



ABRAMS LANDAU, LTD.

L a n d a u L a w S h o p

SPRING 2002

Brought to you by
Abrams Landau, Ltd.

797 Center Street
(at the corner of Station Street)
Herndon, VA 20170
703-796-9555
FAX: 703-796-9210

email:

dlandau@erols.com

Web site:

www.landaulawshop.com

PERSONAL INJURY

WORKERS' COMPENSATION

SOCIAL SECURITY

DISABILITY

OCCUPATIONAL DISEASES

- Trial attorney
- Free consultation
- No recovery. No fee.

We do not get paid
unless you do.

"CONTINGENCY FEE" What does it really mean?

By Betsy McManus—Legal Assistant, Negligence and Personal Injury Cases

Plaintiff attorneys are often faced with a quandary when outlining their fees. A myriad of concerns plagues potential clients—and rightfully so. Many people are under the mistaken notion that when lawyers base their time on a contingency fee basis, it means “free” legal services, thus assuming that pursuing a simple claim or full-blown lawsuit will cost them nothing. In great part, this is a true statement. Most clients could not possibly afford to pay thousands of dollars on an hourly retainer as the big corporations and insurance companies do. On the lesser side, when someone tells you that you can get something for free, it should send up an automatic red flag and also tell you that you need to start asking questions!

Contingency fees are based upon the outcome of “favorable” settlement negotiations or a jury verdict a plaintiff receives in a case. If you do not win your case, your attorney recovers nothing for time spent working on your case. If you do win your case, no matter how large or how small, your attorney is entitled to a percent of your recovery, based on the amount you mutually agreed upon at the time of your initial conference and the retainer agreement you signed. Simply put, that is the definition of a contingency fee—your lawyer gets paid a fee “contingent” upon the outcome of your case.

What clients frequently do not understand is the term “costs advanced.” These are actual expenses you incur when

your attorney must spend money on your behalf to prove your damages. They include such things as medical record fees, doctors’ narrative reports, deposition costs, expert witness testimony, in addition to your attorney’s expenses such as filing fees, subpoenas, messengers and special delivery, copying, fax and telephone charges, and postage fees. These costs are never considered part of an attorney’s contingency fee. They are expected to be reimbursed when your case is concluded, or paid as your case progresses, no matter what the outcome—win, lose, or draw. Every client gets a closing statement at the end of their case from bookkeeping. In instances where a client has several related cases pending, we are able to get a more economical outcome by not duplicating costs and coordinating the state compensation, federal disability, and private liability insurance claims.

At **Abrams Landau, Ltd.**, we represent the majority of our clients in Workers’ Compensation, Social Security Disability, and personal injury matters on a contingency fee basis. And we do our utmost to explain the potential for costs in any given case—it can get expensive in the long run! We encourage our clients to ask questions, express their concerns, and spend time thinking about their course of action before they proceed. Our motto, “*Our agenda is clear...justice for all,*” first and foremost incorporates the ideal of a just and honest legal process that begins with us!

Our agenda is clear...justice for all.

"All work and no play..."

While attending the Association of Trial Lawyers of America annual meeting in Montreal, Canada, **Doug Landau** managed to not only meet with referring and local counsel on cases from all over the country, he was also able to compete in the "Triathlon St. Laurent" against some of the best amateur and professional athletes north of the border! Landau garnered a bronze medal in the Masters division in the Half Olympic Distance event (see photo of awards ceremony).

While the race was held in July, Landau noted that many of the competitors were wearing their wetsuits in the outdoor pool, and the bike course was set up through the fenced-off city streets. Unlike American events, where Gatorade and bagels usually greet the participants, typical of the French influence was the selection of cheeses and milk at the finish line!

Mr. Landau competed in this Canadian race as well as the United States Elite Olympic Distance Triathlon Championships in New York City, and the U.S. Sprint Triathlon Championships in Miami in 2001, as his trip to Israel was cancelled due to the escalation of violence in the Middle East. Having qualified to represent the United States in the Masters Triathlon competition at the quadrennial Maccabiah Games, Landau was "severely disappointed" when the event was called off, which also cancelled a family trip and thwarted many years of expectation.



Cases, races, and conferences

When traveling for law meetings, out-of-state depositions, lectures, and races, Mr. Landau tries to meet with clients and counsel who reside nearby. Events in 2002 may include:

- **2/9-14 ASSOCIATION OF TRIAL LAWYERS OF AMERICA**, Mid-Winter Meeting, Miami Beach, Florida
- **4/4-7 VIRGINIA TRIAL LAWYERS Convention**, West Virginia
- **4/21 Blackwater Biathlon**, Cambridge, Maryland
- **4/28 Madeira Biathlon for the Childhood Brain Tumor Foundation**, McLean, Virginia
- **5/4 Apple Blossom 10K road race**, Winchester, Virginia
- **5/7, 9, and 14 Virginia Trial Lawyers Association Annual Tort Law Seminar**. Mr. Landau will once again be teaching on the topics of Workers' Compensation and Personal Injury in Norfolk, Roanoke, and Northern Virginia.
- **5/19 Columbia, Maryland, Olympic Distance Triathlon**
- **5/25-27 Ridgewood, New Jersey State 10K Championship**
- **7/14 Colonial Beach, Virginia Triathlon**
- **7/19-28 ASSOCIATION OF TRIAL LAWYERS OF AMERICA, Annual Convention**, Atlanta, Georgia

All of our clients and co-counsel know that our office calendars are "Open" so that you know our travel schedule and can meet with us when we are in your neighborhood. One of the strategies we employ to increase our efficiency is to coordinate multiple visits when traveling out of state or utilizing private air service. Mr. Landau has traditionally met with clients in West Virginia during the "afternoon tea" at the Greenbrier or Homestead Virginia Trial Lawyers Convention.

The IME and the patient's right to privacy

By *Dianna L. Meredith—Legal Assistant, Workers' Compensation and Social Security Disability Claims*

If a client is scheduled for an IME by an insurance company as the result of injuries sustained in an accident, this does not nullify the patient's right to privacy. An IME is a one-time medical examination, not for treatment, but for testimony. IME stands for "Insurance Medical Examination," meaning that a doctor will be testifying against you and/or writing a report for the defense lawyer or the insurance company.

If you are the patient, make sure you know how to get to the appointment, and be on time. Bring requested records, films, or specimens with you. Wear a watch so you can make note of how long the actual physical examination lasts (as opposed to waiting room time!). Bring a friend or family member with you. Do not do anything during the examination that will exacerbate your injury. Ask the doctor questions. What should you be doing to improve your condition? Is there a causal relation to this injury and your accident? What future medical care is indicated? Is there any

permanent disability as a result of this injury, and if so what percentage? Ask the doctor, "What would you do if you were in my shoes or if this was one of your family members?" If the doctor asks questions concerning your symptoms, answer honestly. However, do not answer any questions pertaining to liability or anything unrelated to your medical care, treatment, history, etc.

The physician must take into consideration that the patient wants to be treated with concern and respect. After all, whenever a patient is being seen by a doctor, the primary issue should be helping the patient to recover from his/her injuries. The patient expects privacy during the examination, privacy with respect to their medical records, and has the right to refuse the presence of anyone else (nurse case managers, rehab consultants) in the examination room. Disrespect for the patient's privacy leaves the physician open to the possibility of legal action for intrusion, based on a violation of a patient's right to, and expectation of, privacy.

PRESCRIPTION MEDICINE ASSISTANCE

With the cost of medicine high and the delays by some insurance companies and third-party administrators (TPAs) getting more exasperating, **Abrams Landau** is constantly looking for ways to help our clients with their medication needs. One avenue is by using the INJURED WORKERS PHARMACY (IWP).

This company, with locations in Pennsylvania and Massachusetts, assists injured workers from all over the country. IWP takes care of clients' prescription needs by arranging for low-cost purchases and home delivery of medications for clients with open claims and even those with settled cases! Unlike prescription card plans offered by some insurance companies, the INJURED WORKERS PHARMACY is not owned or controlled by any insurance company. Under current Virginia law, workers' compensation claimants must purchase their prescribed drugs and then turn in the receipts for reimbursement. However, this repayment from the insurance company or TPA is often anything but "prompt." Also, since Abrams Landau, Ltd., represents clients from all over the country, some families from remote and rural areas expend a great deal of time, gas, and effort getting to the closest pharmacy that carries their particular prescription needs, and

the toll on their health and their transportation is significant.

In exploring ways to save our clients' time, transportation expenses, and aggravation, we are always open to new ways to find allies for those we represent. As the individual drug purchaser must usually pay full price, by joining forces in a group purchasing plan an injured worker can derive the benefit of bulk purchase pricing and wholesale savings. The staff at IWP can help as a go-between for the client and the insurance company, and hopefully reduce the delay and out-of-pocket expense to our clients.

James Morton of the INJURED WORKERS PHARMACY has come out to visit with the staff of Abrams Landau in Herndon, and travels to Virginia regularly. He has participated in the Virginia Trial Lawyers Association programs, and other law firms agree that their clients continue to benefit from Mr. Morton's prescription service and his professional staff's assistance.

For more information on how you can potentially avoid the hassle of paying for your medications out of pocket, get better rates for your medicine purchases, and arrange for home delivery, contact the INJURED WORKERS PHARMACY at 1-888-321-7945, or www.IWPharmacy.com.

Attending the Virginia Trial Lawyers Annual Convention in West Virginia are, left to right, James Morton of the INJURED WORKERS PHARMACY; Doug Landau of Abrams Landau, Ltd.; nurse Christie Poindexter, who has worked with many of our clients in catastrophic and complex cases; and a representative of LEXIS/NEXIS, which acquired Mathew Bender, the publishing company that put out the three-volume set Premises Liability (also available on CD-ROM) to which Mr. Landau and his father, Norman J. Landau, had contributed extensive transcript and text.



Have you visited our Web site?

Abrams Landau's Web site (www.LandauLawShop.com) has been built to serve YOU! Because some of our clients have conditions involving paralysis or hearing loss, using the computer e-mail link enables them to get their questions answered quickly—in a format they can access and in a manner they can use—at their convenience. Please visit us on the Web and let us know how we can make our "friendly, not fancy" site better for you!

ABRAMS LANDAU, LTD.
Landau Law Shop
797 Center Street
(at the corner of Station Street)
Herndon, VA 20170

ABRAMS LANDAU, LTD.

PRESORTED
STANDARD
U.S. POSTAGE PAID
MAILED FROM ZIP CODE 17604
PERMIT NO. 242

Return Service Requested

© Copyright 2002. Newsletters, Ink. Corp. All rights reserved. Printed in the U.S.A. www.newslettersink.com
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.

Help yourself... help others

At **Abrams Landau**, our clients know that, unlike most other law firms, we give “homework” while they are out of work. This has included registering with state, local, and federal vocational rehabilitation, education, and other service agencies.

We have always encouraged our clients to make use of the time they have while convalescing from an injury. This has included pursuing their G.E.D., registering to vote, training for a new career, and evaluating what options are available if they need to pursue a different line of work.

In future issues, we will present some of the “success stories” of actual clients who have overcome significant injuries and obstacles to improve their (and their families’) situations and futures. Stay tuned!

“Trick or suite”

Local companies hosted patients from Children’s Hospital to a safe, handicapped-accessible afternoon of fun, games, and “trick or treating.” The staff at **Abrams Landau** also participated in other public service events, such as the Herndon Chamber of Commerce “Friday Night Live Free Concerts” (held throughout the summer at the back of the new City Hall complex); Career Day at Herndon Middle School; and Ethics (for Rachel Carson Middle School).

In 2002, Mr. Landau anticipates serving as a judge at several local high school science fairs, continuing his work of reading with students at the A. Scott Crossfield Elementary School, and coaching in the Chantilly Youth Association Soccer program.



Some of the visitors to Abrams Landau’s “scary suite” at the annual “TRICK OR SUITE,” hosted at the Embassy Suites in Herndon.