

CHAIKIN
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Working for Justice

Winter 2011/12

HAPPY HOLIDAYS FROM ALL OF US AT CHAIKIN, SHERMAN, CAMMARATA & SIEGEL, P.C.

Attorneys at Law

What we can learn from Apple

Many of you will be surprised that the CSCS Newsletter message from the Managing Partner focuses on the lessons we can learn from Apple and, in particular, the life and death of Steve Jobs.

Extraordinary success, whether it is at Apple or **Chaikin, Sherman, Cammarata & Siegel, P.C.**, requires common characteristics. Steve Jobs demonstrated the characteristics necessary for success.

First, the required characteristic is to have a vision. Not only of the organization he intended to manage, but the exact composition and direction the organization would take. Once the vision was clear, attention to detail was essential for assuring the fulfillment of the vision. Finally, with his vision firmly in his mind, he developed and implemented a creative strategy that he then single-mindedly and aggressively pursued to assure a uniquely successful result.

Partners **Ira Sherman, Joseph Cammarata, and Allan M. Siegel** constantly apply the same characteristics for a successful result that made Steve Jobs the successful individual we all admire. We at CSCS have a vision both for the organization and for each case. We develop a vision of how we can succeed in a creatively aggressive manner to obtain full and complete justice for each and every one of our clients irrespective of whether it is a life-altering injury, a death, or an injury that inconveniences individuals for a limited period of time. Pride in performing at our absolute best is an essential part of every case.

During this holiday season, and throughout the year, we recognize that we do not have the ultimate control over how long we will be on this earth. We never take for granted any moment in time. Our holiday wish for all of you we hold most dear, and for all of those you hold most dear, is that you fill each of your days with positive visions that you can creatively implement to improve the plight of our fellow man.

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Washingtonian Magazine names Partners Joseph Cammarata and Allan M. Siegel two of Washington's "Best Legal Minds"

The December 2011 issue of *Washingtonian Magazine* has again named Partners **Joseph Cammarata** and **Allan M. Siegel** "Stars of the Bar." Mr. Cammarata has been recognized by the magazine as one of "Washington's Best" every year the magazine has done the survey since 1997. Mr. Siegel has been recognized every year the magazine has done the survey since 2004. The magazine identifies the "best legal minds" in 30 different areas of the law. The magazine is a great resource for consumers who are looking for an attorney. Both Mr. Cammarata and Mr. Siegel are named in the category for personal injury entitled "Seriously Injured." The magazine is currently on newsstands.

Four premises liability cases settle for a combined \$1,435,000

Chaikin, Sherman, Cammarata & Siegel, P.C., prides itself on taking difficult cases that many lawyers turn away. Premises liability cases involving trips, slips, or falls—often referred to as “slip and fall” cases—are prime examples. These cases are notoriously difficult in the District of Columbia, Maryland, and Virginia because of the law of contributory negligence in each of these jurisdictions. The law provides that if the injured party did anything to cause or contribute to their injury, then they cannot recover. It is often alleged that someone who slips or trips was not paying attention and is therefore responsible for their own injuries.

The law firm is proud to have settled four such cases, all of which involved difficult contributory negligence issues. In the first case, our client fell in a hole in the floor of a retail store. The hole was supposed to be covered by a trap door, which was inexcusably left open. Our client fell in the hole and suffered a brain injury. She recovered and was able to return to work full-time, but the head injury left her with a diminished sense of taste and smell, and some cognitive losses. The owner of the store argued that while the trap door should not have been left open, our client should have seen the hazard and avoided the hole. Partners **Allan M. Siegel** and **Joseph Cammarata** convinced the defendants that this “defense” would not likely be successful at trial, and the case settled at mediation for \$450,000.

In a similar case, our client, a legal secretary, was on her way to see her daughter perform at the Kennedy Center when she tripped over the base of a traffic marker in the underground parking lot. The traffic marker should have had a pole in the base but did not. As a result of her tripping over the base, our client violently smashed into the

pavement with her head, causing a broken nose, swollen eyes, and a traumatic brain injury. She missed a few days from work, and when she returned she noticed that it became more difficult for her to perform her duties as a secretary. Partner **Joseph Cammarata** filed a lawsuit against the United States in federal court in D.C. After engaging in fact-finding, including depositions and consultation with experts, parties were able to settle the matter at mediation before a retired D.C. Superior Court Judge for \$360,000.

In another “slip and fall” case, our client was entering an elevator when she slipped and fell on a slippery floor. When she slipped, her head hit the side of the elevator door. Our client went to the hospital, but she did not complain of a head injury. However, shortly thereafter she began having the classic signs of a concussion: headaches, dizziness, nausea, cognitive problems, and extreme fatigue. She was ultimately diagnosed with mild traumatic brain injury, which caused cognitive deficits. Partner **Allan M. Siegel** settled the case at mediation for \$350,000.

Finally, the law firm represented a client who was injured when he stepped on a nail that was on his outdoor patio. The nail penetrated his shoe and resulted in a puncture wound. There were cable installers at his house earlier in the day who had dug up the ground for purposes of installing cable wires. Our client was a diabetic, and as a result had poor circulation in his feet. In fact, before this incident, he had lost several toes because of poor circulation due to the diabetes. Unfortunately, the relatively minor puncture wound got infected and ultimately resulted in the amputation of three more of his toes. The case settled for \$275,000.

Law firm is retained by wife of man killed by distracted driver

With the increasing popularity of cell phones, and in particular smartphones with texting and e-mail capabilities, distracted driving has become a major cause of automobile crashes, causing unnecessary injuries and deaths. The law firm was recently retained by the wife of a man who was walking on the grass when a driver ran the curb and struck him, causing his death. While the full accident reconstruction report is not yet available, the initial information provided to the family is that the driver was playing with her cell phone when the incident occurred. If this is true, this tragedy was clearly preventable.

Please let this serve as a reminder not to text or e-mail from your phone while driving. It is not only against the law in most states, but also extremely dangerous. In fact, on October 1, 2011, Maryland amended its texting-while-driving law to increase the police’s ability to enforce the law. The previous law allowed for reading texts in a moving car, just not sending them. It also allowed drivers to text while stopped at red lights. The current law prohibits drivers from sending or receiving texts. In addition, the police can now pull over a driver for violating the texting provisions of the law, even if the driver has not committed another traffic violation. It is also still unlawful to use a handheld cell phone while driving unless using a hands-free device.


Dog attacks minor client, causing facial and other scarring

Our client, age 8, was playing in her front yard when a neighbor's dog, a boxer breed, left the neighbor's property and violently attacked the child. She suffered injuries to her face, arms, and legs. She underwent scar-revision surgeries and still has permanent scarring on her face and legs. She is also suffering from posttraumatic stress disorder.

Partner **Joseph Cammarata** represented the child and her parents and filed suit against the dog owner. To win the case, it had to be shown that the dog owner knew that the dog was violent, or the owner left the dog on the property unsupervised. Although there was evidence that the dog was off the property unsupervised at times and that it tried to attack another person, each before the date of the incident, there was no direct evidence that the dog owner actually knew of those other incidents. The other people involved never informed the dog owner. Despite this, Mr. Cammarata was able to cast doubt on the credibility of the dog owner, who testified at deposition that he never let the dog out without being in the yard with the dog. If this were the case, then he should have known that the dog left the property on other occasions unsupervised. The yard had an electric fence.

The case was mediated before a retired Virginia Circuit Court Judge. The case settled for \$235,000, which was approved by the Circuit Court.

Tractor-trailer crash leads to brain injury



A driver of a tractor-trailer heading on I-95 South improperly changed lanes, causing his tractor-trailer to collide with our client's vehicle. The force of the impact caused the vehicle to violently strike a jersey wall. As a result of the impact, our client suffered hearing loss in one ear and a brain injury. In addition, the crash caused a worsening of a preexisting heart condition, which required him to undergo surgery. Our client was forced to give up his job and was awarded Social Security Disability.

Partner **Joseph Cammarata** filed a lawsuit in Washington, D.C., and the case was later transferred to a court in Virginia. After extensive pretrial discovery, the tractor-trailer company asked to attempt to settle the case through mediation. Using the services of a retired Virginia Circuit Court Judge as a mediator, the parties were able to settle the case for a confidential amount.



Law firm welcomes lawyer and nurse Karen M. Doherty, Esq.

The law firm is proud to announce the addition of **Karen M. Doherty** to its litigation team. Ms. Doherty brings to her practice nearly 15 years' experience as a nurse practitioner and is uniquely qualified to assess and prosecute claims involving personal injury. The addition of Ms. Doherty as a trial lawyer with the firm adds a new dimension, allowing the law firm to more aggressively pursue complex medical malpractice cases, and other cases involving complex medical issues.

Ms. Doherty's legal career began as defense counsel in medical malpractice cases. However, she quickly realized that her efforts and knowledge could best serve clients injured as the result of others' negligence and malpractice. Since that time, Ms. Doherty has been instrumental in obtaining millions of dollars in verdicts and settlements on behalf of injured victims.

Ms. Doherty obtained her nursing degree from the University of Rochester in Rochester, New York. She also holds a Master of Science degree in nursing as well as a Nurse Practitioner Certificate from the Catholic University of America. She is a graduate of the University of Maryland School of Law, where she graduated with honors. Ms. Doherty is licensed to practice law in Maryland, the District of Columbia, and Virginia. We are very excited to welcome Ms. Doherty, and we look forward to many of you meeting and working with her in the coming days.

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Partner Joseph Cammarata on TV

Partner **Joseph Cammarata** recently appeared on the local D.C. affiliate of FOX News on four separate occasions. Mr. Cammarata was recognized as a prominent civil trial attorney and asked to speak on the allegations of sexual harassment involving then Republican presidential hopeful Herman Cain.

Mr. Cammarata drew on his experience in sexual-harassment matters, including his representation of Paula Jones against President Bill Clinton, a case in which Mr. Cammarata won a unanimous decision from the United States Supreme Court. Mr. Cammarata was also asked to comment on the release of audiotapes involving the evidence-tampering charges against former Prince George's County Executive Jack Johnson and his wife, Councilwoman Leslie Johnson.

Don't forget to tune in to Mr. Cammarata's weekly radio show, which can be heard every Wednesday from 9:30-10:00 a.m. on

phoenixintermedia.com.

EMPLOYEE CORNER



Congratulations to our own Rikki Jones

We are very proud of our own **Rikki Jones**, who ran in the Marine Corps Marathon on behalf of the Brain Injury Association of D.C. Rikki wrote a few thoughts below about her experience:

Not finishing the race was never an option. The pain you are feeling is temporary; finishing is forever. I drew a lot of inspiration from many of the signs held by spectators and the knowledge that what I was doing would help a cause beyond myself, and for the ongoing research of an organization very special to me: the Brain Injury Association of D.C. In 1999 I lost my grandmother to a brain aneurism. In 2001 I lost my godmother and aunt to a brain aneurism. The fact that two individuals very close to me died of the same cause frightens me and warrants research. So I ran for them. I ran for everyone like them. And finishing was among the most rewarding accomplishments of my life.

Congratulations, Rikki!