

# Legal *update*

A publication provided for the friends and clients of QR

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## NO EXCUSES - VOTE!

Statistically speaking, many eligible voters do not register to vote. The 2010 general election is November 2, 2010. Make time to take part in this process, which is one of your greatest privileges as a United States citizen. To register to vote, contact or visit your county's election bureau (a link to this information can be found at [www.votesPA.com](http://www.votesPA.com)).

If you have special needs with regard to casting your ballot, don't be discouraged. Under Federal and Pennsylvania law, special assistance is mandated for any voter with a disability. For example, a voter with special needs is permitted to select a person to enter the voting booth to assist with the voting process. You need to complete and sign a form before doing so. Additionally, a voter who is disabled or is at least 65 years of age may be able to vote by alternative ballot if their local polling place is not accessible. Your local election bureau can provide details about these processes.



Another option is voting by absentee ballot. This option is available to a registered voter who cannot be present at the poll due to illness, physical disability or work requirements. You must apply in advance in order to vote in this manner. The deadline to APPLY for an absentee ballot is October 26, 2010.

For persons who are deaf or hearing impaired, information on voting assistance is available by calling TTY at 800-654-5984 or the voice line at 800-654-5988.

As election day approaches, find out how all the candidates stand on important issues so that you can make an informed choice. Many candidates have voting records you can access to see if they champion causes that are important to you, such as rights for injured or disabled people, retirement benefits, health care or environmental issues. Use the Internet to find out more about candidates from groups that support your positions.

**CHOOSING NOT TO VOTE DOES NOT HELP PROTECT YOUR RIGHTS.  
YOU MUST VOTE IF YOU WANT TO MAKE A DIFFERENCE!**



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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.

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# BETTER SAFE THAN "SOCIAL"!

By Jessica L. Rafferty, Esq.



Social networking websites such as Facebook and MySpace are becoming increasingly popular. Facebook currently has over 400 million users. Due to their popularity, these social networking websites can serve as a convenient way for people to reconnect with old friends and make new ones. But for many reasons, including involvement in legal matters, you should use caution when posting personal information on the Internet.

In particular, if you are making a claim because you have been injured, the information you post could negatively impact your case.

An injury can change your life. When you make a claim, your health and well-being become major factors in your case. In most cases, no matter whom your claim is against, an insurance company, with all of its resources, becomes involved in defending the claim. Traditionally, the insurance company had to hire private investigators to follow you and videotape your activities to gather evidence against you. Although the other side is entitled to know some of this information, your social networking page can provide personal details or impressions about you that could be misinterpreted and used to undermine your credibility.

For example, if you injured your back in an accident or at work and are unable to lift heavy objects, the insurance company will question the extent of your back injury. If you post a message that you are helping one of your friends move into a new home, even if your only contribution was wrapping small knick-knacks in bubble wrap, this information can be used to question your credibility. There is also the possibility that the information on your social networking page may simply be used to embarrass you at a hearing or in court.

If you think your personal information on a social networking page is protected, you're wrong. Regardless of your own privacy settings, photos and any comments about the photos could be viewed by people outside your network of "friends."

To avoid any pitfalls which may occur as a result of a profile on a social networking website, the best thing to do is to take down your page. If you are unwilling to do this, take the following steps to minimize any concerns. First, carefully review your site and remove anything that could be misinterpreted. Next, make sure that you have activated the privacy settings that enable you to block people who are not your "friends" from viewing your site. Finally, never accept "friend" requests or respond to emails from people you do not know.

Even if you are not currently involved in a legal matter, always be aware that postings on the Internet can be dangerous. Remember that total strangers can happen upon your personal information, so don't post information about your children or family or home. Just like you protect your personal financial information, protect your social networking page.

## Attention Workers' Comp Clients



The preceding article contains important information regarding how investigation companies are hired to find out information about our clients who are currently receiving workers' compensation benefits or in the midst of a claim for benefits. In addition to searching social networking sites, our office has come across instances where investigative companies have searched both national and local database records looking for participation in sporting leagues, such as golf, bowling, or tennis leagues. They check for league scores, individual records and even golf handicaps.

**This is another example of information that can be used to attack your credibility.**

# MAKING SENSE OF YOUR AUTO POLICY

By Joyce Novotny-Prettiman, Esq.



We have heard clients comment that they never really read their auto insurance information prior to their motor vehicle collision. Unfortunately, after you are in an accident, it is too late to make sure you have the coverage you need. Take just a little bit of time to do some "preventive maintenance." Here is our advice about the coverage you should have in place to protect you and your family.

## TORT OPTION: FULL TORT

This is the most important choice when selecting your coverage. Always choose the full tort option which provides the most complete protection. If you do not choose full tort, you give up important legal rights. This holds true even if an accident is not your fault.

The person who makes the tort selection binds the entire household and everyone covered under the policy. Selecting full tort is "easy." There are no forms to sign to select it. You actually have to sign a form to opt out of your rights under full tort.

## MEDICAL COVERAGE: \$10,000.00 MINIMUM

Though you must purchase at least \$5,000 of medical coverage, we recommend at least double that amount for medical coverage, or "first party coverage" as it is called in Pennsylvania. If you do not have health insurance, you may want to purchase even more coverage which will pay medical bills if you or a family member are hurt in a collision.

## WAGE LOSS COVERAGE: CHOOSE IT!

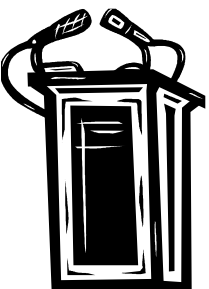
If you are hurt in an accident and not able to work, wage loss coverage will keep money coming in to pay your bills while you are off work. If you do not have this coverage, you must wait to get your wage loss covered by the person at fault for the collision. This process can take a long time because the wage loss payment is part of a one-time, lump-sum payment. Though Pennsylvania does not require that you carry this coverage, most people who become involved in an accident are thankful they purchased it.

## UNINSURED AND UNDERINSURED (UM/UIM) COVERAGE: \$100,000.00 MINIMUM

Just like wage loss coverage, this coverage is not required under Pennsylvania law - BUT you do not want to go without it. This important coverage protects you and your family if you are hurt by a person who has little or no insurance. To make this coverage even more valuable, you want to "stack" uninsured and underinsured motorist coverage. If you have several cars in your household, you can collect this type of coverage from another car in your household. This coverage may also provide protection even if you would be involved in an accident that does not involve your auto.

*Full Tort + Wage Loss Coverage + stacked UM/UIM coverage = the best protection for you and your family.*

## NEED A SPEAKER?



The attorneys of QuatriniRafferty have made presentations and conducted lunch-and-learns in the past at various locations, including doctors' offices, churches, senior centers and social halls. If you need a speaker for your upcoming event, we are available to make presentations about the various legal practice areas that we handle at our firm.

We are happy to tailor a presentation to your specific needs. If you want to learn more about anything from estate planning to the basics of the workers' compensation system to understanding your auto insurance policy, give us a call at **724-837-0080**.

# WHY DOES MY NEIGHBOR GET DISABILITY AND I CAN'T?

By Tereasa Rerko, Esq.



We are often asked to explain to clients why they don't financially qualify for disability benefits, even though they worked most of their lives. A client might see a neighbor receiving disability benefits from the

Social Security Administration, and that neighbor never worked. What the client may not realize is that the Social Security Administration (SSA) provides disability benefits to qualified individuals both with and without a work history.

The neighbor is probably receiving Supplemental Security Income benefits (SSI), which are benefits for disabled individuals without a current work history. In order to receive SSI benefits, a person must not only be disabled under the SSA rules, but must also meet extra guidelines regarding income and assets. These guidelines are very strict regarding maximum monthly income and total assets. If those guidelines are exceeded, the person will not be eligible to receive SSI benefits - even if they are disabled. Also, SSI benefit amounts are generally the same for every person who receives them.

On the other hand, Social Security Disability benefits (SSD) are based upon your own personal lifetime earnings record and your ability to show that you are disabled within a certain time frame. This time frame typically expires five years from when you last worked, although you need to have made enough money in past calendar quarters as well. (You might compare it to unemployment compensation, where you need to earn at least a minimum amount of income in the correct calendar quarters or you won't qualify for unemployment benefits even if you lose your job.) The amount of SSD benefits that a person may receive is based completely upon that person's earnings history and, like snowflakes, no two are alike. Suffice it to say, most monthly SSD payments are much higher than the SSI monthly benefit.

The one thing that both SSD and SSI do share is the set of rules that SSA uses to decide if you are indeed disabled. The rules are exactly the same for both programs. Generally speaking, in order to qualify as "disabled" under the rules of SSA, a person must be unable to perform the duties of their past occupations and also the duties of any other occupation that exists in the national economy.

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## REOPENING OF GULF WAR CLAIMS

By Michael Quatrini, Esq.

The U.S. Veterans Affairs Department (VA) announced that it will be re-examining veterans' disability claims for thousands of Gulf War veterans in the coming years.

According to a Congressional report in 2008, approximately 175,000 to 210,000 Gulf War veterans experience a pattern of symptoms that include rashes, joint and muscle pain, sleep issues and gastrointestinal problems. This is known collectively as Gulf War Illness.

While the actual cause of the problems is unclear, independent studies have focused on pesticides and pyridostigmine bromide pills, which were provided to troops for protection against possible nerve agents from Iraqi troops. A study by the Gulf War Veterans'



Illness Task Force is near completion and will hopefully shed more light on not only the cause but also treatment for this illness.

To accomplish the re-examination of claims, the VA first plans to review its own regulations to better accommodate the Gulf War Illness syndrome. Once the VA completes this review, veterans will then be invited to have rejected claims reconsidered.

Re-examination of claims, better health care services, and the reduction of the veterans' claims backlog have been priorities of the Obama Administration. The Administration recently announced a \$125 billion budget next year for the Department of Veterans Affairs.

# AID & ATTENDANCE BENEFIT FOR VETERANS

By Brian Bronson, Esq.

There are benefits available to veterans and their spouses under federal law, some of which are little understood and are frequently underused. The Aid and Attendance Improved Pension Benefit provides financial assistance to wartime veterans and surviving spouses who require aid of another person in daily living needs such as eating, bathing and dressing. Eligible individuals also include patients in nursing homes or assisted living facilities. In order to be considered a "wartime" veteran, the service personnel must serve at least 90 days on active duty.

Given the colossal costs of nursing homes and personal care homes, a program such as Aid and Attendance Pension benefits can help protect the assets of your loved ones when they need them most. Although the program does provide a rather generous benefit, the benefit itself generally will not cover an individual's entire nursing home or personal care facility cost.

To qualify for Aid and Attendance benefits, a treating physician must establish that the eligible individual requires daily assistance from others. Also, on average, an applicant must have less than \$80,000.00 in assets, excluding their home and vehicles. Currently the Aid and Attendance Pension benefit can provide up to \$1,632.00 per month to a veteran, \$1,055.00 per month to a surviving spouse, or \$1,949.00 per month to a couple.

If you believe that you or a loved one are entitled to these benefits, we encourage you to apply as soon as possible. Please contact our office if you need assistance regarding the application process.

## THE LEGAL UPDATE - VIA E-MAIL

Thanks to all of you who have sent us your e-mail address. In case you missed the article in the last issue of **LEGAL UPDATE**, we will soon make our newsletter available via e-mail release.

To sign up for our e-mail mailing list, please e-mail the following information to us at [news@qrlegal.com](mailto:news@qrlegal.com):



Name  
Current Full Address  
E-mail address to receive newsletter

And as always, we welcome your comments and suggestions for future newsletter articles and features.

## Super Lawyers<sup>®</sup> 2010

Several QR attorneys have been recognized by the 2010 Pennsylvania Super Lawyers Magazine, which lists top attorneys as determined by peer voting and independent research. Attorney **Vince Quatrini** has again been listed as a Super Lawyer in the area of Workers' Compensation, and Attorneys **Jim Horchak** (Estate Planning & Probate, Tax, and Business/Corporate) and **Brian Bronson** (Employee Benefits/ERISA, Criminal Defense, and Social Security Disability) have been listed as "Rising Stars."

**Vincent Quatrini**  
Super Lawyer



**James Horchak**  
Rising Star

**Brian Bronson**  
Rising Star





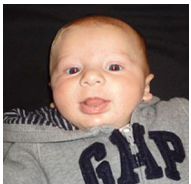
## QR PERSONAL NOTES

Ryan Carmen is a founder and organizer of the Dave Wieger Memorial Golf Event, named in honor of his friend who lost his life while serving his country. The proceeds of this outing are donated to the Folds of Honor Foundation which works to provide scholarships for children and spouses of servicemen and women who have been injured or killed in the line of duty. Ryan is the son of legal secretary **Donna Carmen**.



Congratulations to Stephen Landosky, son of legal secretary **Jodi Busko**, who graduated from Greater Latrobe High School with the class of 2010. Stephen is attending Westmoreland Community College this fall.

Nicholas Hudec, son of legal secretary **Patty Langgle**, was honored at a dinner given by the Mount Pleasant Rotary Club to recognize the top ten percent of the graduating class of Mount Pleasant High School. Nicholas is currently a freshman at Penn State. Congratulations to Nicholas on a job well done!



Landon Jesse Campbell was born July 16, 2010 to client care representative, **Kristie Shaffer**. Landon was 6 pounds, 7 ounces, and was 19 inches long. Congratulations Kristie and Jesse!

As summer comes to a close, Max and Quinn Horchak are happy to report that they had fun playing baseball in the South Greensburg Recreational League. The best part was that their coach was their dad, Attorney **Jim Horchak**.

Congratulations to Erin Rafferty, who was accepted into Eastern Virginia Medical School in Norfolk, Virginia. Erin is the daughter of Attorney **Dennis Rafferty** and begins her study of medicine at EVMS this fall.



ASA Tournament held in Moline, IL.

Hearty congratulations to Cassidy Chappell, daughter of paralegal **Rhonda Chappell**, and her team, the Pittsburgh Lady Roadrunners, 14U, who are the 2010 ASA Pennsylvania State tournament champs! The team went on to place 8th in the United States

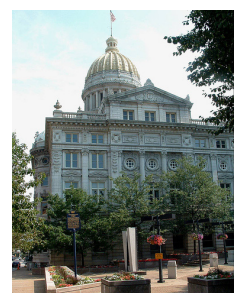
Matthew Cirelli, son of file manager **Betsy Nicksich**, achieved a 4.0 grade average during his spring semester at St. Vincent College. Matthew is a senior majoring in sociology. This past summer, he worked as an intern at Adelphoi Village.



Kelsey Sherbondy, daughter of paralegal **Brenda Sherbondy**, began a year of study abroad as part of her curriculum at American University. Kelsey's fall semester takes her to Nairobi, Kenya, where she is participating in a sustainable development and urbanization program. In the spring, she will continue her foreign language studies in Paris, France, to move toward her degree in French.

## QR IN THE LEGAL COMMUNITY

QR is pleased to announce that Attorney **David DeRose** was named Vice-President of the Westmoreland County Bar Association during the recent annual meeting of the Association. Other members of the firm involved in Bar Association leadership include Attorney Michael Quatrini, who has taken over duties as the Chairperson of the Young Lawyers Committee, and Attorney Joyce Novotny-Prettiman, who continues as chairperson of the Lawyers Assistance Committee.



## QR CLIENT SPOTLIGHT

*In November 2008, Dr. Leah Samuels opened Align Chiropractic Wellness Center located on Pellis Road in Greensburg. The opening of her office came at the end of a long road to recovery from a motor vehicle collision. Leah is willing to share her story so that those who are in the midst of the recovery process realize that although an accident can change everything in an instant, they can get back on track after an injury.*

**ALIGN**  
CHIROPRACTIC  
WELLNESS CENTER, LLC



Things can change in an instant. In November of 2006, Dr. Leah Samuels learned first-hand exactly how complicated life can become after a car accident. Leah, a Norvelt, Pennsylvania, native, earned her chiropractic degree in 2005 from the Palmer College of Chiropractic and was working as a chiropractor in Robinson Township. She had a new career, her own apartment, a new car and she was starting to see some of the fruits of all her hard work—building relationships and helping others through chiropractic care.

While Leah was driving in the slow lane outside the Squirrel Hill Tunnel, she was forced off the road into the guard rail when a careless driver changed lanes abruptly. The collision fractured Leah's right wrist, resulting in surgery that required inserting a plate and seven screws in her wrist. After surgery, she had to have physical and occupational therapy. By January, Leah was not yet back to normal but her doctor allowed her to try to do light-duty work. Leah found out quickly that in her job as a chiropractor, light-duty work was not possible. After two months off work, she had overdue bills and was terribly worried about her school loan payments.

As Leah continued her recovery efforts, she had persistent pain and limited movement in her wrist, and became concerned that the hardware inserted to fix the fracture was now interfering with the movement of the joint. Leah knew that she had to have strength and good movement in her hands to effectively perform chiropractic treatment.

At this point, Leah's life was upside-down due to the car crash. She had lost her job, had to move back in with her parents, her car was not fixed properly and her medical bills were mounting. She was struggling to keep her health insurance premiums paid. Even though she looked for alternative work, potential employers hesitated to hire her since she planned to go back to chiropractic practice when she became well enough to do so.

Even though Leah had been out of work for nearly one year, the insurance company for the at-fault driver would not recognize the full impact of her injury and made no settlement offer. Leah's wrist was still painful and stiff and she worried about her career. Then she learned that she had to go through a second surgery to have the hardware removed from her wrist. Thankfully, this surgery was successful in restoring Leah's wrist and hand functions. It was only after the second surgery that the insurance company began serious settlement discussions with our firm to compensate her for her losses.

Leah had to put a lot of energy and hard work into her recovery process. Then she faced a challenge of another kind: opening her own chiropractic office. Leah learned a lot about herself after going through this experience. She found a new appreciation for doing "normal" activities and chores that make up a day. She has a unique perspective when she treats people who have been injured in accidents because she knows what they are going through in trying to get back to normal.

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# HealthCare.gov

The United States Department of Health and Human Services recently launched a new website to explain upcoming changes in health care and assist citizens in finding health care coverage.

To learn more, visit the site at [www.healthcare.gov](http://www.healthcare.gov).

# Meet the attorneys of *QuatriniRafferty*

Throughout your lifetime, QR can help.  
Our attorneys bring years of experience  
to the following areas of law:

Personal Injury  
Wrongful Death  
Motor Vehicle Accidents  
Workers' Compensation  
Social Security Disability  
Wills and Powers of Attorney  
Estate Planning and Administration  
Criminal Defense  
Long Term Disability  
Veterans' Disability Benefits  
Real Estate  
Business Formation  
Elder Law  
Family Law

*For all your legal needs,  
● ● ● make us your first call.*



BACK ROW: Michael Quatrini, David DeRose, Dennis Rafferty, Vince Quatrini,  
Tereasa Rerko, Ron Fonner, Jessica Rafferty, Pete Gough  
SEATED: Brian Bronson, Joyce Novotny-Prettiiman, Jim Horchak

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