



THE LAW OFFICES OF
CHAIKIN & SHERMAN, P.C.

SUMMER 2004

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EXTRA! EXTRA! EXTRA! EXTRA!

Memorial Ceremony honoring individuals who died while residing in the D.C.'s group home system scheduled for September 9, 2004.

You are invited to attend.

Our last newsletter reported the final settlement of the case regarding William Moxley, Jr., an individual with profound developmental disabilities. Mr. Moxley, Jr., was one of 10 deceased wards of the District of Columbia who resided in group homes operated and managed by the District of Columbia that were represented by **Chaikin & Sherman, P.C.** All of these cases, and others that are still pending, have been litigated by partners **Ira Sherman** and **Joseph Cammarata**. Each lawsuit alleged that the District of Columbia was on notice of the risk of harm to, in the words of Mayor Williams, its "most vulnerable citizens."

The law firm was successful in negotiating a resolution of all of the lawsuits. However, in addition to a payment of \$500,000 to settle Mr. Moxley's case, the District of Columbia agreed to commemorate the lives of **all** of the deceased wards of the District of Columbia who died while in the District's group home system, at a memorial plaque-dedication ceremony. The ceremony will take place on **September 9, 2004, at 10 a.m.**, at the D.C. Department of Human Services, 77 P Street, N.W., **5th Floor**, Washington, D.C. The plaque will be permanently installed in the reception area of DHS headquarters for all to see.

**You are invited to attend.
There will be a reception in our office
following the dedication ceremony.
Light lunch and refreshments will be served.
Please RSVP to Nia or Cheryl at 202-659-8600.**

We take your family's safety and security personally.

FRAUDULENT health insurance

Wrongdoers selling phony insurance plans are popping up everywhere. Their less-expensive coverage may look very appealing to Americans who lose coverage at work, experience rapidly escalating premiums, or cannot get coverage elsewhere.

Not only do scammers often lack licenses to sell insurance, they also

don't have sufficient reserves to cover payments. Their game is to pay smaller initial claims to solicit greater premiums from future policyholders. A study found that more than 100,000 scam-insurance-plan buyers have been

stuck with \$85 million in unpaid medical bills since 2001.

Experts offer the following warning signs to look for in potentially counterfeit health-coverage solicitations:

- Unbelievably low rates.
- No health prescreening requirement.
- Automatic preexisting-condition coverage.
- Promoted and endorsed by individuals allegedly representing labor unions or professional associations.
- Sales pitches that replace "insurance" with "benefits."

To check a plan's legitimacy, call our state's insurance commissioner's office for licensing, know the agent who will pay claims, and contact an attorney for counsel.

Housing discrimination... ...and the elderly

As our nation grays, greater numbers of aging people may find themselves denied equal opportunity in obtaining housing.

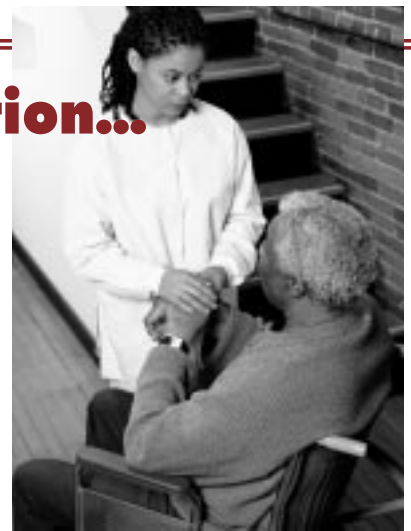
Housing discrimination against the elderly usually involves two factors. First is a perceived inability of an elderly person to live independently and to care for him- or herself and a property. The second consists of past, actual, or perceived disabilities that might make someone incapable of independent living.

If real-estate agents, rental agents, condominium associations, landlords, or even family members unlawfully deny the elderly equal opportunity to obtain housing in single-family homes, condominium communities, or rental communities, those harmed have recourse. Elderly people who have suffered discrimination are increasingly turning to the Fair Housing Act (FHA) of 1968 and the Americans with Disabilities Act (ADA) to obtain their fair rights to housing.

When a Texas couple was refused admission to a subsidized apartment complex on the basis of the husband's blindness and partial paralysis, the U.S. Department of Housing and Urban Development's FHA division determined that discrimination had occurred and took the apartment's owners to federal court. The court ruled that the FHA had the authority to bar discrimination against seniors with disabilities.

In a Florida case, an administrative law judge ruled on another FHA complaint. Here, the court agreed that a condominium association was required to make reasonable disability accommodations for a longtime resident who experienced a stroke that made him unable to walk.

Courts have also ruled that older residents are entitled to maintain service- or emotional-support animals as long as tenants reasonably comply with general tenancy obligations.



A reasonable housing accommodation for a senior can sometimes make the difference between living independently in a community or entering a care facility or nursing home. Seniors, or their children, who believe housing discrimination has occurred should consult legal counsel.



SEAT BELTS SAVE LIVES

No one ever plans on having an automobile accident. But everyone can plan to drive more safely and buckle seat belts.

Here are some statistics on how seat belts can save lives:

- Seat belts save nearly 10,000 drivers' and passengers' lives annually.
- Only seven in ten auto occupants in accidents are buckled up.
- Young males—age 16 to 25—are the least likely to buckle up and are the most likely to be involved in life-endangering accidents.
- Hospital costs for unbelted auto-crash victims are 50 percent higher than for those who buckle up.
- If 90 percent of passengers use their seat belts by 2005, the nation will likely see a 25 percent reduction in child fatalities in accidents.

PLEASE DRIVE SAFELY.

Workplace injuries... ...and equipment design

Thousands and thousands of American workers are injured on the job every day. In fact, according to the Bureau of Labor Statistics, 4.7 million nonfatal workplace injuries and illnesses were reported during 2002.

Many workplace injuries could be prevented if manufacturers designed machinery and other equipment with high safety standards in mind, and businesses required all machinery to be operated as instructed.

Worker fatality

When workers are injured by defectively designed equipment, our civil justice system offers recourse. Family members of a woman who suffered fatal injuries when a grinding wheel she was working on exploded brought suit. Their attorney alleged that the equipment's manufacturer failed to warn of design dangers and was further negligent in failing to include a protective guard on the equipment that would have prevented serious injury. The parties settled out of court.



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LEGAL DICTIONARY

Many clients find legal terms puzzling. From time to time, we offer some easy-to-understand definitions to help clear things up. This time, we'll look at legal terms associated with civil wrongs.

Tort

This is behavior or an act that one person negligently or intentionally performs which harms another person physically, monetarily, or in some other way. Torts commonly involve assaults, auto accidents, defamation, fraud, malpractice, and premises liability. The injured person has the right to sue for damages.

Tortfeasor

A tortfeasor is a person who commits the act that harms another person.

Tort of Another Doctrine

This generally accepted convention permits a plaintiff to obtain reasonable compensation for attorney's fees they have paid to sue a tortfeasor or third party.



SECRET settlements

Secrecy and gag orders in our state and federal courts undermine every American's right to know. Since the mid 1970s, defendants in civil litigation, as a condition of settlement, have sought to keep out of the public's eye important information that should emerge from litigation.

For instance, over the past 20 years, secret settlements have been reached to conceal very important information about sexual abuse of children by clergy, injuries from medical malpractice, automobiles that flip over or explode in accidents, and medical procedures and products that endanger health.

This insidious practice also affects Americans' perceptions of their courts and our justice system. "Protective Orders" close off the nation's courts, which are supposed to be institutions open to public scrutiny and review. "Sealed Court Files" deny a presumption of openness and honesty to court proceedings. "Confidentiality Agreements" undermine the public's respect for the courts and justice. And "Secret Agreements" increase the likelihood of additional litigation to find the truth.

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Please feel free to refer us to your family, friends, and neighbors for their legal needs. We welcome the opportunity to help.



**CALL US. YOU'RE GOING
TO FEEL A WHOLE LOT
BETTER ABOUT THINGS.**

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The information included in this newsletter is not intended as a substitute for consultation with an attorney. Specific conditions always require consultation with appropriate legal professionals.

Firm successfully represents family of victim of 9/11 attack on the Pentagon

We were extremely proud and honored to have represented, on a pro bono basis (without any fee), the family of a man who died in the attack on the Pentagon on September 11, 2001.

Mr. John Howard (not his real name), age 54, was working at the Pentagon on September 11 at his job in the Managerial Accounting Division. This was Mr. Howard's second career. He had recently retired from the military. Mr. Howard was survived by a wife and his six-year-old granddaughter, for whom he provided support.

Partner **Joseph Cammarata** represented Mrs. Howard. On Mrs. Howard's behalf, the law firm filed for benefits under the government's Victim Compensation Fund. The government initially awarded approximately \$462,000 to Mrs. Howard (reduced for benefits previously received by Mrs. Howard). **After appealing the award, Mr. Cammarata was able to virtually double the net award to \$912,000.**

www.chaikinandsherman.com



Our new Web page is under construction and is expected to be open for visitors by September 9, 2004.
CHECK IT OUT!

