

# LEGAL UPDATE

A publication provided for the friends and clients of QR

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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. Contact us at [news@qrlegal.com](mailto:news@qrlegal.com).*

## DID YOU KNOW . . .

. . . at Quatrini Rafferty, we provide thoughtful, caring and experienced representation in a wide variety of legal concerns to clients throughout Western Pennsylvania?

We have noticed that our clients often do not realize the wide variety of legal services available at our firm, since they are initially focused on solving their immediate problem. We want everyone to know how many different ways our office can be of legal help when a situation arises.

The following list represents the various practice areas in which the eleven attorneys of Quatrini Rafferty can offer assistance:

**PERSONAL INJURY  
WRONGFUL DEATH  
MOTOR VEHICLE ACCIDENTS  
WORKERS' COMPENSATION  
SOCIAL SECURITY DISABILITY  
WILLS, POWERS OF ATTORNEY AND ESTATE PLANNING  
ESTATE ADMINISTRATION  
CRIMINAL DEFENSE  
LONG TERM DISABILITY  
VETERANS' DISABILITY BENEFITS  
REAL ESTATE  
BUSINESS FORMATION  
FAMILY LAW**



We invite you to visit our website at [www.qrlegal.com](http://www.qrlegal.com) to get more details about our attorneys and these various areas of the law.

On occasion, if our office is not able to provide the particular service needed, we have established many professional relationships that enable us to direct you to the best place to get the help you need.

We have been helping our clients solve legal problems for over thirty years, and we can help you with issues you confront throughout your lifetime. Call us toll-free at **888-288-9748** and let us know how we can be of service to you.

# WORKPLACE BULLYING

By Vincent J. Quatrini, Jr., Esq.



**H**ave you heard the term "workplace bullying?" Those of us who represent injured workers recognize this conduct, but until recently, it did not have a name.

We have noticed a clear pattern of emotional and physical distress among our clients who work for a bully. What does a workplace bully look like? A workplace bully can be male or female, young or old, or of any ethnic background. Not only can the bully be anyone, but the abusive conduct from the bully can take many forms.

Each of us can recall a bully — for example, the supervisor who singled out an employee who then became the target of harassing and derogatory remarks that lasted for an extended period of time. No matter what that person did, it wasn't right, or it wasn't good enough, or it was flat out wrong.

Dr. Gary Namie, director of the Workplace Bullying Institute and the author of "The Bully at Work," points out that the recession has provided a "blank check" for office bullies. The control that the supervisor, foreman or owner of a business has over an employee has been magnified by the economic downturn. In the past, an employee could jump to another job when the verbal abuse or intimidation became too much to handle. During a recession, there are fewer opportunities to move to another job.

Employees have some protection from harassment in the workplace involving age, disability, race, color, sex and religion. This same protection is not readily available for the employee who suffers abusive behavior at work. The Workplace Bullying Institute is pushing states to adopt legislation that defines abusive conduct in the workplace and sets rules for behavior.

Unfortunately, proving that bullying is the cause of an employee's physical or emotional problems is difficult. Workers can suffer from such things as elevated blood pressure, migraine headaches, stomach problems, depression, anxiety or post-traumatic stress disorder. Proving the link between these type of problems and workplace bullying can be problematic. The name calling or the intimidation is oftentimes carried out, one on one, behind closed doors and with no witnesses. Many times, the "boss" sides with the bully, labeling the victim as the trouble maker, consequently empowering the bully to continue the abuse.

*-continued on page 5-*

## THE LEGAL UPDATE GOES ELECTRONIC

Would you like to receive QR's LEGAL UPDATE via e-mail? We plan to provide this option later this year to our friends and clients who would prefer to receive an electronic version of our newsletter instead of the print version.

If you would like 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 your suggestions for future newsletter articles and features at that same e-mail address.

We will keep you informed as to when the electronic version will begin distribution. In the meantime, remember that our newsletter can also be accessed at our website at [www.qrlegal.com](http://www.qrlegal.com).

# WHAT R U DOING WHILE U R DRIVING?

By Jessica L. Rafferty, Esq.

**H**ow many times have you seen someone swerve into the opposite lane of traffic, brake suddenly, or even worse, cause an accident? How many times have you noticed that this same person was looking at a cell phone or texting on a cell phone? These events probably coincide!



Most people realize that reading or sending text messages when driving - or driving while texting ("DWT")- is dangerous, at least when they see other people doing it. The problem is that most people also think that they are somehow more capable of DWT than their fellow drivers. Well – think again!

In 2008, a school bus carrying 21 students was rear-ended by an 18-wheel semi-truck. The bus was pushed more than 200 feet before bursting into flames. Twenty students escaped, but 13-year-old Margay Schee was killed. The truck driver admitted he had been texting and hadn't seen that the bus was stopped. Also that year, a Los Angeles commuter train conductor missed a red light while sending and receiving more than 40 text messages. His packed train collided head-on with a freight train, injuring 135 people. The conductor and 24 others were killed, making it the second worst commuter train crash in U.S. history.

The U.S. Department of Transportation has expressly prohibited texting by drivers of commercial vehicles such as large trucks, buses and vans that carry more than eight passengers. Many states have also passed laws banning cell phone usage and texting while driving. Though DWT is not yet illegal in Pennsylvania, lawmakers are currently debating this issue. Illegal or not, DWT is unquestionably dangerous.

A 2009 study by the Virginia Tech Transportation Institute found that manual dialing and texting made a car crash or near crash 23 times more likely for drivers of large trucks and 6 times more likely for other motorists. This study explained that for every 6 seconds of drive time, a driver sending or receiving a text message spends 4.6 of those seconds with their eyes

off of the road - making texting the most distracting of all cell phone related tasks.

All cell phone related tasks are distracting and potentially dangerous. According to the National Highway Traffic Safety Administration, in 2008 nearly 500,000 people were injured and 6,000 killed because of drivers talking, texting or e-mailing behind the wheel.

For better or for worse, cell phones have become a major part of life for many people today, especially teens. Just as parents would talk to their kids about the dangers of drunk driving, it is equally important to discuss the dangers of talking, texting and e-mailing while driving. Here are some suggested guidelines for safe cell phone use:

- If the need to send a text is urgent, pull off the road safely before texting.
- Ignore calls or texts (or turn off the phone altogether) while driving.
- Be a good role model to your teenage drivers – don't text or talk on your cell phone while driving.

For more information regarding the dangers of cell phone use while driving, visit [www.distraction.gov](http://www.distraction.gov).

## UPDATE — CELL PHONE LEGISLATION IN PENNSYLVANIA

*Pennsylvania lawmakers are currently debating the use of interactive wireless communication devices for drivers on Pennsylvania highways. In January 2010, the Pa. House of Representatives passed a bill (House Bill 2070) that is now before the Pennsylvania Senate Transportation Committee for consideration. The bill would outlaw use of wireless devices other than for voice communication in a hands-free mode. The legislation would not apply to GPS devices and navigation systems at this time.*

*Action by the Pennsylvania Senate is needed before this bill can become a law in Pennsylvania.*

# VETERANS' DISABILITY BENEFITS

By Michael V. Quatrini, Esq.



**Q**uatrini Rafferty is pleased to announce a new, full-time practice area: Veterans' Disability Benefits. QR attorneys Brian Patrick Bronson and Michael V. Quatrini were recently certified by the U.S. Department of Veterans' Affairs (VA) to represent members of the armed services who suffer service-connected disabilities or diseases.

In short, Veterans' Disability benefits are available to members of the armed services who suffer physical or psychological injuries or diseases while on active duty. This includes injuries or diseases that were made worse by active duty military service. The amount of the monthly benefit depends on the degree of disability, and additional benefits are payable in certain instances.

## APPLYING FOR BENEFITS

The process for obtaining benefits is similar to applying for Social Security Disability. Our office assists veterans in submitting an application. This application must outline the injuries and detail the connection between the injuries and the particular service-related event.

A specific description of that precipitating event is critical, along with medical evidence supporting the connection between the event and the injuries. Official military documentation of the event is very beneficial to the claim, as is testimony from fellow servicemates. Discharge or separation papers (DD214 or equivalent) are also needed. It should be noted that disability benefits are not available for those who received a dishonorable discharge.

Some conditions, depending on the dates and locations of active duty, are eligible for "presumptive" status, meaning that the VA process presumes that active duty service caused these conditions. It is then up to the VA to disprove the connection. These include, but are not limited to, Lou Gehrig's Disease (ALS), Hodgkin's disease, prostate cancer, diabetes mellitus (Type 2), chronic lymphocytic leukemia, chronic fatigue syndrome, and fibromyalgia. Prisoners of war can receive presumptive status for certain medical conditions, such as psychosis, anxiety, post-traumatic osteoarthritis, heart disease, or stroke.

Once the application is complete it is submitted to a local VA office for review. The local office makes a decision as to whether the claim is (1) service connected, and if so, (2) the percentage of disability assigned to the injury.

## THE APPEAL

If the local VA office either denies the claim or assigns a low or zero percentage of disability to the condition(s), the claim can be appealed to a Veterans' Law Judge at the Board of Veterans' Appeals. An appeal must be filed within one year of the initial decision.

Unfortunately, the average wait time for a hearing on an appeal is 971 days.

Prior to the hearing, an attorney from our office will meet with the veteran to review the initial decision and collect updated medical evidence.

## THE HEARING - VETERANS' LAW JUDGE AT THE BOARD OF VETERANS' APPEALS

At the hearing, the veteran will testify concerning the details of the disability and the precipitating event.

After the hearing, the Board can either affirm the denial of the claim or reverse the decision and grant benefits. If the denial is affirmed, a further appeal can be taken to U.S. Court of Appeals for Veterans' Claims.

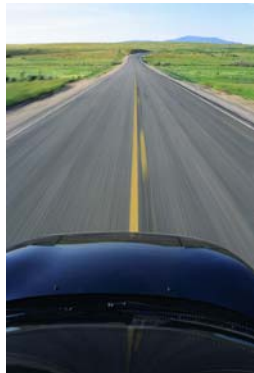
If you believe you have a claim for veterans' disability benefits or want to have an attorney for your appeal, please call Brian or Michael toll-free at 1-888-288-9748.



# CDL'S AND DUI

By Brian Patrick Bronson, Esq.

Many of our clients rely on driving, not only as a privilege, but for their livelihood. Most individuals whose occupation is driving must have obtained a Commercial Drivers License (CDL). If you have a CDL, you must be aware of how a drunk driving conviction impacts this license.



If you have a CDL and are convicted of driving under the influence of drugs or alcohol in Pennsylvania, even on a first offense, you will lose your CDL for one year. Currently, there are no special occupational limited licenses - known as "bread and butter" licenses - that allow you to operate under a CDL during a suspension.

Even though first-time offenders may qualify for the Accelerated Rehabilitative Disposition (ARD) program, which typically reduces punishment, the consequences to a CDL holder are still enforced. The CDL is suspended for one year. The current law treats admission to the ARD program as the equivalent of a criminal conviction for purposes of license suspensions, even if the offense was not committed in a commercial vehicle.

The moral is: don't jeopardize your livelihood and the safety of others.



*. . . I don't have enough money to make my car insurance payment this month - can't I just make an extra payment next month?*

**Answer:** Not without consequences.

There are penalties if you allow your car insurance coverage to lapse for non-payment. As long as your car is currently registered, you are required to have auto insurance. Most people do not realize that Pennsylvania law has a provision known as "required financial responsibility" that kicks into effect if your auto is uninsured for 31 days or more. Insurance companies are required to give you thirty days' notice before cancelling an insurance policy but they are also required to report cancellation of insurance to the state. If you cannot prove that your insurance lapse was for less than 31 days, the penalties you may face are: suspension of your registration privileges for three months, suspension of your operating privileges for three months and/or a \$300 fine. There are very few exceptions in the law. (75 P.S. §1786)

These penalties may be avoided if you can prove that the registration plate was surrendered to a designated PennDOT agent. You do not need to be involved in an accident for these penalties to be enforced. Of course, if you have an accident while your car is uninsured, there are other complications in addition to these penalties.

## WORKPLACE BULLYING

*-continued from page 2-*

Dr. Namie provides pointers for workers who feel harassed:

- Identify acts that are not just rude behavior, but are intentional acts designed to demean people.
- Build a case against the bully. Team up with other employees to prove that the bully is too expensive to keep around. Prove that the bully causes high turnover, high absenteeism, low morale, or that productivity is lagging because of the bully.
- If you can, look for another job. Getting away from the bully may be the most effective way to resolve the problem.

Do not confuse a lousy boss with a workplace bully. It is hard to work for either type of supervisor, but the conduct of the bully is pathological. It is chronic. It is usually directed at one employee.

In Pennsylvania, in order to be entitled to workers' compensation because of a workplace bully, there are two standards. If you have an emotional disability, we must prove that it was caused by an "abnormal working condition." This is extremely difficult to do. If you suffer a physical impairment, such as a heart attack or migraine headaches, we only need to show you are unable to do your time of injury job. If you feel you have suffered a work injury, please call Vince toll-free at 1-888-288-9748.

# 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 an article supplied by Arthritis Foundation Western Pennsylvania Chapter members Lori L. Knapp, Director of Community Development for Westmoreland County, and Jane Brandenstein, Executive Vice Chair. Please contact the Foundation or visit the Western Pennsylvania Chapter website for more details.*



## **KEYS TO LIVING WITH ARTHRITIS**

Arthritis affects one in five Americans and has various forms, types and severity.

If you suffer from arthritis, The Arthritis Foundation suggests the following to help maintain or improve your quality of life:

- ▶ Don't ignore joint pain. Respect pain when it is present and adapt if necessary (use heat and cold therapy)
- ▶ Get a specific diagnosis and talk with your health professionals about ways to manage your arthritis
- ▶ Shed excess weight
- ▶ Get Active – Get Moving!
- ▶ Maintain a healthy diet
- ▶ Think BIG – use bigger joints for tasks.
- ▶ Play smart – protect yourself from joint injury during physical activity – warm up
- ▶ Modify job tasks
- ▶ Relax
- ▶ Quit smoking
- ▶ Take control
- ▶ Be informed about current management information
- ▶ Take your medicines as prescribed and use ice on inflamed joints
- ▶ Talk to others; don't be a "hermit"
- ▶ Become an advocate for yourself and others with arthritis

Additional arthritis information can be found on our website at <http://westernpennsylvania.arthritis.org> or by calling us at 412-566-1645.

Support groups are held at Excelsa Hospital in Greensburg, Pennsylvania on the second Tuesday of each month. Please visit our website for topics, details, and other events and sessions.

## QR PERSONAL NOTES

Nicholas Hudec, son of legal secretary **Patricia Langgle**, has been accepted to Penn State University. Nicholas will major in physics and will be attending Penn State at its main campus in State College.



Kelsey Sherbondy, daughter of paralegal **Brenda Sherbondy**, recently completed an internship for Congresswoman Gabrielle Giffords of Arizona in addition to her college curriculum. Kelsey is pictured at right with Congresswoman Giffords.



Following graduation from college, Adam Quatrini, son of attorney **Vince Quatrini**, has been working on Capitol Hill for Congressman Alcee L. Hastings. Adam reports that Congressman Hastings has spent 17 years advocating for workers' rights and just recently cast a "yes" vote for the historic health care reform legislation.

The children of attorney **Tereasa Rerko** were named to the Honor Roll at school. Her daughter Shelby attends Geibel Catholic Middle-High School, and son Patrick attends St. John the Baptist School.



In March, Cassidy Chappell, daughter of paralegal **Rhonda Chappell**, and her 14 U Roadrunner teammates attended a clinic with three-time Olympic medalist, Crystl Bustos (pictured at left with Cassidy). The clinic was sponsored by the North Allegheny School District softball program.



Congratulations to Jacob Taylor, who won third place in his weight bracket at the Ligonier Novice Wrestling Tournament held in January. Jacob is pictured at left holding his first trophy. He is the son of paralegal **Kellie Taylor**.

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## QR IN THE COMMUNITY



U.S. Senator Robert Casey recently visited the offices of Quatrini Rafferty to discuss recent developments in Washington, D.C., and to learn about the various issues that impact our clients. Topics included the economic stimulus bill, health care reform, and veterans' issues. You may contact Senator Casey with your concerns at his Pittsburgh office: by phone at 412-803-7370 or by mail at 425 Sixth Avenue, Suite 2490, Pittsburgh, PA, 15219.

In February, Attorney **Tereasa Rerko** participated in a Mock Networking Reception and Etiquette Dinner at her alma mater, California University of Pennsylvania. The purpose of the dinner program is to provide students an opportunity to practice their networking and business dining skills.

Attorneys **Joyce Novotny-Prettiman** and **Jessica Rafferty** recently volunteered as jurors in the Mock Trial Program run by the Westmoreland Bar Foundation. The Mock Trial Program allows high school participants to learn about court procedures and gives students a chance to compete in a trial competition. A mock trial in a hypothetical lawsuit is conducted and the students act as the attorneys, witnesses and parties at the trial, which is held in real courtrooms. Local attorneys and teachers act as coaches to the mock trial teams.

In January, Attorney **Michael Quatrini** and Youngwood attorney Anthony Bompiani presented a Smartphone seminar at the Westmoreland County Bar Association. Michael spoke on business usage of the Blackberry smartphone while Anthony discussed the features of the Apple iPhone. The program was an educational effort of the Young Lawyers Division of the Association to offer technology tips and hands-on training for these devices.

MEET THE STAFF  
JESSICA L. RAFFERTY, ESQ.



Quatrini Rafferty is pleased to announce that Attorney **Jessica Rafferty** has joined the firm as an associate. She earned her B.S. in Business Administration from Bucknell University in Lewisburg, Pennsylvania, in 2003 and received her law degree from George Mason University School of Law in Arlington, Virginia, in 2009. During law school, she clerked for Judge Stanley P. Klein of the Fairfax County Circuit Court and also worked as a law clerk at Quatrini Rafferty.

Prior to entering law school, Ms. Rafferty served as a volunteer in the United States Peace Corps in Honduras. She worked to educate children in the areas of health and environmental protection. She also worked with women to raise awareness about domestic violence and helped women promote their personal business ventures.

She is admitted to practice in the Commonwealth of Pennsylvania and the Federal District Court for the Western District of Pennsylvania. Jessica is a member of the Westmoreland, Pennsylvania and American Bar Associations. She is also a member of the Ned J. Nakles American Inn of Court.

Jessica is the daughter of attorney Dennis Rafferty of Quatrini Rafferty. When she is not practicing law, Jessica enjoys running, playing tennis and playing the piano. She was born and raised in Latrobe and currently resides in the Latrobe-Greensburg area.

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