

MILLION and MULTI-MILLION DOLLAR VERDICTS

Keches Law Group has distinguished itself in recent years by the many successful jury verdicts achieved in the million and multi-million dollar range. We have been involved in all types of personal injury cases, including construction site accidents, general liability claims and medical malpractice matters.

These verdicts were achieved by six KLG Personal Injury and Medical Malpractice trial lawyers. Such an accomplishment, one few other law firms can match, is a testament to the courtroom skills these attorneys bring to the clients' cases.

Recent verdicts include:

- **\$10.6 million** for woman who suffered severe physical and cognitive deficits resulting from a cerebral hemorrhage due to medical negligence.
- **\$6 million** for a college student who suffers from a chronic and disabling pain condition due to a broken foot that occurred when an intoxicated family friend fell on her.
- **\$1.5 million** for a 34-year-old delivery driver who sustained a crush injury to his dominant arm when it became pinned by a crane operator to the side of his truck during an unloading maneuver.
- **\$1.3 million** for a worker who suffered severe injuries in a construction site accident.



Attorneys Brian C. Dever,
Claudine A. Cloutier and
Charlotte E. Glinka



Attorneys Gregg J. Pasquale,
Ann Marie Maguire and
Melissa A. White

K|L|G WORKER'S COMPENSATION CLAIMS



George N. Keches, a senior and founding partner of Keches Law Group, manages the firm's very active law practice. He recently announced the following successful worker's compensation claims:

- An employee, age 58, sustained a hernia injury at work. Following the hernia repair surgery, the employee developed complications and died several days later.

The medical malpractice action was filed and the case eventually settled in the amount of \$1 million under the Wrongful Death Statute.

The widow had been receiving worker's compensation benefits and, although obligated under the law to pay back the benefits she was receiving, the worker's compensation insurer agreed to waive

the lien of over \$100,000.00 and to settle her remaining worker's compensation claim for \$150,000.00.

This settlement is an example of the interaction between a medical malpractice claim arising out of a worker's compensation injury and how the beneficiaries can receive benefits under both theories.

- A laborer, working for an uninsured employer, sustained a work-related injury when a piece of steel struck his spinal cord and resulted in paralysis.

A third-party action was filed by a lawyer from another law firm against the immediate employer and the case was lost at a jury trial in Federal Court. Worker's compensation benefits had never been paid to the laborer.

Several years later, after reading about the defense verdict in *Lawyers Weekly*, Attorney Keches contacted the laborer's attorney and advised him that the employee might still be entitled to receive worker's compensation benefits. The case was referred to this office and a claim was filed against the Worker's

Compensation Trust Fund, which provides coverage for uninsured employers, and against the general contractor, under a successive employer theory.

A settlement was ultimately reached in the amount of \$400,000.00 and medical bills covering past medical treatment (totaling in the hundreds of thousands of dollars) were recovered, as well as all future reasonable, necessary and causally related treatment.

This case could be successfully pursued due to a nuance in our worker's compensation laws.

(continued on page 2)

CONTENTS

- 1 MILLION/MULTI-MILLION DOLLAR VERDICTS
- 1 WORKER'S COMPENSATION CLAIMS
- 2 RESPONSE: ODDS AGAINST TORT PLAINTIFFS
- 2 BOSTON MAGAZINE'S SUPER LAWYERS
- 2 AWARENESS MONTHS
- 3 NEW ATTORNEYS AT KLG
- 3 YOUR RIGHTS AS AN EMPLOYEE
- 3 WORKER'S COMPENSATION, EMPLOYMENT AND MEDICAL MALPRACTICE SETTLEMENTS
- 4 COMMUNITY AND CHARITY INVOLVEMENT
- 4 KLG OFFICES AND TELEPHONE NUMBERS

OUR RESPONSE TO THE "ODDS AGAINST TORT PLAINTIFFS"

By Claudine A. Cloutier



The front page headline of *Massachusetts Lawyers Weekly* on June 14, 2010, read "Odds against tort plaintiffs in Massachusetts." For those of us handling personal injury cases, the headline was

not news. For more than a decade, the plaintiffs' personal injury bar has recognized a certain jury prejudice against personal injury plaintiffs. Whether that prejudice is a result of inaccurate and sensationalized media coverage of verdicts that are exceptions to the norm, or the result of successful and well-strategized campaigns by insurance companies and big corporations, the prejudice is real. It is something we take into consideration when evaluating a claim, and it is something that you, as a plaintiff who has been injured through no fault of your own, should also be aware of as we move forward with your case.

Not only are plaintiffs' verdicts rare, but verdicts are often lower than the last offer made during settlement discussions. Despite this, many in the general public have a very different and tainted view of what civil litigation means for personal injury plaintiffs, and most of the injured are unaware of the pro-defendant statistics.

As most of us have heard since we played grade school sports, however, the best defense is a good offense. Continually building a case for trial not only ensures the best possible outcome should the case proceed to trial, but also maximizes the potential for a favorable settlement. Where injuries are serious and disabling, often a battery of experts is needed to establish negligence and to

quantify the economic loss experienced by plaintiffs.

By way of example, if a carpenter sustains a severe electrical injury on the job, we might consider retaining an electrical expert (to explain the mechanism of the injury to the jury as well as any violation of codes by the defendants); medical doctors (to explain the degree of impairment); a vocational expert (to explain what employment prospects the injured party will have after the accident versus prior to the accident); and an economist (to explain the monetary loss over the plaintiff's expected work-life). In order for experts to formulate credible and solid opinions, the foundational evidence for such opinions must be established and we must ensure that all relevant information (both good and bad) is provided to the experts.

While the cost of these experts is substantial and may considerably add to litigation expenses, the expert opinions will frequently inspire defendants and their insurers to reassess the risks and exposure of going to trial and therefore put the case in the best possible position for a favorable settlement. Usually the investment to obtain such expert opinions is well worth the costs. Moreover, if the case proceeds to trial, the plaintiff will then be able to present the strongest evidence possible to the jury for its consideration.

Litigators refer to going to trial as "rolling the dice." Because we know that putting the evidence before a jury is always a gamble, depending on the status of negotiations, sometimes that risk is a plaintiff's best option. Since there are no "do-overs" in litigation, and you will have only one day in court, it is crucial to play your best offense from the outset of the case. It's what we do every day at Keches Law Group to achieve the best possible results for our clients.

Claudine Cloutier, a partner and manager of KLG's Personal Injury Department, joined the firm in 1996.

Workers' Compensation Claims

(continued from page 1)

• A floor installer experienced back and neck pain after repetitively performing exertional activities, and underwent several back operations.

It was determined that repetitive activities, even without an identifiable

injury, can obligate an insurer to pay worker's compensation benefits which, in this case, amounted to a lump sum amount of \$340,000.00 and total payments of well over \$550,000.00.

THREE "SUPER LAWYERS" NAMED AT KLG

Join us in congratulating these KLG attorneys, who have been named by *Boston Magazine* as Massachusetts Super Lawyers:



Charlotte E. Glinka, a partner and one of the senior litigators in the firm's Personal Injury Department has been named a "Super Lawyer" in each of the last five years.



Also named in 2009 — 2010:

Brian C. Dever, a partner and senior trial lawyer in KLG's Personal Injury Department



Gregg J. Pasquale, one of the senior litigators in KLG's Medical Malpractice Department

AWARENESS MONTHS

October

Children's Health Month
Environmental Illness Awareness Month
Lead Paint Awareness Month
National Breast Cancer Awareness Month
National Cyber Security Awareness Month
National Disability Employment Awareness Month
National Domestic Violence Awareness Month
National Down Syndrome Awareness Month
Sudden Infant Death Syndrome Awareness Month

November

National Adoption Awareness Month
National Alzheimer's Disease Awareness Month
National Diabetes Awareness Month
National Epilepsy Awareness Month
National Family Caregivers Month
Recycling Awareness Month

December

AIDS Awareness Month
December Awareness Month
Seasonal Depression Awareness Month

January

Cervical Cancer Awareness Month
National Bath Safety Month
National Glaucoma Awareness Month
National Mentoring Month
Poverty in America Awareness Month
Thyroid Awareness Month

NEW ATTORNEYS AT KLG



Jennifer N. Seich joined the Worker's Compensation department of Keches Law Group in August of 2009. Prior to joining the firm, Ms. Seich served as a law clerk to a civil litigation attorney in Boston. She also worked for the Health and Disability Unit of Greater Boston Legal Services and interned with the Massachusetts Appeals Court and Boston Juvenile Court.

Ms. Seich was born in Boston, Massachusetts and earned her undergraduate degree from the University of Delaware. She obtained her law degree With Distinction in May, 2009 with a Concentration in Health and Biomedical Law from Suffolk University Law School.

Ms. Seich was admitted to the Massachusetts Bar in 2009. She is a member of the Massachusetts Bar Association (including the Young Lawyers Division of the Massachusetts Bar Association), the Norfolk County Bar Association, and the Women's Bar Association.

Erica Pereira joined the Personal Injury department of Keches Law Group as an attorney in January, 2010 after working for the firm for two years as a law clerk. Ms. Pereira joins the firm with previous business, construction and finance experience, having previously worked for a commercial real estate development company.



Born in Southeastern Massachusetts, Ms. Pereira graduated magna cum laude from the University of Massachusetts and earned her law degree from Roger Williams University School of Law in 2009. Attorney Pereira distinguished herself in law school by earning the *CALI Excellence for the Future* award for Gift & Estate Tax. Ms. Pereira also served as a judge in the Roger Williams Collegiate Moot Court Competition. Ms. Pereira expanded her pro-bono experience by working as a certified volunteer for the Volunteer Income Tax Assistance Program, providing tax return preparation to low income and disabled individuals.

Ms. Pereira is licensed to practice law in Massachusetts and the US District Court, District of Massachusetts and is a member of the Massachusetts Bar Association, Women's Bar Association and the Bristol County Bar Association.

YOUR RIGHTS AS AN EMPLOYEE

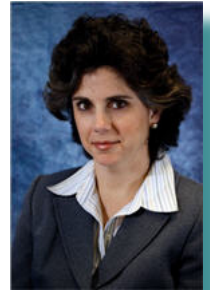
Absent special circumstances, an employee without an employment contract can be terminated at any time, for any reason, or no reason at all. This is the law in Massachusetts. The law, however, does prohibit an employer from terminating an employee for discriminatory reasons. An employer cannot terminate an employee based on his or her race, national origin, religion, disability, sex, veteran status, or age.

Employers also cannot terminate or layoff employees for filing a workers' compensation claim, serving on a jury, refusing to testify falsely for an employer, or enforcing safety laws on the job. The law also protects employees from retaliation if they have complained to management about sexual harassment or discrimination on the job, or if they have requested an accommodation for a physical, cognitive, or mental disability. Termination under these circumstances is illegal. Employees who are subject to wrongful termination can bring

a claim against their former employer and seek damages for their financial losses and emotional distress.

No matter the circumstances under which an employee has been terminated, an employer must pay the employee his accrued vacation pay and wages on the employee's last day of work.

If you have been terminated or laid off from your job, and you think you may have been wrongfully terminated, Keches Law Group can assist you in assessing whether you have a claim against your former employer for wrongful termination.

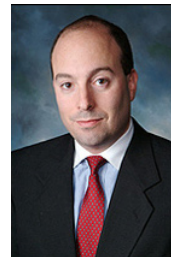


Maria Mancini Scott has been practicing employment law for 15 years. She joined KLG in May, 2009.

Ms. Scott handles all aspects of plaintiffs' employment law cases.

Worker's Comp Spotlight: Attorney Seth Elin

Attorney Seth J. Elin, a partner at KLG who has been with the firm since 1999, reported the following Worker's Compensation Settlements:



- **\$440,000** for an injured oil burner technician who suffered a disabling neurological condition following failed shoulder surgery after falling down a flight of stairs on the job.
- **\$395,000** for a construction site supervisor who required a multi-level spinal fusion after suffering a lifting injury at work.
- **\$300,000** for a laborer who underwent multiple arm surgeries.
- **\$295,000** for a boilermaker who underwent bilateral knee surgeries.
- **\$250,000** for a laborer who underwent back and shoulder surgery.
- **\$200,000** for a truck driver who underwent multiple surgeries, after defeating the insurer's argument that the employee was an independent contractor.
- **\$200,000** for a laborer with multiple shoulder surgeries.

Employment Law Settlements

- **\$100,000** for an employee who was terminated from her job after she became pregnant with company president's child and refused to have an abortion.

Medical Malpractice Settlements

- **\$5.4 million** for a case involving severe brain damage to an infant whose delivery was delayed despite worrisome signs on a fetal heart monitor.
- **\$3 million** for a case involving irreversible brain damage to a newborn that resulted after the umbilical cord slipped out of position during labor and delivery, causing a deprivation of oxygen to the baby's brain.
- **\$1 million** for a case involving the death of a man who suffered septic shock and multiple organ failure after undergoing hernia surgery.

USE YOUR SEATBELTS
Government statistics have found that lap/shoulder seat belts, if used, reduce the risk of fatal injury to front-seat passenger car occupants by 45% and the risk of moderate-to-critical injury by 50%.

COMMUNITY AND CHARITY INVOLVEMENT

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

Although we spend long hours at the office and in court on behalf of our clients, KLG fosters an environment where employees are encouraged to donate their free time to help their communities.

KLG actively supports a variety of charitable events and organizations. On June 17, 2010, the associate attorneys from Keches Law Group, participated in Boston's 3rd Annual *Lawyers Have Heart 5K Road Race*. *Lawyers Have Heart* raises money and awareness for the American Heart Association. According to the AHA website, cardiovascular disease and stroke are among the leading medical threats to the health and well-being of Americans. KLG raised



money and strengthened their own hearts through participation in this event.

KLG's other charitable efforts have included shipping care packages to our troops in Iraq, participating in "walks for hunger" as well as breast cancer, juvenile diabetes, autism awareness, supporting local kids' sporting organizations, and volunteering at homeless shelters and hospice facilities. One of our paralegals, Amy Medeiros, devotes her free time as a court-appointed Special Advocate for Children. Attorney John Story sits on the Human Rights Committee at Dimock Hospital in Roxbury.

Even in these tough economic times, we feel good about making the commitment to give something back to our communities.

By Andrea McKnight and Loren Laskoski

Brandon Booth flanked by Mark Harrington of Teamsters Local 25, Brian C. Cloherty and members of Brandon's family. This impressive young man was presented with the George Rodrigues Memorial Scholarship Award.



Robert Cullinane, President of Teamsters Local 127, Attorney Brian C. Cloherty and Dennis McNeil, recipient of the 2009-2010 Teamsters Local Scholarship. Dennis is attending UMass Amherst.



Brian Sullivan, John Story, Kevin DeMello, Erica Pereira, Stephen Pereira, Jennifer Seich, Jason Markle, Loren Laskoski and Sean Flaherty