



# Dave McCarty

## Director

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McCarty serves as the chair of the firm's Workers' Compensation practice area and focuses his practice on all issues related to workers' compensation matters; he joined the firm in 1997.

### Workers' Compensation

Dave assists Ohio employers with all aspects of workers' compensation defense, representing them at administrative hearings before the Industrial Commission throughout the state of Ohio and before the Bureau of Workers' Compensation. He also defends employers in workers' compensation matters in the courts of common pleas throughout Ohio, as well as in the Ohio courts of appeal and Supreme Court.

### Administrative Practice

Dave handles all aspects of claim defense, such as contesting the allowance of a claim and payments of compensation and medical benefits under claims. He assists employers defending claims of violations of specific safety requirements and pursues findings of fraud. Dave also assists employers seeking to be granted the privilege of self-insurance, including appeals of denial of that privilege and counsels them on a proactive approach to claim limitation and cost containment.

### Litigation

Dave's litigation practice focuses on representing employers in all aspects of workers' compensation litigation, including defense of "right to participate" cases throughout Ohio and "extent of disability" issues in the Franklin County Court of Appeals and Ohio Supreme Court.

### Recent Work Highlights

- + Bench Trial Resulting in Directed Verdict
- + Jury Trial for Large Self-Insured Nursing Home Company
- + Catastrophic Claim Allowance for Group-Rated Financial Services Company
- + Letter of Credit Appeal for Religious Institution

### Professional Affiliations

- + Columbus Bar Association, Workers' Compensation committee, member
- + Leadership Columbus, Class of 2006
- + Ohio State Bar Association, member

### Special Honors

- + Martindale-Hubbell Rating of AV Preeminent®
- + Recognized in *The Best Lawyers in America*®
- + Selected to the Ohio Super Lawyers list since 2004

### Charitable + Civic Involvement

- + Columbus Center for Human Services, board of directors, president

### Publications + Presentations

- + "What You Need to Know About Ohio Workers' Comp Fraud," Marion Chamber of Commerce, presented February 13, 2019
- + "Help! I've Fallen + I Can't Get Comp," Kegler Brown Managing Labor + Employee Relations Seminar, presented March 7, 2017
- + "Workers Comp 103: The Hearing Process – A Mock Hearing and More," OSBA CLE Live Quick Webcast, presented November 4, 2016
- + "The Deadline to "True-up" is Near," Kegler Brown E-employment Alert, August 1, 2016
- + "Self-Insurance Offers Subcontractors Immunity from Tort Claims," Kegler Brown E-employment Alert, May 20, 2016
- + "Drug Testing 101: Up in Smoke?" Topical Tips + Trends in Workers' Compensation Seminar, presented November 12, 2015
- + "Light Duty, Good Faith Job Offers + Transitional Work," Ohio Self-Insurers Association's Seminar, presented October 23, 2015
- + "Compensation conundrum: What to know when questions come up about workers' comp entitlement," interviewed by *Smart Business* magazine, August 2015

### Bar Admissions

- + Ohio
- + Pennsylvania
- + U.S. District Court for the Northern District of Ohio

### Education

- + The Ohio State University Moritz College of Law (J.D., 1992)
- + Columbia University (B.A., 1986)

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