



## STROM & ASSOCIATES

The Chicago law firm of Strom & Associates represents injury victims at work or outside of work. For over 30 years, Strom & Associates has been there for injury victims.

### HEADLINES:

- Record Settlements and Awards
- The first 48 Hours after you are hurt.
- Lindsey Strom will not take NO for an answer—**AND WINS!**
- Strom takes lemons and turns them into lemonade with Creative Lawyering.
- Better not pout, better not cry—workers' compensation changes coming to town—**BE PREPARED.**

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## STROM STRONG ON RADIO, TELEVISION, ONLINE AND AT STROMLAWYERS.COM

*We want to be your lawyer, and we will earn your business day-by-day.*

### Strom & Associates On The Air

On April 5, 2011 Neal Strom embarked on a 13 week journey that saw him connect with his community in a unique way. Even after over 33 years of helping injured workers in the state of Illinois, Neal is always looking to reach the public in a new and more effective manner. So when the opportunity to host a radio show where listeners could call in and ask for legal advice directly from Neal himself, he jumped at the chance.

For over 3 months, Neal along with his Client Relations Coordinator and co-host (sidekick) Rene Munoz, answered dozens of questions

“ Neal realized that even though people are injured every day, not all of them know what to do or more importantly, what they should do. ”

from listeners. To go along with the Q&A, Neal and Rene discussed several topics of which the community needed to be made aware. Not the least among these was the recent dramatic overhaul of workers' compensation in the state of Illinois and the rights of undocumented workers.

Neal realized that even though people are injured every day, not all of them know what to do or more importantly, what they should do. The radio show was not only informative



but also a vehicle used by Neal to share his extensive knowledge of Illinois work comp law. With contributions from personal injury attorney Kevin Yen, Neal and Rene discussed several case studies ranging from motor vehicle accidents to catastrophic 22 story falls on construction sites. The wide array of cases that our firm handles was very important in answering many of the questions that our listeners had.

Aside from offering valuable advice, we wanted our listeners and potential clients to know that no matter how small an injury may be or what their immigration status is, they all can and should speak to an attorney before deciding whether or not to take action. As gratifying as it was to answer a caller's question, the most rewarding aspect of the show was when our firm was able to take on a new case. We had great success in attaining new business as a result of the program, and in the end there's no better way to help our listeners than to show them first hand the quality work that our office can offer.



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## **Nursing Home Negligence**

As the population ages, our parents may have to enter an assisted-living facility or nursing home.

The help at nursing homes is not always the best and your loved ones are exposed to abuse, neglect and mistreatment possibly, all causing severe emotional and/or physical injury to your loved ones.

Call us to discuss your or your loved ones' nursing home abuse.

In Illinois, there is a Nursing Home Care Act granting nursing home residents wide leeway in making a case.

## **Common Nursing Home Claims**

- Death
- Choking cavity causing loss of consciousness
- Bedsores
- Physical abuse
- Emotional abuse

Many times, people depend on a caregiver, who may not have enough time to administer appropriate care due to overcrowding at the home.

If your loved one needs assistance on feeding, bathing, toileting or walking, chances are they are being neglected.

If your family has concerns, call us. It is likely that we can help.

## Personal Injury News

*The First 48 Hours after You're Hurt*



Kevin T. Yen

There is a television program called “The First 48.” The show takes viewers through the first 48 hours after a crime has been committed. It shows how law enforcement preserves and collects evidence, how the police jump into action and how they are working to make an arrest. When injured, put your thinking

cap on and contact us so that we can jump into action for you.

There is much work to be done after your injury. After your accident you will be approached by all kinds of people. For example, insurance people promising to pay you on your case without a lawyer, or insurance people trying to record your statement of what you know in order to defeat your case. So beware!

Call us. We will set up a meeting with you, take pictures of the scene and the accident, the cars involved, if any, the defect in the floor, sidewalk or whatever caused your accident.

Most importantly, we will be there to protect you and begin work on your case so your case comes out as perfect as possible.

For example, we represented two young men who were hit by a train at a railroad crossing on their way to work. This railroad crossing had no gates. The investigation began immediately as we rushed to the scene.

We collected evidence, took photographs, measurements and filed an information request under the law to learn about other accidents at this crossing. We interviewed witnesses and recorded their statements.

Basically, we go to the scene, become your eyes and ears and keep insurance people away from you while you seek the best medical care possible.

The lawyer’s bag of tricks includes routine investigation; however, we have our “ways” to secure the best set of facts to learn the truth, so we can provide you with fair and reasonable compensation for your pain and suffering, loss of wages and disability as a result of your accident.

## STROM TAKES LEMONS AND TURNS THEM INTO LEMONADE WITH CREATIVE LAWERING

Sometimes our clients contact us even though they are unsure if they have a personal injury claim. When we meet, they often will say that they assumed they did not have a valid claim and were just going to forget about it. I tell them that it is always a good idea to check with a lawyer before you decide not to pursue a claim. It costs you nothing. Our consultations are absolutely free of charge.

Many times after we review the case with our client or upon litigating the case, it turns out that our client did indeed have a valid claim for their injuries. What appeared at first to be nothing, we made into something. I represented Mr. Contradicos\*, a construction worker who slipped on a patch of ice on the job. He suffered a severe fracture of his hip and leg. For at least a year, he did not contact an attorney. He thought he did not have a case because he assumed the ice formed naturally due to changes in the weather. Luckily, he contacted us with enough time for our firm to file a lawsuit on his behalf.

During the litigation process, we turned nothing into something. We discovered that the other workers on the job site were pouring drainage water into an adjoining work area. The water quickly froze and formed a larger sheet of ice underneath the snow. When our client walked in this area, he had no reason to believe that ice was present underneath the layer of snow. Based on the above, we were able to obtain a favorable settlement for our client.

In another incident, our client parked his car and was walking towards a store to pick up some items for his home. Our client, Mr. Vahalia\*, walked through a small dirt path and caught his foot on a protruding shrub. He fell and injured his face, hands and both shoulders requiring surgery. He did not consult with attorneys at first believing he was solely at fault because he “cut” through the parking lot using the path.

By happenstance, I met Mr. Vahalia and learned of his fall. He hired us to be his attorneys. When I visited the parking lot, I noticed that the closest paved walkway was at least 10 feet from

“ We turned nothing into a monetary award for our client, which included paying for his surgery and his physical therapy. ”

\* Name has been changed

where his car was parked. I also saw many customers using the same dirt path to reach the store.

We argued that because the property owners knew that there was a high volume of people using the dirt path as a shortcut, they should have removed any tripping hazards. We discovered that in fact the path was carved out due to the high level of foot traffic through the area. We turned this nothing into a monetary award for our client, which included paying for his surgery and his physical therapy.

**ANYONE WHO TAKES NO FOR AN ANSWER DOES NOT DESERVE YOUR BUSINESS.**

**One client's story.**

## Workers' Compensation Hotwire

*"No Does Not Ever Mean 'No'— We Fight for Your Rights!" One Client's Story*



Lindsey S. Strom

Ms. Barber\* is a very nice woman who came to us seeking help with regard to her work injury when she felt that no one else could help her. This is a claim that was denied by the insurance company from the very beginning with no reason or explanation behind the denial.

On May 10, 2010, she was working as a laborer for a staffing company. On the date of the accident, her job duties included inspecting bottles of wine to ensure that the caps were fastened. She stated that she had to grab the box from the pallet, place the box of wine on a table to inspect them, fasten the caps and move them to another pallet.

Ms. Barber suffered a right shoulder injury while lifting the pallets. Although she told her immediate supervisor, the company denied he claim, she informed them of the incident and further denied medical treatment and payment of workers' compensation benefits to her.

Ms. Barber then came to Strom & Associates for help and Lindsey Strom was assigned the case. A Petition for an Emergency Hearing was filed and Lindsey was ready to go forward with trial on July 8th, 2010 before Arbitrator Hennessy in Joliet to correct the situation.

On the day of trial, the attorneys for the company were not prepared and tried to ask the Arbitrator if he would continue the case to another day. Ms. Strom did not believe that there was any reason to continue the case. Due to Lindsey's argument that the company had plenty of notice and time to prepare for

trial, Arbitrator Hennessy agreed with Ms. Strom and told all parties that the case would proceed.

Ms. Barber's supervisor testified that she first became aware of the accident the day after the injury. She stated that she knew of the reporting policy for all accidents. The supervisor testified that it was her job to write an incident report but she did not do it right after the injury because she "worked for 12 hours every day." She testified that she wrote a statement regarding Ms. Barber's work injury on May 26, 2010, 16 days after the work injury and only after the owner of the company asked her to do so. She was cross examined and exposed as a liar.

When questioned by Ms. Strom, Dr. Papierski testified that if there was overhead lifting involved in Ms. Barber's job duties, it could change his opinion about how Ms. Barber was injured and the severity of her shoulder injury. He then admitted that someone can get a rotator cuff tear by overhead lifting activity. In the end, Dr. Papierski testified that based on his report, Ms. Barber had all the classic signs of a rotator cuff tear. He recommended an arthroscopic surgery to the shoulder, which is exactly what Ms. Barber's treating doctor recommended.

After reviewing all of the testimony and medical records that were put into evidence, the Arbitrator believed that Ms. Barber sustained a compensable accidental injury that arose out of and in the course of her employment with the company. This is because Ms. Barber credibly testified that she was injured while working. The company's own witness testified that the boxes stacked "six layers high" and that depending on the employee's size; the employee might have had to reach overhead to pick up the boxes.

The Arbitrator found that Ms. Barber gave timely notice to the company when she reported the work-related injury to her supervisor on duty. The Arbitrator found that Ms. Barber's rotator cuff tear in her shoulder was causally related to her May 10, 2010 work injury.

Since the arbitrator found that Ms. Barber's accident arose out of and in the course of her employment with the company, the Arbitrator found that the company was liable for all medical bills. The Arbitrator also concluded that she was entitled to Temporary Total Disability (TTD) from May 11, 2010, through the trial date and that her right to continuing disability was ongoing.

“ Arbitrator Hennessy agreed with Ms. Strom and told all parties that the case would proceed. ”

## Workers' Compensation Legislation News/Changes

After much debate, Governor Pat Quinn and the Illinois legislature have passed the following items into law. The Governor stated he supports a number of "common sense" reforms - the following is taken directly from his press release:

- Caps on carpal tunnel disability payments (Anti-Labor).
- Denial of claims by intoxicated workers injured due to their inebriation.
- Enhanced authority to investigate and prosecute fraud.
- Capping wage differential awards at the age of 67 or 5 years post-accident, whichever is later (saving as much as \$87 million (Anti-Labor).
- Increased utilization review of physical therapy, occupational therapy, and chiropractic care (savings estimated at \$16 million) (Anti Doctor and Labor).
- Insurers must accept electronic billing from providers, protecting workers from treatment disruption.
- Insurers/employers must pay providers on a timely basis, or pay providers interest and penalties.
- Current arbitrators' terms will end and be subject to performance evaluation prior to reappointment.
- Arbitrators will serve 3-year terms, be licensed attorneys, act in an unbiased, impartial manner, and follow the same rules that apply to Judges.
- Attorneys before the commission will follow the same ethical standards as attorneys before a court.
- Claims by commission appointees or employees will be heard by the Court of Claims, and not arbitrators within the commission.
- The State of Illinois can engage appropriate outside vendors to operate all or part of the state's self-insured workers' compensation program.
- An advisory board will be appointed to review and report to the General Assembly about the state's workers' compensation program, including needed improvements and adherence to best practices.

## Did You Know?

1. Did you know we will visit you at home when you are hurt?
2. Did you know we speak fluent Spanish?
3. Did you know we have been practicing for over 34 years?
4. Did you know we get the insurance company to do things for you that they don't want to do?
5. Did you know that our administrative staff has over 57 years of experience in the field of Workers' Compensation?
6. Did you know that we have a Workers' Comp office staff ready to answer your calls from 8:00-9:00am at extension 230 AND from 5:00-6:00pm at extension 232? And of course the entire staff is here to answer your questions from 9-5pm Monday thru Friday?

## WRONGFUL DEATH LAWS:

In Illinois, the next of kin can recover damages for the death of a spouse or a relative due to the fault of others.

Our firm has represented numerous clients who have lost a spouse, parent or child due to this type of neglect of others.

Typically, the surviving spouse or the children can recover damages for the financial contributions and other services that would have been contributed by the loved one if they were alive.

They can also recover for the loss of companionship and love.

Recently, the law has been amended to permit a jury to consider grief, sorrow

and mental suffering of the surviving spouse and children in determining the amount of monetary damages.

The effect of this amendment allows the family members to tell a jury how the death has impacted them emotionally.

Our firm fully supports this change in the law and are pleased the courts will now acknowledge the far reaching effects of the tragic loss of a loved one.



# Record Settlements and Awards

1.	Family of 3 injured in motor vehicle collision	<b>\$1.1 million</b>
2.	37-year-old worker injured at a plant requiring neck and shoulder surgery	<b>\$600,000</b>
3.	29-year-old deliveryman with a back injury Medical fund set for future care	<b>\$300,000+</b> <b>\$200,000</b>
4.	45-year-old truck driver injured when struck by another semi truck	<b>\$250,000</b>
5.	43 year-old male—arm injury	<b>\$105,000</b>
6.	65-year-old nursery school teacher, operated shoulder	<b>\$125,000</b>
7.	43-year-old maintenance man—permanent total disability for life and open medical care.	<b>\$750 wk for life</b>
8.	46-year-old roofer—permanent total disability for life and open medical care.	<b>\$1,100 wk</b>
9.	37-year-old roofer—24 hours a day/7 days a week nursing care; reimbursement for purchase of home/home modification construction.	<b>\$635.00 wk for life</b>
10.	52-year-old union worker—trial awarded present and future compensation along with past due compensation; awarded penalties for bad conduct on the part of the company; awarded \$205,000 with the right to apply for additional compensation and job retraining.	<b>\$205,000 (partial award)</b>
11.	48-year-old laborer with hand injury	<b>\$250,000</b>
12.	Trial for 58-year-old foreman—permanent total disability for life and open medical care.	
13.	36-year-old laborer—hernia surgery	<b>\$15,000</b>
14.	33-year-old CTA bus driver—shoulder surgery	<b>\$56,000</b>
15.	61-year-old factory worker with hand injury	<b>\$135,000</b>
16.	66-year-old CTA bus driver—emotional distress	<b>\$150,000</b>
17.	53-year-old school teacher with a head injury	<b>\$100,000</b>