workers' compensation statute."* *Id.* at 649-650. The Court set out two important findings by the Commission. *"We disagree with the legal conclusion of the industrial commissioner in this case because (1) the site of the injury was so closely related in time, location, and employee usage to the work premises to bring the claimant within the zone of protection of the workers' compensation law and (2) the employer had exercised such control over the abutting sidewalk to make it an extension of the business premises."* *Id.* at 648. The employer had used the sidewalks in front of the store for sidewalk sales in the past. Ask yourself did the employer use the premises in the past for any purpose. To clean the store windows, to have a sidewalk sale or an employee barbecue? Who sweeps the sidewalks, clears the snow and ice, puts up and takes down seasonal decorations?

F. Special Hazards Theory Exception.

This theory is discussed in *Frost v S.S.Kresge Co.*, 299 N.W.2d 646, 649 (Iowa 1980). It can also be described as the "divided premises" exception. *Id.* at 649. Under this "exception it is held that any "special hazards" of an employee's route become hazards of the employment where an injury occurs on the only available route to reach the premises. I A. Larson, *The Law of Workmen's Compensation*, sec. 4-18. Most "special hazard" cases, involve substantial dangers such as the crossing of railroad tracks. Similarly, travel between two separate premises of an employer which results in an injury enroute is held to be covered under a "divided premises" exception. Thus, an employer may be liable if it operates a parking lot and an employee is injured between the lot and his work site. *Id.* at 4-35 & 4-36. and cited in *Frost v. S.S. Kresge Co.*, 299 N.W. 2d 646,649 (Iowa 1980)

G. Zone Of Protection Exception.

Although this exception is discussed as a separate and distinct concept, I believe it is part of the extension of premises exception discussed in *Frost v S.S. Kresge Co.*, 299 N.W.2d 646 (Iowa 1980). Mildred Frost suffered injury when she fell on an icy public sidewalk approximately 12-20 feet from the only store entrance available to employees, and therefore an area used by all employees in entering and leaving the premises. Defendant in that case also assumed the responsibility of clearing ice and snow from the sidewalk. The Court applied the two part test as stated above.

H. Transportation Necessity Exception.

In *Medical Associates Clinic, P.C. v First National Bank Of Dubuque*, 440 N.W. 2d 374 (Iowa 1989) we see the facts that probably have the most application to any employee whose employment requires them to use their own car, truck or plane. I believe it's very simply put, if you need your car for errands during the work day, then the going and coming rule doesn't apply to you. If the claimant needs a form of transportation to go to a medical clinic, the hospital, the courthouse, a client's place of business, a client's home, shopping for supplies, to pick up mail, to the post office to buy postage for the postal meter, to pick up stamps, to mail a package, to buy sugar, coffee or cream, the going and coming rule is clearly excepted.

In this case Doctor Miles H. Martin, Jr., a cardiovascular thoracic surgeon was killed in an automobile accident traveling from home to work at Mercy Hospital in Dubuque, Iowa. The court focused on the doctor's employment contract with his employer, Medical Associates Clinic, P.C.. The employment contract discussed automobile and transportation expenses. The doctor's schedule included surgeries at two different hospitals located one and six miles from his office. In addition he had to attend to emergencies at each hospital. His call schedule required attending to patients at all hours of the day and night and included all seven days of the week.

The Court stated: "Additionally, under a separate rule which acts as an exception to the "going and coming" rule, an employee's trip to and from work is considered within the course of employment if the employee is required, as a part of his employment, to provide a vehicle for his use during the working day. See *Davis v Bjorenson*, 229 Iowa 7, 11, 293 N.W. 829, 830(1940); I A. Larson, *The Law of Workmen's Compensation*, sec. 17.50 at 4-239 (1985)" *Id* at 376.

An interesting twist to this case has to do with the employment contract making the doctor responsible for transportation expenses. Citing Larson the Court emphasized the following language: "*In the present category, it is immaterial whether the employee is compensated for the time or expenses of the journey, since work-connection is independently established by the fact of conveying the vehicle to the operating premises.*" *Id.* at 376. The Court found the car was an instrumentality of the business at all hours of the day and was subject to that use at night. How important this might be in other situations has yet to be explored. In many situations the employer will pay mileage or give the employee a fixed amount of money each week to cover the expense of travel. The employee may even keep a mileage book for tax purposes or have a sign for the window or to affix the side of the car. Doctor's schedules are terrible. For jobs requiring demanding schedules you need to talk to the spouse, the children, the office manager, coworkers, secretaries, receptionists and other people in the know. Check with the people in the ticket booth at the garage where the claimant parked. Where did he normally stop for coffee, fuel or lunch? Interview everyone that came into contact with the claimant throughout his or her work day. These potential witnesses may be able to provide leads and testimony on how often the claimant used his or her vehicle for business.

I. Zone Of Danger Exception.

The course of employment may be extended beyond the premises if the off-premises conditions are risks of the employment. Whenever the hazards of the employment spill over the boundary-line and injure a worker on his or her way to or from work, those injuries should be compensable. I *Larson*, Sec. 15.31.

When an employee's intoxication arose out of and in the course of her employment her injuries from a car collision that took place away from the work place after she had been ordered to leave were compensable. *2800 Corp. v. Fernandez*, 528 N.W. 2d 124 (Iowa 1995). Iowa's workers' compensation statute provides that injuries caused by intoxication are generally not compensable. *Iowa Code Sec. 85.16* (1989). But when the employer condones the drinking of alcoholic beverages, derives a benefit, profits from the sale to patrons and employees and does little or nothing to enforce a policy against such behavior, injuries caused thereby will be found to arise out of and in the course of the employment. In discussing this exception to the going and coming rule the *Fernandez* Court stated: "The principle underlying some of the exceptions is that "course of employment should extend to any injury which occurred at a point where the employee was within range of dangers associated with the employment." I A. Larson, *The Law of Workmen's Compensation Sec. 15.00* (1993) "Work-related intoxication is a hazard of the employment that follows an employee when he or she leaves work. When an employer

encourages or condones excessive drinking on the job and in fact profits from an employee's drinking, as in this case, the employer ought to be held responsible for foreseeable injuries suffered by the employee because of the resulting intoxication." *Id.* at 531.

J. Divided Premises Exception.

Similarly, travel between two separate premises of an employer which results in an injury enroute is held to be covered under a "divided premises" exception. Thus, an employer may be liable if it operates as a parking lot and an employee is injured between the lot and his work site. (Citing Larson.) Occasionally, even the situs of an injury has been deemed the employer's premises when they are in close proximity, by applying an objective "reasonable distance" test. (Citing Larson.) See *Frost v S.S. Kresge Co.*, 299 N.W. 2d 646, 649 (Iowa 1980)

K. The Social Function Exception.

Most courts which have addressed the issue hold that when an injury occurs while an employee is traveling to or from a social function which occurs somewhere other than the workplace, compensability depends on the extent to which the function is employment-related. *1 A. Larson, Workmen's Compensation sec 22.21, at 5-81 (1978) and ALR 3d 571 (1973). Cited in Farmers Elevator Co., Kinglsey v. Manning*, 286 N. W.2d 174,178 (Iowa 1979).

L. Lunch Break Exception.

The basic rule, is that the journey to and from meals **on** the premises of the employer is in the course of employment. Conversely, when the employee with a fixed time and place of work has **left the premises** for lunch, he is outside of the course of his employment if he falls, is struck by an automobile crossing the street, or is otherwise injured. *1 Larson, Workmen's Compensation, p. 4-62 and cited in Halstead V. Johnson's Texaco*, 264 N.W. 2d 757 (Iowa 1978). The employee must show additional facts to bring himself within an exception to the off-premises meals on the employee's time. The employee in Halstead was not awarded benefits. The Court stated: "With commendable candor he stated that on the day in question he had the regular lunch period, he did not get paid for it, he took it off-premises, and he performed no duties for the employer. To apply a claimed exception to these unexceptional facts would wipe out the rule itself." *Id.* at 760. No wonder my secretary always offers to take the mail with her on her lunch break!

M. Medical Treatment Exception.

I haven't been able to find an Iowa case that applies the principles underlying this exception. It is my opinion the Iowa Court will follow the leading case law as set out in the

Minnesota cases. There are several from other jurisdictions. The state with the most applicable case law is Minnesota. The Minnesota Supreme Court decided that the wife and children of an employee killed on his way home from a doctor's appointment for treatment of a prior workers' compensation injury should receive death benefits because the accident was a part of his employment. *Pedersen v. Maple Island Inc.*, 97 N.W. 2d 285 (Minn. 1959). "*Fitzgibbons v. Clarke*, 205 Minn. 235, 285 N.W. 528 laid down the rule that workmen's compensation is allowable in cases where an employee is injured while procuring medical treatment for an injury which arose out of and in the course of his employment." *Id.* at 286. In *Pedersen* the claimant left work on company time to visit with the doctor for the previous work related injury. After the visit the employee drove towards home since his employer had already closed for the day. It made no sense to return to work since it had already closed. He chose, therefore, to return to his own home by the most direct available route and the Court found "he was entitled to the protection of the statute until he got there. If he had, in fact, taken an indirect route or made any unnecessary stopovers for wholly personal business, we would have to take those factors into consideration." *Id.* at 286. Claimant's widow was awarded death benefits. A 1982 decision calls the *Pedersen* rationale "usual". *Schander v. Northern States Power Company*, 320 N.W. 2d 84 (Minn. 1982).

In *Lee v. Tootsie Roll Industries, Inc.*, Docket No. 77402 (Ill. Sept. 21, 1995) the claimant was denied benefits when on the facts the court found he was not directed to treatment for a prior work related injury and was struck by a bus while crossing the street in front of the clinic after seeing the doctor. "In the instant case, claimant was not compelled, as a condition of his employment, to obtain medical treatment on the date and time he chose. Both the claimant's supervisor and the company nurse testified that the claimant was neither authorized nor obligated to keep this particular appointment at the clinic. As a result, claimant's travel to the medical clinic was not a required duty of his employment." *Id.* The claimant attended the doctors appointment after his normal work hours and for what appears to be a nonscheduled visit. *cf.* *Taylor v. Center Construction Co.*, 191 Kan. 130, 379 P.2d 217 (1963); *Moreau v. Zayre Corp.*, 408 A.2d 1289, 1294 (Me. 1979)

For additional cases see 83 ALR 4th 110 and 82 Am.Jur. 2d sec. 292.

V. Food For Thought

I've settled two cases whereby traditional notions of the going and coming rule should have precluded the office from taking the case. The first involved an exotic dancer who was involved in a serious car accident on her way home from "work" after consuming alcohol on the work premises during and between her stage routine. The other involved an over-the-road truck driver, living in Missouri, who was required to have post surgery checkups in Des Moines requiring travel during Iowa's winter storm months. She slipped on a patch of ice in an Iowa rest area, while walking around the front of her car towards the restroom, causing her to fall to the ground re-injuring the shoulder and necessitating further surgery. At the time these cases were being evaluated there was no Iowa authority on point. The exotic dancer case has been decided in favor of coverage. Sheldon Gallner had a similar case in the Council Bluffs area. 2800

Corporation v. Fernandez, 528 N.W. 2d 124 (Iowa 1995). He did a terrific job for his client and all others like her. It takes a fresh approach, a lot of research and some discussing with other lawyers to succeed in some of these cases. Everyone has had such a case. Some of us have just turned them away. We have to continue to work together for the betterment of this profession, if not for ourselves, then for the benefit of our clients.

VI. Conclusion

This is certainly not an exhaustive list of cases and concepts. Your client's rights are limited by the facts as presented, as well as the lawyer's creativity and perseverance. The practice of law is like an enormous coloring book. Each pronouncement of the Courts and Commissioners provide parts of the black lined drawings. The clients provide the crayons. Through argument, the lawyers shade and add color. The object of advocacy is to add just the right shade and amount of color without going outside the lines. All injured employees need to speak with an attorney as soon after the injury as is possible. Best of luck to you in securing reasonable compensation for injured employees in the work place.

