

Matt Novak

Business' Advocate for Workers' Comp Claims

by Evan Moore

Matthew J. Novak fights for the best possible results for his clients in the field of workers' compensation defense.

"I've been in cases where the people involved have no love for me. They have their own opinions. It's my job to represent my client," Novak says.

"It's hard for me to say that lawyers deserve a bad rap," he adds. "That's the situation we're in, and that's how law has developed over the course of centuries."

Novak saw the fights lawyers get involved with early on in life as a kid who grew up in Iowa.

"I come from a family where a lot of uncles were small business owners. During family events, they would talk about various problems they were having," Novak says.

"They said they needed to have an attorney in the family to help them with these problems. That was the first time I thought about law school."

Novak received his Juris Doctor from the University of Iowa College of Law in 2005. His initial legal experience involved family law, contract law, business law and minor criminal matters.

"In law school, it was drilled into our heads to get the best outcome for our clients through a zealous defense," Novak says.

"One way or another, the truth will come out. A lot of times, I can see how an employee would say a workers' compensation claim being denied would make them mad. Regardless of that, both sides have to get the best outcome for their clients. By doing that, compromise will happen or the truth will come out if we go to trial."

Novak joined **Garofalo, Schreiber & Storm, Chtd.** in 2005 where he practices workers' compensation defense. He has defended cases before the Illinois Workers' Compensation Commission, the Circuit Court, the Appellate Court, and elsewhere.

"I was looking for a job. I sent Joe (Joseph A. Garofalo, one of the law firm's shareholders) my resume, and something caught his eye," Novak says.

"Joe called me, I interviewed two times, and I accepted the offer and never looked back."

Grasping Employer's Concerns

Novak says the experiences of his family began to prepare him for what he deals with as an attorney who defends companies in workers' compensation cases. He would listen



to the comments and concerns his family members had about owning their businesses.

“Most of the time, it was a dispute with a customer or sometimes simple stuff like acquiring another business or property. In terms of litigation, sometimes transactions are complicated,” Novak says. “So you have to hire an attorney to assist with the closing.”

Novak, a Cedar Rapids native, graduated *magna cum laude* from Buena Vista University in Storm Lake, Iowa, in 2001.

Today Novak is a member of the Illinois State Bar Association and the Workers’ Compensation Lawyers’ Association. He says Illinois is one of the most expensive states when it comes to working out workers’ compensation claims.

“The medical costs and the costs of permanency benefits — Illinois is up there in costs. My clients want their employees taken care of, but they don’t often want to pay an arm and a leg to do that,” Novak says.

“My role is to help to bring the claim to a closure so we end the cost to a workers’ compensation claim.”

Novak remembers viewing the movie *A Civil Action*, starring John Travolta, which had a positive effect on his decision to practice law.

“It’s a story of a personal injury attorney from New York City who meets with people who were exposed to some sort of industrial pollutant by a local company,” Novak says.

“It shows the hard decisions attorneys have to make and clients have to make in order to settle a case. You saw the amount of pressure that attorney was under. It reminds me of the stresses we all face.”

Novak says that although he may not win every case, he has heard back from the attorneys and arbitrators involved.

“I had a compliment from an arbitrator saying that even though the decision didn’t go my way, he said I wrote an excellent proposed decision,” Novak says.

“Those aren’t direct compliments, but they are complimentary in a way. Even if I’ve lost, I have a feeling that I have done a good job.”

In many cases, he has to fight against the perception that employers are trying to find ways to avoid compensating workers when they are injured on the job.

“From time to time, I deal with the injured party who doesn’t have an attorney. I think people are surprised at how long the process can take,” Novak says. “There are so many steps throughout the process that a claim can take from the initial injury to closure. Sometimes a simple injury can lead to a complex medical situation, and people are surprised how long it takes to get their claim resolved.”

Memorable and Puzzling Cases

Despite the reality of how long a workers’ compensation claim can take, Novak tries to get the best deal for his clients. Those clients include People’s Gas, Sears and Northwestern University.

“The primary goal for the employer is to get the claim resolved. It’s never good to have the claim sitting out there for too long,” Novak says. “My role — and the role of attorneys in my firm — is to help facilitate getting the claim to the final stage to get a decision or to get the case resolved.”

During his time as a workers’ compensation attorney, Novak says the most memorable case was one he did appellate work on. It involved a military-style push up.

“A claimant said he hurt his shoulder at work. He was lifting a heavy piece of metal. He said he hurt himself on a Monday morning, which is significant because that is one of the red flags we look for,” Novak says.

“That usually suggests that the accident happened on a Saturday or Sunday when the claimant wasn’t at work. The employer was paying benefits, but then they received a tip from the claimant’s ex-wife saying the claimant hurt his shoulder at home and not at work.”

Novak says he has also had cases that have left him puzzled.

“I had a case where an employee claimed he was hurt when accepting a delivery. Nobody was around to witness the delivery. The claimant is limping around the next day but doesn’t report an injury to the employer and leaves early from work to get medical treatment,” Novak says.

“The employer knows that there’s an invoice every time a delivery is received, but cannot find an invoice for the delivery that the employee alleges caused his injury. The employer also knew that the claimant had a side business where he lifts heavy equipment. The case where we presented all this evidence was tried, and we lost. What more could I have done?”

The types of cases Novak works on are often a benefit for those who rely on his legal expertise.

“When we get a case, we do an initial evaluation of the case. I get the file and all of the materials the client sends to me, and I review in detail and send them an initial evaluation letter,” Novak says.

“I tell my client why the case is defensible and here’s why, or I think the case is indefensible and why. Then I make recommendations.”

From the Client’s Perspective

Rey Andre, the workers’ compensation manager for Northwestern, has been working closely with Novak since 2011

to litigate the university’s workers’ compensation claims.

“Matt is basically our attorney on worker’s compensation claims. I think Matt is extremely knowledgeable of the laws pertaining to workers’ compensation law,” Andre says.

“I lean on him a great deal when it comes to providing us with legal recommendations and how to try cases. He’s got a great a legal mind. He works tirelessly when preparing a case.”

Andre says Novak’s competency as an attorney is on full display when he tries cases for Northwestern.

“He does a great job defending the university’s interests. Overall, we’re extremely pleased with him being our defense counsel,” Andre says.

“He has an astute legal mind. We’ve had cases that have been appealed all the way to the appellate court, and that’s because of Matt’s legal prowess.

Molly Nartonis, a former colleague of Novak who practices workers’ compensation defense, also has good things to say.

“We had a case that was going up through the appeal process where we got to a unique part of the process. We weren’t sure that we could appeal further,” Nartonis says.

“I know Matt went above and beyond in assisting me in navigating the appellate court to determine what we could do to protect our client’s interests. It showed how analytical and skillful he could be. In all situations, he can think outside of the box to ensure that his client’s interests can be kept in mind.”

Nartonis, an associate attorney with the Chicago law firm Nyhan Bambrick Kinzie & Lowry, describes her relationship with Novak as a friend, mentor and colleague.

“He’s a hard worker, and he’s passionate. He has a great attitude and can add a lot to any team,” Nartonis says.

“He’s a great legal mind. He thinks of things most people don’t think about. He challenges other people to think of ideas that you nor I would think. He’s an amazing asset to any law firm.”

Novak says he takes all of the concerns he has learned about throughout his career and from his own family into account when representing a client.

“They are concerned with the outcome and getting that employee back to work — but also getting the claim closed because it will affect their insurance premiums,” Novak says.

“The longer the claim is open, the more expensive it becomes. In our business, you win the cases you should have lost and you lose the cases you should have won.” ■