

Legal *update*

A publication provided for the friends and clients of QR

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COMPLETE ESTATE PLANNING

By David DeRose, Esq.



When I discuss preparing a Last Will and Testament with a client, we talk about the client's wishes regarding distribution of the property that has been accumulated throughout their lifetime. A will transfers these assets to the chosen beneficiaries (those named to inherit). This typically takes the form, for instance, of a father or mother leaving the house, vehicle, bank accounts, stocks or bonds to children or other family members. Discussing just a will, however, does not go far enough. Complete estate planning involves much more.

A will is limited to transferring property that is owned solely by a person at the time of death. Some assets, however, are not subject to the terms of the will and pass directly to named beneficiaries. Resources such as life insurance policies, annuities, various types of retirement or pension accounts, or individual retirement accounts typically give the ability to directly designate a beneficiary to receive such assets.

It is therefore important to analyze not only assets that will pass by the terms of the will, but all of the other assets that will be owned at the time of death. Coordinating how all assets will pass is crucial to a sound estate plan. We want to make sure each asset winds up in the correct hands and that there are not any unintended results.

Consequently, care must be used in naming all beneficiaries. For example, with retirement accounts or life insurance policies, a primary beneficiary and an alternate beneficiary can be named. If married, one spouse will usually name the other spouse as the primary beneficiary. As alternate beneficiary, the parties might name all of their children or limit it to just one child out of many.

Sometimes designating beneficiaries on policies is done in a hurried manner, without giving full attention to the designation. Many people fill out a form and don't go back and review that form for many years. It is not uncommon to

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SOCIAL SECURITY DISABILITY AND WORK

By Brian Patrick Bronson, Esq.

At QuatriniRafferty, we are frequently asked by our clients receiving Social Security Disability if they can return to work, and if so, what they can earn and remain eligible for Social Security benefits. In general, those receiving Social Security Disability benefits may be able to earn some small amount without impacting their benefits.

However, any work activity can raise issues with future benefits in that the Social Security Administration sometimes translates limited work activity into the ability to return to full-time work.

Social Security provides a trial work period in which an individual can test their ability to work for at least 9 months. During a trial work period, individuals will receive full Social Security benefits regardless of the amount they earn as long as they report all work activity and continue to have a disabling impairment. This process allows a person who would like to return to work the opportunity to give it a try without jeopardizing current benefits.

In 2011, a "trial work month" is any month in which an individual earns \$720 or more (or if an individual is self-

employed, earns more than \$720 after business expenses and spends more than 80 hours in their business). The trial work period continues until the person has worked 9 months within a 60-month period. If an individual earns less than \$720 per month, that month is not counted as one of the 9 months of trial work. Again, this does not mean that an individual can earn under \$720 per month without an impact on benefits. The Social Security Administration periodically reviews individuals for continued eligibility for benefits. Those individuals that are working but earning under the \$720 limit are still at risk for being found "not disabled" by the Social Security Administration on a continuing review basis.

Additionally, there are separate rules for those receiving Supplemental Security Income (SSI) benefits. For example, you may face an offset for every dollar that you will earn if you attempt to work.

Each situation is unique. Our best advice to those attempting to return to work would be to consult with our Social Security attorneys first.

NEIGHBOR LAW

By James A. Horchak, Esq.

From time to time, some of our clients call our office with questions regarding neighborhood boundary issues. Most of these inquiries involve neighbors' trees or shrubs that extend over the property line.

In Pennsylvania, a landowner has the right to cut away branches or roots protruding onto his or her property from a tree or shrub growing on an adjoining neighbor's property. In fact, the landowner can take self-help measures and cut away any branches or roots that actually cross the common boundary line, regardless of whether those branches constitute a nuisance or cause harm. However, be careful to take these steps:

- first make certain that you know the exact legal boundary line (in some instances, a surveyor might be needed to confirm it);
- confirm that the branches do in fact cross over the common boundary line;
- do not physically cross the common boundary line onto your neighbor's property to trim the branches. Physically crossing the common boundary line is a trespass that can lead to civil or criminal trespass actions against you.

NOTE TO HOMEOWNERS:

If you are aware that a tree on your property is diseased, decayed or damaged and do not take action, you may be responsible for personal injury or property damage that occurs if it falls.

ATTENTION TRUCK DRIVERS: YOU MAY BE PROTECTED BY PENNSYLVANIA LAW

By Vincent J. Quatrini Jr., Esq.

Did you know that if you are an over-the-road truck driver who travels to many states around the nation, you may still be covered by the Pennsylvania Workers' Compensation Act? Our office represented a truck driver who was hired by an Ohio trucking company. Our client was injured in New Stanton, Pennsylvania, and lived in Blairsville, Pennsylvania. The Ohio trucking company did not carry Pennsylvania workers' compensation insurance. The trucking company owned a parking lot in West Virginia, enabling it to purchase cheaper workers' compensation insurance under West Virginia law. As a result, the trucking company started to pay our client West Virginia workers' compensation benefits.

Because he was injured in Pennsylvania, we believed that our client was entitled to be paid under the Pennsylvania workers' compensation law. We filed a Pennsylvania workers' compensation claim. The trucking company fought our claim, alleging that the injury was covered by the "extraterritorial" provision of the Pennsylvania Workers' Compensation Act. Our argument was that the extraterritorial clause only applied to workers who were injured outside of Pennsylvania.

After a 10-year struggle, leading the whole way to the Pennsylvania Supreme Court, we won the case. The Pennsylvania Supreme Court announced that any worker injured in Pennsylvania is covered by the Pennsylvania Workers' Compensation Act.

In summary, it doesn't matter where you live. It doesn't matter where you were hired. It doesn't matter where your employer is headquartered. If you are driving your rig through Pennsylvania and are injured, you are covered by our workers' compensation law. This is very significant, because the laws of many states like West Virginia, Texas, and Ohio are geared to protect the trucking company and not the injured worker. Pennsylvania gives more complete protection to the injured worker.

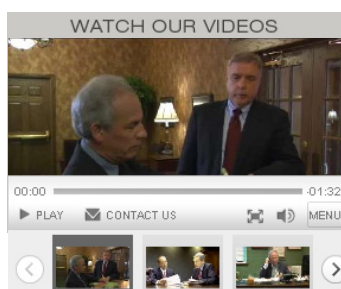


You can find this article along with other posts on
Vince Quatrini's new blog exclusively covering
Workers' Compensation issues
<http://painjuredworkers.blogspot.com/>



INTRODUCING... OUR NEWLY UPDATED WEBSITE!

QuatriniRafferty is happy to invite you to check out our newly updated website! You are now able to view various videos which summarize many of our practice areas. We hope that all of the information on our website will help you learn more about how our attorneys and our staff can assist you in dealing with any legal challenge you may face. We are here in your community working hard to serve you and your neighbors every day.



COMPLETE ESTATE PLANNING

By David S. DeRose, Esq.

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find that an individual has named the oldest child as the beneficiary and forgotten to update the form after having other children. Sometimes people incorrectly assume that the oldest child will divide the proceeds of the resource with siblings, but there is no legal obligation to do so.

Care should also be taken in naming minor individuals as beneficiaries since that may create other problems. Until someone is 18 years of age, they cannot take proceeds of insurance or retirement accounts into their own name for their own use. Naming a minor on a life insurance policy, a retirement account or an annuity will ultimately result in court action to preserve that money until the minor attains the age of eighteen. A simple way around that problem would be for an individual to designate their "estate" as the alternate beneficiary of such assets.

By designating the estate as the beneficiary, the resources that would otherwise pass directly to an individual can be channeled through the terms of a person's will which contains a designated trust for particular beneficiaries. In this fashion, a parent can guide those proceeds to a particular trustee to hold that money and use that money for the child or children beyond age

eighteen. The parent can choose a more mature age at which they want their child to have full access to the funds.

Using an "estate" designation as a beneficiary is a simple solution but it also comes with certain cautions. Those proceeds that go through an estate can be subject to claims of creditors at the time of death, if any creditors exist. When an asset passes directly to a named beneficiary through a life insurance policy, an annuity contract, or an IRA, it is not subject to the claim of a creditor.

On the other hand, if a person does not name a beneficiary on such policies or accounts, then these resources will pass into the person's estate to be distributed per the terms of the will. A will must be drafted to take all of this into account. It is important to plan carefully because there are tax consequences and estate administration costs that must be considered.

Our firm will explore with you all of the resources that you own or control so that you make the wisest choices regarding your assets and beneficiary designations and insure that these choices are consistent with your overall estate plan. Your loved ones will be thankful that you took the time and effort to make things easier on them.

TAKE 2011 WITH YOU - ON US!

WORKERS' COMPENSATION

Vincent J. Quatrini, Jr.
A. Tereasa Rerko
Ronald J. Fonner
Peter J. Gough

SOCIAL SECURITY DISABILITY

A. Tereasa Rerko
Brian Patrick Bronson
Michael V. Quatrini

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Joyce Novotny-Prettiman
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ESTATE & ELDER LAW

David S. DeRose
James A. Horchak

LONG-TERM DISABILITY

Brian Patrick Bronson

Let the QuatriniRafferty wallet calendar provide ready reference when needed. Have a great year!

QR IN THE LEGAL COMMUNITY

In October, **Vince Quatrini** moderated a program to the Pennsylvania Bar Association Workers' Compensation Section in Hershey on the management of chronic pain in complicated medical cases. In November, Mr. Quatrini moderated the 15th Annual National Conference of the Workers' Injury Litigation Group on the use of new treatment modalities for chronic pain patients. On both occasions, the presentations were given by specialists in the management of chronic pain. In December, Mr. Quatrini moderated a day-long program at Allegheny General Hospital on medical issues in workers' compensation cases. The program was sponsored by the Allegheny General Hospital Orthopedics Department.



ALLEGHENY GENERAL HOSPITAL

West Penn Allegheny Health System



QuatriniRafferty is pleased to announce that two of our attorneys, **Joyce Novotny-Prettiman** and **Jessica L. Rafferty**, have completed the required training to become Court Appointed Special Advocates. CASA of Westmoreland, Inc., is a non-profit agency that trains and supports volunteers who act as independent advocates for children who are in the Court system usually due to abuse or neglect. The CASA program's goal is to assign a volunteer to every child who becomes a part of the

Westmoreland County Court. Both Joyce and Jessica are volunteering to aid in ensuring that each child has an independent voice in Court proceedings.

This organization needs other adults who are willing to commit themselves to helping with this process. Anyone who is interested should contact the CASA office in the Westmoreland County Courthouse at 724-850-6874.

The Community Foundation of Westmoreland County (CFWC) sponsored the first Day of Giving on December 1, 2010. Prior to the event, the CFWC joined forces with individuals and businesses in the Westmoreland County community and raised a \$100,000 match for this effort. On the Day of Giving, people from all over Westmoreland County went online to www.westmorelandgives.org and made contributions to 72 non-profit agencies who signed up to participate. The response from the community was incredible! Donations from the community totaled \$197,654. With the matching funds from the CFWC, the Day of Giving put nearly \$300,000 of new charitable dollars into the community. QuatriniRafferty managing partner, **Vince Quatrini**, the CFWC board chairman, and QuatriniRafferty were pleased to support this effort.



AFFILIATED WITH THE PITTSBURGH FOUNDATION

IS DEPRESSION AND PAIN DESTROYING YOUR LIFE?

By Safdar I. Chaudhary, MD

Has your life changed after an accident or following an event such as a medical or surgical condition or procedure? Do you feel like less of a person? Are you unable to do things that you were previously able to do? Are you suddenly unable to play with your children? Are you struggling to just get a good night's sleep?

You are not alone in these struggles. Chronic pain is very stressful and leads to depression, isolation and despair. It interferes with day-to-day functioning and relationships. It's difficult to concentrate, function, and live the lives we want to live. The pleasure and fun of life is taken away. Needless to say, this affects our relationships.



Due to many adverse changes in our lives, the risk of depression is very high. Some simple tools can help us manage these challenges effectively and inspire us to lead a fulfilling life:

- 1 Medications can promote healing and effective management of mood and depression. This can be accomplished by medical experts in managing such conditions.
- 2 Change your thoughts. We have around 60,000 thoughts per day. Eighty-seven percent of them are negative and are the same thoughts we had yesterday. Learn how to manage your thoughts effectively.
- 3 Eat right and stay fit. Avoid foods with a lot of sugar or caffeine and avoid alcohol. Sugar and caffeine may give you a brief moment of energy but will later bring about anxiety, tension, and internal problems. Alcohol is a depressant. Many people will drink alcohol to "forget their problems." They're just aggravating their conditions in the process.
- 4 Learn to use tools of mindfulness as a simple and practical way to intentionally pay attention to your pain, while putting aside your lenses of judgment. Clinical studies show a significant reduction in suffering associated with chronic pain after working the Mindfulness-based Stress Reduction (MBSR) program for 8 weeks.
- 5 Work with experienced clinicians to restore social relationships. When depression and chronic pain are upon you, many social relationships can begin to wither away. It's vital to try and revitalize these relationships before they are lost permanently
- 6 Get enough light and sunshine. If you can't afford to get some sunshine, you can always lighten up your room with brighter lights. Have lunch outside the office. Take frequent walks instead of driving your car over short distances.
- 7 Get Inspired. Do the things you love. If you're a little short on cash, you can engage in simple stuff like taking a leisurely stroll in the park, playing sports, reading books, or engaging in any activity that you have passion for and would love to pursue.
- 8 Set a goal - a meaningful purpose in life. No matter how difficult or discouraging life can be, remain firm and have an unshakable belief that you are capable of doing anything you desire. With this kind of positive attitude, you will attain a cheerful disposition to beat the blues.
- 9 Listen to soothing music. Soak in a nice warm bath. Get a massage. Take a break from your stressful workload and spend the day having fun.
- 10 Consider learning healing yoga and choose joyous companions.

The above article was provided by local psychiatrist Safdar I. Chaudhary, M.D. For further information, please contact 724-468-3999 or visit www.seclairer.com

REMEMBERING CINDY CRONIN

Last year, QuatriniRafferty suffered a great loss with the passing of Cindy Cronin.

Many of you knew Cindy from her work as legal secretary to Attorneys Ron Fonner and Pete Gough. While she was a wonderful part of our staff, we want to remember her from both a professional and personal standpoint.



Cindy first joined us in 2005, continuing her career in the legal field that she enjoyed so much. She previously worked for law firms in Westmoreland and Allegheny counties and had a wide range of experience in the legal profession. She loved her job and the opportunity to help clients.

Cindy was equally as caring with her family, friends and co-workers. She always had a smile on her face and time to listen, no matter what was going on. Most of all, she adored her children and grandchildren and spent as much time with them as possible. Cindy had an independent spirit, loved to travel and simply enjoyed life.

One of Cindy's co-workers offered these remembrances:

"What did I glean from Cindy's life? Take the time to listen, share your burdens, but pray, love, be content with whatever you have; enjoy the past, live in the present. And don't forget to tell people you love them."

Our thoughts and prayers continue to be with Cindy's children, Chad and Keri, and their families. Though we will always feel the void she left, we are so happy that she was part of our lives.

QR PERSONAL NOTES



Welcome to Nicole Marie Slingluff, the newborn daughter of Client Care Representative **Dianna Palatella-Slingluff** and her husband, Josh Slingluff. Nicole was born on November 22, 2010, and weighed 7 pounds, 3 ounces and was 21 inches long. Nicole joins her big sister, Angelina, at home.



In 2010, legal secretary **Jodi Busko** became a grandmother - twice! Stepson Matthew and girlfriend, Lisa, and Lisa's son, Mason, welcomed Alexis Anna Louise Busko on March 3rd. And on August 26th, Jason Matthew Lovell, Jr., was born to Jodi's stepdaughter, Briana Lovell, and her husband, Jason, of Latrobe.

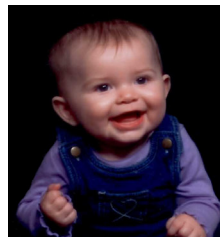


Attorney **Tereasa Rerko** recently celebrated several family accomplishments: son Patrick earned the rank of Second Class in Boy Scouts, and both he and sister Shelby continue to make the honor roll at their schools. In addition, an extended family gathering was held to honor Tereasa's mom, Agnes Rerko, who turned 80 in February.



Hearty congratulations to Charles and Ann Kozik, who celebrate their 65th wedding anniversary in February 2011! In addition, Chuck celebrated his 90th birthday this past December. They are the parents of office administrator **Joyce Vivio**. Congratulations Ann & Chuck!

As part of her studies at American University, Kelsey Sherbondy, daughter of paralegal, **Brenda Sherbondy**, is currently in Paris, France, to participate in the Intensive French in Paris Program at the French University, La Sorbonne. During this semester, she will be living with a French family within the city. Kelsey is a Political Science Major and a French Language Minor at AU.



Legal secretary, **Sandy Yoxall**, recently welcomed her first step-grandchild into the world! Adelynn Zorich was born on March 21, 2010, weighing 7 pounds, 10 ounces and was 19 inches long. Congratulations to the happy parents, Candace and Josh.

Meet the staff of *QuatriniRafferty*

Dianna Palatella-Slingluff & Colleen Shanahan Major

Dianna Palatella-Slingluff (left) joined QuatriniRafferty in the summer of 2010 as our new receptionist and client care representative. Prior to joining QR, Dianna worked in the TV and film industry in Pittsburgh for 10 years. She and her husband, Josh, have two daughters, Angelina and Nicole. In her spare time, Dianna enjoys spending time with her family, photography, and riding her Harley.



Colleen Shanahan Major (right) joined QuatriniRafferty in January 2010 and is secretary to Peter Gough in the workers' compensation department and Michael Quatrini in the Veterans Disability department. She earned a degree in Administration of Justice and Legal Studies from the University of Pittsburgh and has since worked in the legal field. Colleen has three children, Stephen and Patrick, ages 21 and 20, who are in college and play football, and a daughter, Caitlin, age 10. Colleen also shares her home with their dog, Junior. In her spare time, Colleen attends her sons' football games, Caitlin's dance recitals and enjoys shopping, going to the beach and spending time with her family.

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