

# FIREFIGHTERS' NEWSLETTER



THIS DOCUMENT CONTAINS IMPORTANT INFORMATION  
ABOUT FIREFIGHTER RIGHTS

## What's My Personal-Injury Case Worth (Part III)?

*How much money should I  
expect for my burns?*

**This is the third part in a series of articles answering the commonly-asked question "how much is my injury worth?"**

As we explained previously, the value of your case depends on a myriad of factors. Some of those factors include liability (proving that the defendant was negligent), comparative negligence (were *you* partially responsible for the accident?), the amount of liability insurance that the defendant has, proving that your injuries and disability were caused by this particular accident, your age and whether or not your injury is considered permanent, your past and future lost earnings, and past and future medical expenses.

This time, we will give you a rundown of some awards and settlements that New York plaintiffs have received for burn injuries.

*continued on page 2*

### NO DECISION YET ON NEXT STEP IN WTC LAWSUIT CASE

*Not too late to Join the Pending Suit if you sustained a pulmonary injury*

U.S. District Judge Alvin K. Hellerstein has rejected a \$657-million settlement with the City for more than 10,000 sick 9/11 responders as being too small. The obvious question is "What's next?" Will the parties go back to the bargaining table, or will the scheduled trials of 12 of the cases in the pool go forward? Both sides could also appeal the Judge's rejection to the U.S. Court of Appeals.

Neither the City nor the attorneys representing the rescue workers have decided how they want to proceed. WTC Litigation Settlement negotiations are continuing and we will update you as soon as possible.

Meanwhile, Congress is still debating whether to bring back the 9/11 Victim Compensation Fund (a/k/a The James Zadroga Act). Assuming the pending bill ever becomes law, we will then be able to compare the pros and cons of both, and advise firefighters suffering from pulmonary injuries which legal avenue to pursue.

Regarding the pending lawsuit against the City (for its failure to provide respiratory protection), please note that Gov. Patterson and the NYS Legislature have enacted legislation which gives sick rescue workers until September, 2010 to file a Notice of Claim. But, please don't wait that long to speak to an attorney about your legal rights.

Remember to call our office if you change your address, so that you can receive our newsletter in a timely fashion. We promise to keep you apprised of all legal developments in this case.



# SEE YOU IN



## UFA Delegate Seminar Atlantic City















We are delighted to be returning to the U.F.A. Delegates' Seminar in Atlantic City. We're looking forward to seeing the good friends we've made over the years, and to meeting those of you attending for the first time. Please look for us at our information booth and at our hospitality suite.









*continued from "How Much are Burn Injuries Worth" page 1*

The verdicts listed below are offered as illustrations of what juries have awarded some severely burned firefighters and civilians. They support the fact that jurors understand how serious and painful burn injuries are. They are offered as past examples but are not guarantees of future recoveries.

-  \$4,000,000 for firefighter with severe burns to face, head, and hands;
-  \$3,825,00 for firefighter with first, second, and third-degree burns to his legs, back, and hands requiring multiple skin grafts;
-  \$800,00 for 17-year-old girl with second-degree burns to right arm requiring grafting;
-  \$533,000 for 32-year-old man who suffered burns on his face, chest, abdomen, and upper arms, requiring grafting;

-  \$425,00 for 61-year-old woman burned on her abdomen and thigh, requiring grafting;
-  \$750,000 for 27-year-old woman burned on her abdomen, neck, and chest, requiring grafting;
-  \$225,000 for 43-year-old with second and third-degree burns to his hand with nerve damage;
-  \$1,000,000 for 37-year-old woman with second and third degree burns to her legs;
-  \$5,266,278 for 23-year-old man severely burned on his trunk, head, neck, back, arms, and hands, with multiple surgeries, and amputation of fingertip.
-  \$733,772 for third-degree burns to hand with several surgeries;
-  \$650,00 for second-degree burns to arm and hand requiring grafting, with aggravation of asthma;
-  \$1,500,000 for second and

- third-degree burns over 50% of body, including ankles to knees, right foot, abdomen, groin and chest, with grafting;
-  \$990,000 for third-degree burns to lower left leg requiring skin grafting;
-  \$1,000,000 for second and third-degree burns to right upper arm, requiring grafting and resulting in nerve damage;
-  \$6,250,000 for severe burns to 51-year-old woman over 70 percent of her body, requiring multiple surgeries;
-  \$960,000 for disfiguring burns to legs and torso of 84-year-old man without grafting;
-  \$3,500,000 for 25-year-old woman with third-degree burns to 15 percent of her body requiring three skin grafts;
-  \$425,000 for 28-year-old man who suffered second and third-degree burns to his legs requiring skin grafts.

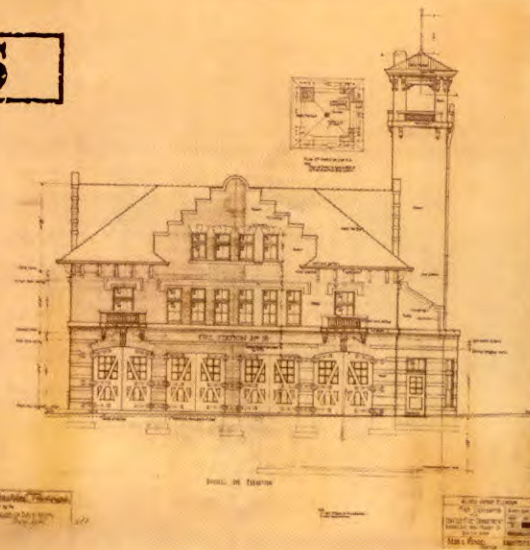


# DOCUMENTING DANGEROUS CONDITIONS INSIDE YOUR FIREHOUSE

We know too well from our work on behalf of firefighters that building safety violations make your already dangerous job more dangerous. That is why, in past issues, we have urged you to be diligent during building inspections. But we also know from experience that many firefighters are injured right inside their own firehouses. Sometimes these injuries occur during the rush of activity in the wake of an alarm, and sometimes they occur in rather mundane ways. And, very often, they occur because of long-standing violations in the firehouse that should have been corrected. Thus, an important way that firefighters can protect themselves, is by ensuring that unsafe conditions in the firehouse are reported to the City, and that they are well-documented.

It has been our experience that the City often moves too slowly in addressing problems inside the firehouse. In some of the cases we have handled for firefighters, safety violations persisted in the firehouse for years. And in some instances, there were actually successive accidents resulting from the same condition.

It is critical that firefighters and their officers bring safety violations to the City's attention. In the best case scenario, the City will make repairs before someone is injured. But, in those instances where repairs are not made, reporting the condition will ensure that the City does not escape liability by claiming that it was unaware of the problem in the event a firefighter is injured. Here are some examples of actual cases where firefighters were injured inside their own firehouses:



- Firefighter injured when a ceiling, corroded by years of leaks, collapsed on his head;
- Firefighter injured in a trip and fall over cracked apparatus floor;
- Firefighter injured when a step to the basement collapsed under his weight. Officers had submitted repair requests for the steps over several years;
- Firefighter tripped over a depressed manhole cover in the road in front of the firehouse while guiding the firetruck into the firehouse;
- Firefighter injured when he tripped and fell on crumbling apron in front of firehouse;
- Firefighter injured because ladder available to retrieve items from storage area was dangerous;
- Firefighter injured when marble bathroom enclosure collapsed striking his legs;
- Multiple firefighters injured as a result of crumbling and loose tiles on the locker room floor. Officers submitted repair requisitions for the problem over several years;
- Firefighter injured when garage door fell on his foot after getting stuck. It had been reported to the City on previous occasions that the door had jammed;
- Firefighter fell through unguarded pole opening in firehouse. Because of long-standing electrical problems, the area around the pole was unlit;
- Firefighter injured when defective chair collapsed;
- Firefighter fell when stair tread broke. Reports of cracked and loose treads over a period of 10 years.

Never ignore safety and health problems inside your firehouse. Make sure that officers requisition necessary repairs, and that the City is aware of conditions that are dangerous to you. You have the right to a safe workplace.



## JUST BECAUSE YOU'RE SINGLE, DOESN'T MEAN THAT YOU DON'T NEED A WILL

As most of you know from our newsletters, for years we have been drafting free simple wills for active New York City firefighters. Admittedly, most members come in because their wives have prevailed upon them to do the responsible thing for their families. And nothing makes us happier than seeing our clients come into the office with their families to sign their documents.

Yet, despite the fact that the entire process is free, and that it takes less than 20 minutes to execute a will, most single firefighters believe that it is not necessary for them to have a will. This is simply not true.

As personal-injury lawyers, we see firsthand the problems that ensue when a person dies without a will. By way of example, we recently represented a

young, single firefighter who died in a motorcycle accident. He had no will. As bad as his tragic death was for his friends, co-workers, and family members, it has been made infinitely worse by the squabbling between his family members. There have been fights about whether to bury or cremate his body, where his final resting place should be, and, quite naturally, who should get his personal property and valuables. In addition, he never changed his insurance beneficiary which had designated his now-deceased parents. All this would have been prevented, had he taken 20 minutes to execute a will. Suffice it to say, his estate is a mess. His relatives will be fighting it out in court for years.

And, some years ago, we represented the family of a young construction worker who was killed on a job site by an out-of-control driver. His father, who had abandoned him when he was a child, came out of the woodwork to try to claim the settlement money from his son's case. It was disgraceful. Worse still, it made his family's suffering more unbearable, forcing them into court unnecessarily to make sure that the dead-beat father did not benefit from his son's death.

Preparing a will is prudent for everyone, not just married couples. And it is not something that you do solely for yourself, it is also something that you do for your loved ones, sparing them the agony of a legal battle, and of trying to decide what you would have wanted. If you don't have a will, take advantage of our free offer. We promise to make it easy. Just ask any of the thousands of firefighters we have already helped.

## ONE MORE FREE SERVICE: A LIVING WILL THAT IS REGISTERED

Wills are not the only free service that we offer to firefighters; we also prepare health-care proxies and living wills. A health-care proxy is different from a living will, and you are entitled to have both. Under New York law, you have the right to appoint someone you trust, a proxy, to make decisions about medical care and treatment for you, in the event that you lose the ability to make those decisions for yourself. Hospitals, doctors, and other medical providers must follow your proxy's directions as if they were your own. You have the right to give the proxy as much or as little power as you choose.

A living will, on the other hand, documents your wishes about medical treatment in the event that you develop an irreversible condition and are unable to provide instructions at the time medical decisions need to be made.

We will prepare and register your health-care proxy and living will so that they are available to medical providers online in the event they are needed. You will be provided with a sticker for your driver's license indicating to your doctors that these documents are available to them online.

By registering your living will, you ensure that your wishes will be communicated to those responsible for your care, at a time when you would otherwise have no voice. We're here to help you protect your legal rights, and it's our pleasure to offer these services at no cost. As we always say: "you protect us...we protect you"!



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