

VERNIS & BOWLING

ATTORNEYS AT LAW • EST. 1970

FLORIDA LAW

UPDATE

Fall 2001

A Newsletter On Developments in the Law for Clients and Friends of Vernis & Bowling

Web Site: www.Florida-Law.com



Jeffrey L. Alexander
Palm Beach

Workers' Compensation Dept.

COERCION AND INTIMIDATION FOLLOWING THE REPORT OF A WORK RELATED INJURY - § 440.205 STILL LURKS



How many times have we heard it before? Claimants allege that ever since they filed a workers' compensation claim, their employer has been trying to get rid of them. This has always been rather benign testimony in front of Judges of Compensation claims, but how about a jury? With Judges of Compensation Claims starting to pull in the reins on exorbitant awards of attorneys' fees, the definition of reasonable claimant's attorney's fees begins to change in terms of rates, hours, and overall awards. As the political winds continue to blow in this direction, look for claimant's attorneys to start finding additional causes of action to make up the difference on fees that otherwise would not render a substantial attorney's fee.

This article takes a look at §440.205 and it's uses by claimant's attorneys to obtain additional benefits, or damages for their clients, and ultimately more attorney's fees for claimant's attorney.

Section 440.205 states that "no employer shall discharge, threaten to discharge, intimidate, or coerce any employee by reason of such employee's valid claim for compensation or attempt to claim compensation under Workers' Compensation Law." Violating § 440.205 exposes employers to civil actions as well as to criminal penalties.

Effective January 1, 1994, violation of § 440.205 is a second degree misdemeanor that also creates a cause of action for retaliatory discharge under §440.105(2) Fla. Stat. (1/1/94). The Supreme Court has held that a § 440.205 claim is analogous to suits for intentional torts which allow recovery for emotional distress and lost wages from employers. Scott v. Otis Elevator, 572 So.2d 902 (Fla. 1990).

However, it is not clear as to whether a cause of action exists for 'intimidation or coercion' in the absence of actual termination or discharge from employment. In Chase v. Walgreens, 750 So.2d 92 (Fla. 5th DCA 1999), the Fifth District Court of Appeal considered this issue as a matter of

first impression. The court considered Florida Supreme Court rulings in Smith v. Piezo Technology and Professional Administrators, 427 So.2d 182 (Fla. 1983); and Scott v. Otis Elevator, and a Third District Court of Appeal ruling in Montes de Oca v. Orkin Exterminating Company 692 So.2d 257 (Fla. 3rd DCA 1997). While the Supreme Court cases recognize a statutory cause of action for violation of § 440.205, and damages for emotional distress, the Montes de Oca decision in the Third District, appears to narrow the scope of these causes of action to cases of actual termination or discharge.

In Chase, the plaintiff alleged an ongoing dispute with her employer, Walgreens. Walgreens allegedly failed to offer claimant work within her physical restrictions, reduced her work hours resulting in decreased income and loss of employee health benefits, refused claimant's request for transfer to a store closer to her home, changed claimant's work schedule without prior notice, and allegedly berated claimant publicly in a humiliating manner for pretextual violations of company policy or practice. The trial court dismissed claimant's suit with prejudice for failure to state of cause of action, based on the fact that plaintiff was still employed by Walgreens.

Walgreens argued that Montes de Oca, should apply to bar claimant's lawsuit in circuit court. The Chase court in reversing and remanding the case, held that neither the Smith or Montes de Oca, supported Walgreens' position, and therefore could not support dismissal of the claim. However, The Fifth District agreed with the plaintiff's argument that in interpreting the legislative intent of state statutes, it is appropriate to look to similarly worded federal statutes and federal cases interpreting them. United Teachers of Dade v. Dade County, 500 So.2d 508 (Fla. 1986).

Plaintiff argued that a similarly worded federal jury service statute, 28 U.S.C. § 1875 and federal cases interpreting it, have allowed actions to go before juries on the factual issue of whether there was 'coercion or intimidation' in violation of 28 U.S.C. § 1875. However, the Chase court found that plaintiff's allegations of the employer's failure to offer work reasonably within plaintiff's physical restrictions, and

the employer's allegation that plaintiff refused to return to work, was an issue squarely within the jurisdiction of the Judge of Compensation Claims under § 440.(6), and outside the coverage of § 440.205.

Therefore, there still appears to be a cause of action for 'coercion and intimidation' without actual termination or discharge. Chase, still leaves open the invitation to explore federal statutes and case law to further expound on the legislative intent of §440.205. Justice MacDonald's dissent in the 1990 case of Scott v. Otis Elevator, strongly suggested that the legislature take a look at the Supreme Court's interpretation of the damages available through § 440.205 and the remedies the court had forged in the majority opinion. However, to date, the legislature has failed to further elaborate on the intent of this provision.

Vernis & Bowling is particularly equipped to handle this type of litigation. With eight offices in the state of Florida, Vernis & Bowling's Workers Compensation and Employment Law Departments work closely on such cross-over issues, to effectively and efficiently represent our clients.

In order to avoid exposure for § 440.205 claims following the reporting of a work related injury, we suggest the following practice pointers:

- Confirm with the authorized treating physician in writing that the job duties are within the employee's physical restrictions.
- Document your employment files appropriately to explain modified work hours, reduction in employee benefits, or other economic ramifications that modified employment will have on the employee.
- Appropriately document any decision to not promote the employee after a workers' compensation injury.
- Document fair consideration of any request to transfer.
- Give appropriate training to supervisory staff to avoid allegations of coercion or intimidation in the workplace.

If you have any questions concerning this or other Workers Compensation issues, please feel free to give me a call in our Palm Beach office at (561) 845-8781.



IS A NON-SETTLING DEFENDANT ENTITLED TO A SET-OFF FOR THE AMOUNT PAID BY A SETTLING DEFENDANT?

G. Jeffrey Vernis
Managing Partner Palm Beach
Liability Department



On September 13, 2001, the Florida Supreme Court addressed that issue in Gouty v. Schnepel. In that case, the Plaintiff was injured by a gunshot and brought action against both the gun owner and the gun manufacturer. Prior to trial, the Plaintiff settled with the manufacturer for \$137,500.00. The case went to trial against the gun

owner with the jury finding the gun owner 100% liable and exonerated the manufacturer. The jury assessed total damages in the amount of \$250,000.00, designating \$125,000.00 of the total amount of damages as economic damages. The remaining defendant sought to reduce the verdict by the amount paid by the manufacturer as settlement. The Court was asked whether the set-off statute may be used in circumstances where the jury finds a non-settling defendant liable for economic damages, but finds that the settling defendant is not liable. The Defendant argued that the purpose of the set-off statutes was to prevent duplicate and over-

lapping recoveries. The Plaintiff argued that the joint and several liability statute together with the comparative fault statute does not allow a set-off for payments made by a party who is not jointly liable. The Court provided a rather long analysis, but concluded that the applicability of the set-off statutes is predicated on the existence of other tort-feasors who are liable for the same injury as the settling party. The Court specifically noted that a reading of the statutes does not suggest a different result. Accordingly, the non-settling defendant was not entitled to the benefit of a set-off from the award of economic damages.



FRAUD AS A DEFENSE IN FLORIDA WORKERS' COMPENSATION CASES

Frank Angione, Esq.
Fort Lauderdale
Worker's Compensation Dept.



Since 1994, Florida employers and carriers have had an added weapon in the fight against Claimant fraud. As part of the sweeping statutory amendments to the Florida Workers' Compensation Act effective 1994, F.S. §440.09(4) stated in its initial form that "an employee shall not be entitled to compensation or benefits under this chapter if any administrative hearing officer, court or jury convened in this state determines that the employee has knowingly or intentionally engaged in any acts described in s. 440.105 for the purpose of securing workers' compensation benefits."

F.S. §440.105(4)(b) states in pertinent part that "it shall be unlawful for any person: 1. To knowingly make, or cause to be made, any false, fraudulent, or misleading oral or written statement for the purpose of obtaining or denying any benefit or payment under this chapter. 2. To present or cause to be presented any written or oral statement as part of, or in support of, a claim for payment or other benefit pursuant to any provision of this chapter, knowing that such statement contains any false, incomplete, or misleading information concerning any fact or thing material to such claim. 3. To prepare or cause to be prepared any written or oral statement that is intended to be presented to any employer, insurance company, or self-insured program in connection with, or in support of, any claim for payment or other benefit pursuant to any provision of this chapter, knowing that such statement contains false, incomplete, or misleading information concerning any fact or thing material to such claim."

Unfortunately, the 1994 version of F.S. §440.09(4) failed to state that a Judge of Compensation Claims was an authorized entity with jurisdiction to make such determinations regarding violations of F.S. §440.105. Subsequent cases specifically held that a Judge of Compensation Claims did not have jurisdiction to consider the Employer/Carrier's assertions that Claimant's request for benefits be denied pursuant to F.S. §440.09(4) and §440.105. See Mellon Security

& Sound/PCA Solutions, Inc. v. Custer, 687 So.2d 1372 (Fla. 1st DCA 1997) and E.H. v. Temporary Labor Source, Inc./Cisco, 687 So.2d 884 (Fla. 1st DCA 1997).

In 1998, Florida amended F.S. §440.09(4) and added "Judge of Compensation Claims" as an additional entity with jurisdiction to make such determinations regarding violations of F.S. §440.105. Clearly, such an amendment is applicable to all accidents after the effective date of the statute. Initially, it had been determined that this amendment is procedural and therefore applicable retroactively to allow a Judge of Compensation Claims to determine whether a Claimant fraudulently obtained benefits for dates of accident prior to the effective date of the 1998 amendment. Russell Corp/GAB Robins v. Jacobs, 782 So.2d 404 (Fla. Pt DCA 2001). However, the same appellate court recently rendered an opposite holding in Pasco County School Board/Gallagher Bassett Services, Inc., 26 Fla. L. Weekly D1687 (Fla. Pt DCA 2001) (motion for rehearing pending).

The question of whether F.S. §440.09(4) and §440.105 (1994) is applicable retroactively to cases involving dates of accident prior to 1994 was answered in the negative in Rustic Lodge/Associated Industries Ins. Co., Inc. v. Escobar, 729 So.2d 1014 (Fla. 1st DCA 1999). In Rustic Lodge, the employer attempted to apply the provisions of F.S. §440.09(4) (1994) to a case involving a pre-1994 date of accident. The appellate court held that the 1994 amendment was substantive legislation, and therefore, could not be applied retroactively.

Lastly, in Wright v. Uniforms for Industry/FCCI Mutual Insurance Co., 772 So.2d 560 (Fla. 1st DCA 2000), the appellate court held that the forfeiture of Workers' Compensation benefits before the Judge of Compensation Claims pursuant to F.S. §440.09(4) following a claimant's criminal conviction for Workers' Compensation fraud pursuant to F.S. §440.105 did not offend either the Federal or State double jeopardy clause or the excessive fines clause of the Federal or State Constitution.

In regard to immunity when reporting suspected fraud, F.S. §440.105(1)(b) generally states "in the absence of fraud or bad faith, a person is not subject to civil liability for libel,

slander, or any other relevant tort by virtue of filing reports, without malice, or furnishing other information, without malice, required by this section or required by the bureau, and no civil cause of action of any nature shall arise against such person: 1. For any information relating to suspected fraudulent acts furnished to or received from law enforcement officials, their agents, or employees; 2. For any information relating to suspected fraudulent acts furnished to or received from other persons subject to the provisions of this chapter; or 3. For any such information relating to suspected fraudulent acts furnished in reports to the bureau, or the National Association of Insurance Commissioners."

When considering a fraud defense, careful consideration should be made regarding the gravity of the misrepresentation. The false statements or omissions must be material to the substance of the case. Another essential element is intent. It must be shown that the Claimant knowingly or intentionally made the false statements and/or omissions. The claimant's intent is generally going to be proved by circumstantial evidence.

The employer/carrier has many sources from which to draw in order to prove the claimant's intent. Generally, the first opportunity is the recorded statement of the claimant. During the recorded statement, the claims handler needs to specifically inquire regarding the details of the accident, any prior medical treatment and history of prior/subsequent accidents. Other sources include: obtaining medical records of the authorized workers' compensation doctors and prior treating doctors; surveillance video; conducting a background search regarding prior accidents; a request for the Division of Workers' Compensation file which may provide evidence of prior workers' compensation accidents; and employee earning reports from the claimant while paying indemnity benefits. Once a case becomes litigated, your defense counsel can conduct further discovery such as taking the sworn deposition of the claimant and requests for production of documents. As the discovery process continues, the claims handler will be in a better position to determine if there is enough evidence to proceed with a fraud defense in the workers' compensation proceeding.

VERDICTS



Don Benson (Fort Lauderdale) tried a non-jury case in Broward County, Florida in a case of Pompano Motors v. Leite. In this action, Leite filed a claim seeking damages under Florida's Deceptive and Unfair Trade Practices Act and for breach of contract. After the evidence was presented, the Court entered a verdict in favor of Pompano Motors on all claims, and also awarded Pompano Motors a judgment in the amount of \$9,872.00. Post trial motions are pending including a motion to tax attorney's fees and costs as to prevailing party in the Deceptive and Unfair Trade Practices Act claim.



James Mayfield and **G. Jeffrey Vernis** (Palm Beach) tried the case of Teigman v. Wal-Mart Stores, Inc., in Broward County. The Plaintiff alleged that she suffered injuries to her back as a result of being struck in the back by a row of shopping carts as they were being pushed through the shopping cart door. The Plaintiff alleged that she was in front of the shopping cart coral placing her minor child in the safety seat, and without warning she was crushed between her shopping cart and the row of carts being pushed in. The Plaintiff needed immediate medical treatment, an operative procedure and medical expenses in excess of \$50,000.00. The Plaintiff claimed that she has been unable to return to work since the day of the accident. After three days of trial, the jury found the Plaintiff 10% negligent and awarded the Plaintiff a total of \$95,548.18, after reduction. The lowest demand at mediation was \$1,000,000.00. Post trial motions are pending.



Mario E. Lopez (Miami) obtained summary judgement on behalf of Tech Engineering Contractors, who are insured through Audubon Insurance Group, in a wrongful death action brought Cynthia Sueiro as personal representative of the Estate of Roberto Sueiro vs Brian Homes Development, Inc., Tech Engineering Contractors, Inc., Adventure Investment Developers, Inc., Nunez Construction, Inc., and Keystone Construction Corporation Case No. 99-27065 before the Honorable Jon I. Gordon.

The Plaintiff had brought a wrongful death action against the contractors and developers of a roadway located at S.W. 145th St. and S.W. 147th Ct. Miami Dade County Florida, involving the single motorcycle accident which occurred on November 23rd 1997 resulting in the death of Mr. Roberto Sueiro. The Plaintiff had alleged that Tech Engineering Contractors, Inc. was negligent due to the design, construction, development, supervision maintenance, installation of the roadway, the median strip and coconut palm trees that allegedly caused the decedents accident. Final judgement on behalf of Tech Engineering Contractors, Inc., was entered by the court on August 6th 2001.



Gary Gorday (Miami) recently obtained a defense verdict Weiner v. Uptons. The Plaintiff, Cheryl Weiner, claimed she slipped and fell on "dust" left on the floor from construction work performed inside the store by Beman Construction Company. She suffered from thoracic outlet syndrome as a result thereof. Witnesses from Upton's and even the Plaintiff testified that the dust was not readily visible on the floor. Judge Leroy Moe granted a directed verdict to Upton's on the duty to warn, but denied a defense verdict on the duty to maintain. The jury found no negligence on the part of Upton's.



On July 10, 2001, **Brent Bradley** (Pensacola) obtained a defense verdict from a Duval County jury in Carter v. Wal-Mart. Plaintiff slipped on a long trail of juice in the main aisle of a Wal-Mart store on the first day of a "tax free back to school" week. Plaintiff sustained a knee injury which eventually required manipulation under anesthesia. Mr. Bradley was able to obtain a defense verdict by convincing the jury that Wal-Mart did not have actual or constructive knowledge of the spill in the aisle.



Jeff Gill (Pensacola) obtained a defense verdict on July 24, 2001, from a St. Johns County jury in the case of Daniel and Janet Bassett v. Wal-Mart. Plaintiff contended she tripped over a ladder which was left unattended in the aisle of defendant's store. She was 8-1/2 months pregnant at the time and claimed complications with the pregnancy as well as a permanent back injury. In addition, she claimed she had to quit her job with the St. Johns

County Sheriff's Department as a result of her injury. Jeff was able to convince the jury that there was no ladder in the aisle and they returned a defense verdict after only 20 minutes of deliberation.



G Jeffrey Vernis (Palm Beach) tried the case of Armstrong v. Wal-Mart Stores, Inc. The Plaintiff alleged that twelve (12) twenty-five (25) pound garden hoses fell off the top shelf striking him in the head, neck and shoulders, while he was reading packages on the opposite side of the aisle. The Plaintiff claimed injury to his head, neck, shoulders and wrists resulting in a herniated cervical disc. A shoulder surgery and bilateral carpal tunnel release surgery. The Plaintiff was also involved in an automobile accident after the Wal-Mart incident and alleged overlapping and indivisible injuries.

The Plaintiff claimed \$781,000.00 in economic loss plus pain and suffering and asked the jury for an amount between \$900,000.00 and \$1.6 million. After three weeks of trial, the jury returned a verdict on June 13, 2001 finding no liability on the part of Wal-Mart. It appears most likely that the jury questioned the causation of the injuries the Plaintiff claimed rather than the negligence of Wal-Mart. Nonetheless, the jury found no liability on the part of Wal-Mart. There was a proposal for settlement filed, and our motion to tax attorney's fees and costs is pending.





John Unzicker (Pensacola) recently achieved favorable results in two separate appeals. In the first case, he represented Seibels Bruce Insurance Companies in defense of a flood insurance claim in state court brought by a condominium association whose buildings were nearly destroyed by a hurricane. Plaintiffs won at trial and received a verdict of nearly \$2 million. On appeal to the First District Court of Appeal, the Appellate Court reversed the trial court and instructed the trial court to enter a final order dismissing the case for lack of jurisdiction. In the second case, Mr. Unzicker represented Wal-Mart in defense of an Americans with Disabilities Act lawsuit. In this case the Eleventh Circuit Court of Appeal affirmed the award of summary judgment for the defendant by the court below.

NEWS about THE FIRM


WEB SITE - Please visit our Vernis & Bowling Web Site at: www.Florida-Law.com

ANNOUNCEMENTS

 Karen M. Nissen (Palm Beach) was elected Vice-President of the Federal Bar Association, Palm Beach County Chapter for the 2001-2002 year. She was also appointed to the Magistrate Judge Merit Selection Panel for the recommendation of the reappointment or non-re-appointment of Magistrate Judge Lurana S. Snow.

 John Unzicker (Pensacola) is a member of the Florida Bar Workers' Compensation Rules Committee. The Committee met during the annual bar convention to discuss several pending items. Of immediate importance to the Committee, and to others involved in the administration of the workers' compensation system, is the recent amendment to the statute. The Committee is forming an emergency subcommittee to discuss changes to the rules brought about by the amendments to the statute. The two areas of primary concern are

the transfer of the Judges of Compensation Claims to the Division of Administrative Hearings (DOAH) and the changes in the manner in which washouts will be approved. If anyone has any suggestions, recommendations, concerns or other input that they would desire to make as a part of the rulemaking process, please contact Mr. Unzicker at the Pensacola office.

 G. Jeffrey Vernis (Palm Beach) was a speaker at the 56th Annual Florida Workers' Compensation Educational Conference. Mr. Vernis was a featured speaker in a session for Risk Managers. He spoke on detecting corporate records from discovery. G. Jeffrey Vernis is scheduled to be a featured speaker at the Public Risk and Insurance Management Society (PRIMA) Convention in Ft. Lauderdale on October 16, 2001.

Vernis & Bowling, upon request, offers national, in-house accredited and non-accredited seminars for its clients. Please call or email General Manager Jack Gelinas (305) 895-3035 Ext. 244 | Jgelinas@Florida-law.com

We are pleased to announce the addition of the following attorneys to Vernis & Bowling:



JEFFREY L. ALEXANDER
Palm Beach
JAlexander@Florida-Law.com

Jeffrey Alexander (Jeff) was born in Tucson, Arizona. In 1988, he graduated from the University of Colorado in Boulder, Colorado with a Bachelor of Arts in Political Science. While at the University of Colorado, Jeff was one of the founding members of the pre-law club, a social organization designed to give undergraduates practical advice and information for planning a career in law. Following his undergraduate education, Jeff worked for four years as a production manager for a seafood wholesaler in Denver before attending law school.

In 1989, Jeff attended Gonzaga University School of Law in Spokane, Washington. While at Gonzaga University School of Law, Jeff chaired the Lewis Orland lecture series. This lecture series was created and named for Gonzaga's own Dean Orland, and esteemed member of the Washington State Bar and author of the state's only civil procedure practice manual. Jeff also participated in moot court competition and was again one of the founding members of the Gonzaga Chapter of the Phi Alpha Delta legal fraternity.

Jeff was admitted to the Florida Bar in 1992 and since that time has concentrated his practice on civil trial work focused mainly on workers compensation issues. Jeff has handled cases of all sizes in workers' compensation administrative courts and Florida's 1st District Court of Appeal; including cases involving complex issues of compensability, occupational disease, toxic chemical exposures, repetitive trauma, apportionment, concurrent employment, social security off-sets, permanent total disability, attendant care hours and rates of pay for family members. Jeff has also litigated the enforcement of compensation orders in civil circuit court.

His memberships include the Florida Bar and it's worker's compensation section, the Palm Beach County Bar Association, and the Colorado Bar. He is also a member of the general bar of the United States District Court for the Southern District of Florida and the 11th Circuit Court of Appeal.

Jeff has also successfully handled appeals in Florida. Jeff has been counsel of record in for the appellate matters of *Vickers v. Unity of Lake Worth*, 693 So.2d 62 (Fla. 1st DCA 1997), and other unpublished appellate matters.

Jeff's outside interests include saltwater fly fishing, fly tying, diving and fitness.



DEBORAH A. LEE
Miami
DLee@Florida-Law.com

Deborah A. Lee was born in Raleigh, North Carolina. In 1994, she graduated with honors from the University of South Florida with a bachelor's degree in Criminology. During her undergraduate years, Deborah obtained a minor in political science, was secretary and treasurer of the Criminology Honors Society, received a Criminology Department Scholarship and completed internships with the Hillsborough County State Attorney's office and the United States Marshals Service and volunteered with a local house arrest agency. After undergraduate school, Deborah worked as a misdemeanor probation officer in Hillsborough and Pasco County.

Deborah obtained her law degree from Nova Southeastern University in 1999, graduating *cum laude* in top twenty percent of her class. As a law student, Deborah received awards in Administrative Law and Advanced Criminal Procedure, was a member of the Florida Association of Women's, Phi Delta Phi, and worked as a staff writer for the school newspaper. Deborah clerked for Circuit Court Judge (now on the federal bench) William Dimitrioulos during her first summer of law school and then clerked for Doumar, Allsworth, Curtis, Cross, Laystrom, Wachs & McIver in Ft. Lauderdale, Florida. Upon graduation from law school, Deborah worked as a staff attorney for the 17th Judicial Circuit in Ft. Lauderdale, Florida and then worked as in-house counsel for a securities company in Ft. Lauderdale prior to joining Vernis & Bowling. Deborah is admitted to the Florida Bar and the United States District Court for the Southern District of Florida. Deborah is a member of the Broward County Bar Association and the Florida Association of Women's Lawyers.



MISTY C. SCHLATTER
Miami
MSchlatter@Florida-Law.com

Misty C. Schlatter was born in Louisville, Kentucky. She's a *cum laude* graduate of the University of Louisville, where she obtained a Bachelor of Arts in Political Science and Sociology. At the University of Louisville, she was a recipient of the prestigious McConnell Scholarship for Political Leadership.

Misty obtained her J.D., *cum laude*, from the University of Louisville School of Law in 1999. During Law School, Misty was a Notes Editor on the *Brandeis Law Journal*, a member of the schools trademark Moot Court Team, and Executive Officer on the Student Council, and the recipient of the Clark Boardman Callaghan Book Award for her performance in Basic Legal Skills.

Misty began her career in 1999 at Stites & Harbison, PLLC in Louisville, Kentucky where she gained experience in Commercial Litigation, Liability Defense Litigation, Intellectual Property, and Appellate Procedure.

In 2001, Misty joined the Professional Liability Division of Vernis & Bowling of Miami, P.A.

COURTS ADMITTED TO PRACTICE

All Florida State Courts, All Kentucky State Courts, U.S. District Court for the Eastern and Western Districts of Kentucky, and U.S. Court of Appeals for the Sixth Circuit.

The Florida Law Update is published by Vernis & Bowling for the benefit of clients, friends and fellow professionals on matters of interest. The information contained herein is not to be construed as legal advice or opinion. We provide such advice or opinion only after being engaged to do so with respect to particular facts and circumstances. This publication may be considered "advertising material" under the rules of professional conduct governing attorneys in some states.

The hiring of a lawyer is an important decision that should not be based solely upon advertisements. Before you decide, ask us to send you free written information about our qualifications and experience.