

LEGAL UPDATE

A publication provided for the friends and clients of QR

VOLUME 10 NUMBER 3

550 E. PITTSBURGH STREET, GREENSBURG, PA 15601

FALL 2009

PERSONAL INJURY CASES: PICKING UP THE PIECES

By Joyce Novotny-Prettiman, Esq.

As attorneys for injured people, we talk to clients every day about the potential value of their personal injury claims. On the opposite side of the case, the insurance company is making its own determination of the value of the claim in defense of the person(s) at fault. If the two sides cannot come to an agreement, the ultimate decision of the value of the claim is made by a jury. The civil law provides only one way to compensate people who are injured because of another person's carelessness: money damages. Many factors are taken into consideration when clients, attorneys and juries review these cases. There are two types of damages in personal injury cases: economic and non-economic losses.

Economic damages are things that can be assigned a "price tag," such as lost wages, medical bills or out-of-pocket expenses. When someone is injured, they may not be able to return to work while receiving medical treatment. Some people suffer injuries that are serious enough to cause the complete loss of a job or require a career change. This type of economic damage is known as a loss of earning capacity. In the most devastating cases, when an accident causes fatal injuries, a family may suffer many economic damages, including loss of support and the loss of the services that the victim provided to a spouse and children left behind.

Continued on page 3

WHERE ARE YOU?



Did you know that we circulate over 8,000 copies of our newsletter every issue? We want to keep you on our mailing list. If you move or receive a 911 change of address, please remember to notify us as soon as possible. Keep in mind that the post office will only continue to deliver your mail with an old address for a limited period of time.

We'd also like to know if we have any incorrect or incomplete address information. For example, are your street name and number correct? Is some other character, direction or detail missing? Have you changed your name? Do you have a street address along with a P.O. Box number? If you're reading this, we've found you . . . but we don't want to lose you in the future.

Would you check your mailing label on this newsletter for us? We want to know Where You Are and If We're Correct! Please call our client care representative, Kristie, at 724-837-0080, or email us at news@qrlegal.com to keep us up to date.

IN THIS ISSUE



PERSONAL INJURY CASES:
PICKING UP THE PIECES



WHERE ARE YOU?



QR PERSONAL NOTES



COLLABORATIVE LAW —
THE "NO-COURT" ALTERNATIVE



QR IN THE COMMUNITY



CLIENT APPRECIATION PICNIC: PHOTOS



TAX TALK WITH JIM



QR COMMUNITY PARTNERS:
CASA OF WESTMORELAND, INC.



MEET THE STAFF

The LEGAL UPDATE is prepared by the staff of QR for its friends and clients. It sets forth general principles and should not be acted upon without specific advice. Contact us at news@qrlegal.com.

QR PERSONAL NOTES



Congratulations to Attorney **Jessica Rafferty**, who recently passed the Pennsylvania Bar Examination. Jessi is the daughter of Dennis and Kathy Rafferty and will begin her law career at QR working in various practice areas.

Cassidy Chappell's traveling softball team, Roadrunners 14U Blue, won the Autumn Showdown tournament in October and earned a bid to the 2010 World Series. Cassidy, daughter of paralegal **Rhonda Chappell**, played third base during the tournament.

In September, Attorneys **Joyce Novotny-Prettiman** and **Jessica Rafferty** were among the 7,000 runners in the 10k section of the 32nd annual City of Pittsburgh Great Race. Portions of the proceeds are donated to the Richard S. Caliguiri Amyloidosis Fund in honor of the late mayor and race founder.

This summer, Max Horchak, son of Attorney **Jim Horchak**, played for the South Greensburg Stingers, a 7-to-8-year-old coach pitch baseball team. The Stingers had a 20-2 record and won the Westmoreland County Baseball Association year-end tournament.

Congratulations to Lydia Herrholtz, daughter of paralegal **Angela Herrholtz**, named to the Character Honor Roll at R.K. Mellon Elementary School for the third time. This award is given to students who display cooperation, respect, honesty and responsibility.

Attorney **Michael Quatrini** participated in the 4th Annual Nation's Triathlon in Washington, D.C., which benefits The Leukemia & Lymphoma Society. Michael finished the course (a 1.5k swim, 40k bike course, and 10k run) in 2 hrs., 38 min. Great job!



COLLABORATIVE LAW - THE "NO COURT" ALTERNATIVE

By David S. DeRose, Esq. and Joyce Novotny-Prettiman, Esq.

Collaborative Law is an alternative to traditional litigation. A collaborative attorney works for a client through a process of direct negotiations to seek a timely and complete solution that both clients agree serves their best interests. The collaborative process can be applied to a number of areas of law, including divorce, custody, support, real estate disputes, monetary disputes, constitution claims and other similar cases.

If parties choose this process, they agree to participate in a collaborative effort to reach a consensus. This means that each party needs to retain an attorney who is willing to represent the client on a collaborative basis. An attorney who participates in the collaborative process is disqualified from pursuing a client's claim in court. The idea is to focus on resolution and not permit interference from the threat of a court proceeding. The parties participate in a series of meetings with their counsel. Full disclosure of all information that would be necessary to resolve the case is required. Parties may jointly retain other experts to aid in the process, such as land surveyors, real estate appraisers, financial experts and counselors.

For example, this concept can be easily applied to parties who are contemplating divorce but are willing to work toward a constructive settlement of the financial and custody issues. The parties pledge to work together to determine all of the assets and obligations of the marriage which both sides will use to support a dignified dissolution of the marriage. In order for a client and an attorney to work as a team and successfully interact with the other spouse and attorney, both parties may find input from a financial advisor or a real estate appraiser helpful in leading to a solution. This all becomes part of the collaborative process and hopefully results in a solution that saves both parties time, money, heartache and the aggravation that could flow from litigation. Should the collaborative process break down, then both collaborative attorneys must withdraw and instruct both clients to retain other counsel to litigate the matter in court.

In our office, attorneys David S. DeRose and Joyce Novotny-Prettiman have been trained in the collaborative process and are members of the Collaborative Lawyers' Association of Southwestern Pennsylvania (www.clasplaw.org). If you believe that a matter in which you are involved can be resolved through collaboration, please contact us to discuss this alternative. We look forward to pursuing this method of dispute resolution and working with other collaborative practitioners to help clients arrive at a mutually acceptable solution.

PERSONAL INJURY CASES: PICKING UP THE PIECES

Continued from page 1

There may also be medical bills that go beyond those covered by insurance. Auto insurance is the primary source of coverage for medical expenses. Pennsylvania law requires a minimum of \$5,000 medical coverage. The next source is private health insurance. However, private health insurance carriers may require repayment of medical bills associated with the accident. In any event, most people must pay deductibles and co-payments as required by their private health insurance, and these out-of-pocket expenses can be included in the calculation of economic damages. Some people will have future medical bills that can be estimated by a doctor and these bills are part of an economic damage claim.

The more complicated part of evaluating a claim involves the analysis of non-economic damages: the fright of being involved in an auto collision; the pain that is associated with an injury; the worry and concern about medical bills and the inability to support a family and pay bills on time. These are the types of things that weigh heavily on the minds of our clients after an injury.

The most significant piece of the damage puzzle is the extent of the injuries sustained. Medical treatment provided immediately after an accident is important, but so is all follow-up care. It is very important to listen to the instructions of medical professionals during this process. Treatments may last over an extended period of time and require a patient to be dedicated to completing the recommended treatment plan. It is equally important to let doctors know the problems that continue during the healing process so that additional testing or treatment may be ordered. The "value" of this portion of the claim is based upon the injuries suffered, the length of treatment required, and any resulting permanent limitations or disabilities. It is critical to have proper medical documentation so that the details associated with medical treatment are clear.

We always advise our clients to pay close attention to their doctor's orders and emphasize that most people will have a better chance at a full recovery by doing so. Just as each accident is different, the value of a claim differs greatly because each person will go through different treatment and will have different concerns following an injury. As you can see from this short discussion, the issue of damages can be very complicated and you need an attorney to assist you with evaluating and pursuing this type of claim.

QR IN THE COMMUNITY

Attorney **Vince Quatrini** was recently named as one of *The Best Lawyers in America 2010* in the specialty of workers' compensation law. This prominent list is compiled annually from recommendations by other attorneys. This is the tenth year that Vince has been named to the list.

In September, the Ligonier Valley Business and Professional Women's Club held their annual Luxury Bash at Antiochian Village. This event raises money to support the club's scholarship fund which benefits young women in the Ligonier Valley School District. The grand prize of Steelers tickets, donated by QuatriniRafferty, was won by Janet Ray, pictured here (left) with QR paralegal and LVBPW member **Brenda Sherbondy** (right).



Attorney **David DeRose** recently participated in the American Heart Association's Heart Walk 2009, held at the Kennametal campus in Latrobe. The annual Heart Walk is designed to raise money to increase awareness and promote education regarding heart disease, which is a leading cause of death for women in the United States. David serves as president of the Heart Association's Westmoreland County Board of Directors.

QR was again proud to be a sponsor for the annual Polo for the Cure event, which benefits The Leukemia & Lymphoma Society. The mission of The Society is to cure blood-related cancers and improve the quality of life for patients and their families. The annual Polo event raises funds for local patient aid and research programs. Attorney **Joyce Novotny-Prettiman** is a member of the steering committee for this event.

Continued on page 6

CLIENT APPRECIATION PICNIC

A big thank you for all who attended our recent picnic at Twin Lakes Park. As you can see from the photos below, a good time was had by all! The QR Picnic Committee was proud to present a check to Marlene Kozak (right) of the Westmoreland County Food Bank from funds raised through the football and sports basket raffles. QR matched the raffle proceeds for a total donation of \$560.00. The lucky raffle winners are pictured on the opposite page.



PICNIC PHOTOS



Thomas Patts (left) receives the Steelers football signed by James Farrior from QR client care rep Terri Ross.



Shirley Houser (left) was the winner of the Pittsburgh sports basket, which included Penguins game tickets.



TAX TALK WITH JIM

By James A. Horchak, Esq., CPA



We are often asked by our clients whether Social Security benefits are taxable. For Pennsylvania state tax purposes, the answer is simple - Social Security is not taxable.

It gets a little complicated when looking at how the Internal Revenue Service treats Social Security income for federal tax purposes. First of all, Supplemental Security Income benefits are not taxable for IRS purposes. However, Social Security Disability or retirement benefits are looked at differently. If you and/or your spouse receive only Social Security disability or retirement benefits, these benefits are not taxable by the IRS. If you or your spouse have other taxable income, the answer is not as simple. For example, in 2008, if you and your spouse had income over \$32,000 (or \$25,000 for individuals), then 50% to 85% of your Social Security benefits could have been taxed.

All individuals who receive Social Security benefits will receive Form SSA-1099-Social Security Benefits Statement. This statement lists your net benefits in Box 5 and it is this figure that is used to determine whether your Social Security benefits are taxed.

Your Social Security tax questions may be more complicated if you are also receiving workers' compensation benefits. The law provides that Social Security Disability benefits are reduced - or "offset" - when a worker is also receiving workers' compensation benefits. This means that you will receive your full workers' compensation check and reduced Social Security Disability benefits. Even though workers' compensation benefits are not taxable by the IRS or Pennsylvania, you may be required to pay federal tax on the full amount of Social Security benefits you are entitled to receive - even if part of that amount is actually received from a workers' compensation carrier.

Another impact on your tax situation occurs if you are issued a lump sum check for Social Security disability benefits. Because these benefits are retroactive and may span two or more years, the Internal Revenue Code allows taxpayers to calculate their taxes using one of two methods and pay the tax on the method that results in the least amount of tax due. The first method is to calculate the tax reporting the full lump sum on the current year's return. The second method involves calculating the tax due by allocating the lump sum to the appropriate tax year.

You may be able to deduct legal fees you pay in connection with an award of Social Security benefits as a miscellaneous itemized deduction. This deduction only applies to those taxpayers who benefit from itemizing their deductions rather than taking the standard deduction.

QR IN THE COMMUNITY

Continued from page 3

QR is preparing to open its Latrobe office, located in the former Mellon Bank Building at the corner of Main and Ligonier Streets. Offices will be located on the first floor with the renovated vault as a focal point. Look for more information in the next issue of our newsletter!

In response to a call for volunteers, many Westmoreland County attorneys participated in the "Get Help Now" program. This effort involves bankers, credit union professionals and attorneys who provide free advice to individuals struggling with financial hardships, especially those who were impacted by the recession. The Westmoreland Bar Association coordinated efforts to provide residents with the benefits of this program. Quatrini Rafferty Attorneys **David DeRose, Michael Quatrini** and **Joyce Novotny-Prettiman** volunteered their time to this program.

QR COMMUNITY PARTNERS

There are many organizations in our community that provide important services but their work is not always widely publicized. This month we feature CASA, a child advocacy program in Westmoreland County, which is an excellent example of the importance of volunteers making a difference in our community. Attorney Michael Quatrini of QR has recently been named to the CASA Board of Directors. The following article was provided by Mandy Welty, Executive Director of CASA of Westmoreland, Inc.

CASA OF WESTMORELAND, INC.

By Mandy Welty



CASA of Westmoreland, Inc. (Court Appointed Special Advocates) is a group of community members who advocate for abused and neglected children, the most vulnerable members of the Westmoreland County community. The initiative to form this group was led by Family Court Judge Christopher Feliciani, who believed that CASA would be the best solution for the then 330 children living in foster care due to severe abuse and/or neglect. Thanks to a donation from a private citizen, Joseph Shearer, and in-kind support from the Westmoreland County Commissioners, CASA of Westmoreland, Inc. was incorporated in 2006, recognized as a 501(c)3 organization, and opened its doors to start advocating for children.

CASA volunteers make life-long differences for children here in Westmoreland County. These volunteers are trained and supervised to provide recommendations to the judges in our family courts. The CASA volunteers do not receive financial compensation for their dedication, and still they choose to devote their time to stand up for abused children, often being one of the few constants in the children's lives during this court process. They work to ensure the safety and stability of children as they progress through the court system, while collaborating with a variety of service providers to ensure children are quickly placed in safe, permanent, nurturing homes.

CASA of Westmoreland, Inc. has continued to grow in the number of volunteers and children served. However, with over 300 children in the foster care system who are in need of permanency, the need for the CASA program continues. CASA of Westmoreland, Inc. has served a total of 80 children to date. These children may have gone without a voice in the court system if the CASA program had not been available.

CASA of Westmoreland is part of a larger network connected under the National CASA Association. Last year, nearly 60,000 CASA volunteers served more than 240,000 abused and neglected children throughout over 900 programs nationwide. Children who have a court-appointed special advocate tend to stay in the foster care system for shorter periods of time, have fewer placement changes, are less likely to return to the system, and have better education and employment performance as they grow. This advocacy has a life-long impact on the lives of children served by a CASA program.



To find out more about CASA, or to learn how to be a powerful voice in a child's life, contact the CASA office at 724-850-6874 or visit our website: www.co.westmoreland.pa.us/CASA

MEET THE STAFF

AMY E. FORTE AND MELAINE M. FALBO



Amy Forte (*right*) joined Quatrini Rafferty in March as a Social Security paralegal. She grew up in Beckley, West Virginia, but recently moved to Pennsylvania. Amy earned a degree in psychology from Pitt and has worked in the legal field since she graduated in 2003. She has a dog, Brooke, and a cat named Allie. In her free time, she enjoys reading, watching movies and spending time with family and friends.

Melaine Falbo (*left*) joined QR in April 2009 and is secretary to Attorney Tereasa Rerko in the Social Security department. Prior to joining QR, Melaine worked as a legal secretary in Pittsburgh. She has one daughter, Elaine Tait, who lives and works in Philadelphia. In her spare time, she enjoys being at home with her two Maltese dogs, shopping, watching "House" on TV and traveling to Philadelphia.



Return Service Requested

PRSR STD
U.S. POSTAGE
PAID
Greensburg PA
PERMIT No. 88