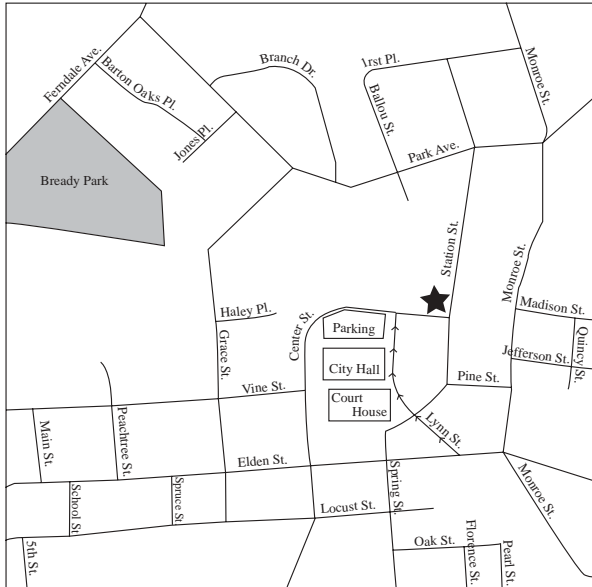
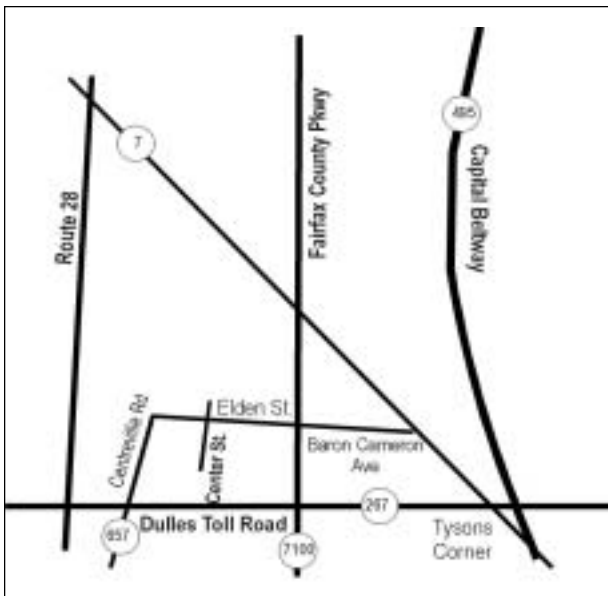


DIRECTIONS: Take 267/Dulles Toll Road to exit 10, turn right onto Elden Street, Take Elden Street to Center Street, Turn Left onto Center Street to 797 Center Street.



Convenient to:

- Fairfax County Parkway
- Dulles Toll Road/Airport
- Route 28/Manassas
- Reston Parkway
- Loudoun County Greenway
- Route 7/Leesburg Pike



Douglas K. W. Landau

Federal and State Court Trials. Member of the Bars in:

- Virginia
- Florida
- Connecticut
- New Jersey
- District of Columbia

and Federal Courts, covering the East Coast from Florida to Connecticut, including the 3rd, 4th, 10th and D.C. Courts of Appeal, and the United States Supreme Court.

Legal Affiliations: Virginia State Bar, D.C. Bar, Florida Bar, New Jersey Bar, Litchfield County (CT), Fairfax and Alexandria (VA) Bar Associations, Association of Trial Lawyers of America (member since 1981, Advocate status, 1993, Fellow, 1999, National College of Advocacy), Workplace Injury Litigation Group, Virginia Trial Lawyers Association, (Workers Compensation and Social Security Sections member).

Other Memberships: USA Triathlon, USA Track & Field, D.C. Road Runners Club, United States Masters Swimming.

PUBLICATIONS:

PREMISES LIABILITY (3 vol. set), Mathew Bender & Co. (1985, bi-annual supplements and CD)

TRIAL MAGAZINE: *Establishing Emotional Distress Damages for Children* (1991); *Establishing the Viable Elements of "Invisible Torts"* (1989)

JOURNAL OF THE VIRGINIA TRIAL LAWYERS ASSN.: *Lining it up for Trial* (Summer, 1992); *How to Use Requests for Admission* (Spring, 1992); *Pre-Judgment Interest, Post Judgment Costs* (Fall, 1991); *Liability of Counties and Municipalities in Tort* (Fall, 1989)

VIRGINIA LAWYER: Virginia Runners' Rights & Remedies (August, 1988)

PRESENTATIONS:

VTLA: Advanced Workers Compensation, Motor Vehicle, Social Security, Tort Law and Ethics

ATLA: Airport Ground Transportation, Environmental Law

The law firm of



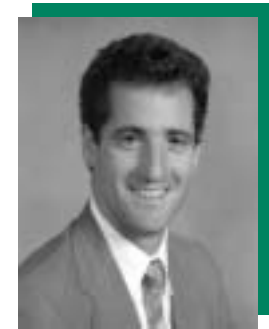
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Workers Compensation

INTRODUCTION

What to do if you are seriously hurt in an accident:

- 1) See a doctor
- 2) Make notes of what happened (who, what, where, when, how and why)
- 3) Obtain names of witnesses
- 4) Give prompt notice of the accident to your union and employer(s) if you are hurt on the job. Contact police or other public authorities if you are hurt in an accident outside of the workplace.
- 5) Consult a lawyer

Common sense suggestions for all persons injured in accidents:

- A. **Do Not** sign releases, checks, authorizations, etc. without legal guidance.
- B. Collect all insurance information, policies, union benefits, disability plans, etc.
- C. Check the official accident reports soon after accident
- D. Save copies of all records, photographs, videos, receipts, estimates, notes, bills, etc.
- E. Be careful what you say; anything you say can be used against you later

WORKERS COMPENSATION AND YOU

To receive workers compensation benefits, you must promptly give notice of your injury to your employer and file with the government. Claims for compensation that arise in the workplace are usually divided into two categories: injuries by accident and occupational diseases.

If you are entitled to benefits, your employer may be responsible for certain benefits, such as:

- 1) Weekly wage loss benefits normally payable when you lose time from work supported by a doctor's note.

- 2) Medical care, which must be:
 - a) Reasonable,
 - b) Related, and
 - c) by Referral.
- 3) Out-of-pocket expenses that are reasonably related to your care, such as:
 - a) Mileage,
 - b) Prescriptions,
 - c) Therapeutic exercise equipment, etc.

Under Virginia law, you may be entitled to: income support, medical expenses, rehabilitation and death benefits. While the income loss benefits pay only a portion of the lost wages, medical benefits are usually provided without deductibles. Given certain legal requirements you may also bring a lawsuit against third parties for their negligence in causing the injury.

If your employer denies payment of benefits, you have the right to request a Hearing before the Workers Compensation Commission. At a Hearing, you must present evidence to prove a sudden, identifiable injury caused by an accident that arose out of and in the course of your employment, and that resulted in incapacity from work. The mere happening of an accident at the workplace does not make it compensable. Frequently litigated issues are:

- Failure to give proper, timely notice of an injury/disease
- Causation (did the accident cause disability from work?)
- the nature and extent of the claimed disability, and
- the failure of the employee to look for light duty work.

The insurance company and the employer ALWAYS have legal counsel defending them.

I. Temporary Total Disability Benefits:

In Virginia, wage loss benefits can last up to 500 weeks for disabling injury and death and are usually *2/3rds of an injured worker's average weekly gross wage*. (A maximum limit is set each year.) Once the compensation rate is set, it does not change, though a cost of living supplement may be added on each year the worker is disabled. "The Average Weekly Wage" is determined by taking up to the preceding 52 weeks, gross earnings (before taxes and deductions), and averaging them.

II. Temporary Partial Disability Benefits:

If you can only return to light duty or part-time work, then compensation may be paid for *2/3rds of the difference between your pre-injury wage rate and your current limited duty earnings (and there is no cost of living supplement)*. You have the obligation of looking for work and cooperating with the vocational rehabilitation professionals working with you.

III. Permanent Partial Disability Benefits:

If you have suffered permanent loss of the use of part of your body you may be entitled to other benefits. These monetary benefits are normally determined by disability ratings made by the doctors and based upon medical guidelines. The physician will look at: loss of use, range of motion, strength, amputation or severe scarring. If you have a permanent injury, consult a lawyer about your wage loss and permanency benefits.

PERSONAL INJURY

If you are hurt in an accident, you may have certain legal rights. However, you must act promptly to receive fair compensation for your injuries from the parties at fault.

Write down what happened: include names, addresses and phone numbers of the other people involved in the accident and all witnesses at the scene. Identify the vehicles involved or the injury causing product. Make a diagram of your location before, during and after the accident. Include measurements of such things as skidmarks, landmarks and warning signs.

Pictures of the vehicles, the accident scene, the defective products and your injuries are helpful. Photographs should be taken as soon as possible. Save the defective product or parts.

Notify your insurance company(s) as soon as possible so that investigation and payment can be made. You and your lawyer should read your own insurance policy(s) for coverage, exclusions, and benefits.

If you or a family member are seriously hurt in an accident you should consult promptly with a competent attorney licensed to practice in that area of law in order to avoid having the claim become forever "time barred."

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