



MONAHAN LAW PRACTICE, P.C.

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Updated weekly with important and valuable information.

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or in any type of
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IF WE CAN'T HANDLE IT, WE KNOW SOMEBODY WHO CAN...

After almost 30 years of practicing law, it has never been truer that lawyers need to specialize. That's why here at **Monahan Law Practice** we try to limit the types of cases we handle so that we can keep current on the ever-changing laws that affect every case. By concentrating on personal injury and workers' compensation matters, we are able to effectively and efficiently pursue your cases and get the best possible results. That is why **Dan Monahan** has been recognized as a *Top Lawyer* by his colleagues as reported in the Main Line Today magazine in 2007, and why he has been certified by the National Board of Trial Advocacy as a Civil Trial Attorney.

However, we recognize that our thousands of clients often have numerous other legal matters that we are not capable of handling because we don't feel we have the specific experience and training to best deal with those cases.

But that doesn't mean that we don't want to hear from you if you have any legal questions. And it is for this reason that we have developed a relationship with numerous attorneys in eastern Pennsylvania to whom we can refer questions and cases for just about any legal problem you may have. Here are the areas of law that we have found clients need attorneys for and for which we have found attorneys to handle these cases.

The attorneys we will recommend to you are highly qualified and have proven track records of successfully handling referrals from our office. Plus, we have heard back from clients how satisfied they have been with our recommended choices. Here is the list of lawyer specialties where we have helped clients:

- Bankruptcy, including debtor/creditor problems
- Family law, including divorce, prenuptial agreements, and child-custody disputes
- Education law for gifted and special-needs students
- Social Security Disability
- Employment termination and discrimination cases
- Real estate law, including advice for homeowners buying or selling property
- Elder law and Medicaid planning
- Criminal cases, including driving under the influence

If you have a question in any one of these areas of the law, or any other matter, we will find the attorney who is right for your case. Do not hesitate to call us as soon as you have a question because sometimes delaying the simplest question could seriously affect your legal rights.

MonahanLawPractice.com

Sickened by the office (REALLY)

(As reported in the New York Times, May 1, 2008)

While this may sound like a good excuse to play “hooky” from work this summer, workplace allergy (specifically, occupational asthma) accounts for about 10 percent of asthma cases in the United States, according to the American Academy of Allergy, Asthma & Immunology.

Occupational asthma alone is estimated to be responsible for 24.5 million missed workdays nationwide annually, according to Dr. Karin Pacheco, an occupational medicine specialist at the National Jewish Medical and Research Center in Denver, which specializes in respiratory illness.

While work-induced allergies are fairly simple to diagnose, it is much more complicated as to what can be done about them.

An allergic reaction is an overreaction of the immune system, causing everything from rashes to life-threatening anaphylactic shock. Sometimes the reaction occurs the first time a substance is encountered, but allergies more commonly develop after repeated exposure.

Although sometimes considered interchangeably, allergic sensitivity is different from an allergy in that sensitivity refers to a nonspecific irritant (e.g., the headache you get after exposure to a pungent room freshener). On the other hand, if your throat swells up

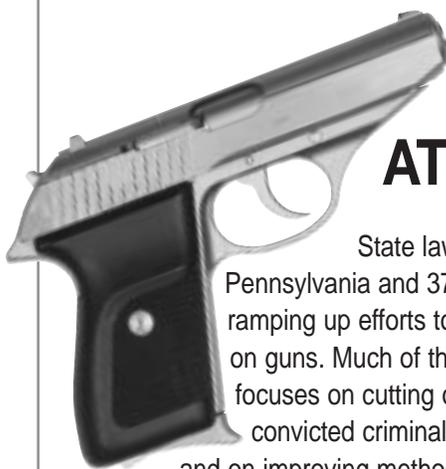
after eating shrimp, that is an allergic reaction with potentially serious health consequences.

Nearly every workplace has potential triggers, but the Mayo Clinic in Rochester, Minnesota (www.mayoclinic.com), lists 16 professions at risk for occupational asthma,

including veterinarians, cabinet makers, cleaning staff, bakers, and hairdressers. The Occupational Safety and Health Administration on its Web site (www.osha.gov) lists guidelines for handling many substances.

Severe allergies that require medical attention and result in lost wages may be compensable under the Pennsylvania Workers’ Compensation Act, but these cases demand expert advice because the claims can be complex, and employers often refuse to voluntarily recognize these claims.

If you suspect that you are suffering from such an allergic reaction related to exposures at work, contact us immediately.



MORE ATTEMPTS TO LIMIT GUNS AT THE STATE LEVEL

State lawmakers in Pennsylvania and 37 other states are ramping up efforts to pass new restrictions on guns. Much of the proposed legislation focuses on cutting off gun access to convicted criminals and the mentally ill, and on improving methods to trace guns used in crimes.

The catalyst, no doubt, for the latest round of legislation includes a number of high-profile gun crimes—at shopping malls, schools (like the Amish one-room schoolhouse in Lancaster County) and universities, and the streets of large cities such as Philadelphia,

where the murder rate has soared recently. A new federal law gives financial incentives to states that do a better job of sharing information about mentally ill gun buyers.

Pennsylvania is one of the few states that has considered a bill meant to force gun owners to report their weapons stolen or lost. The bill to require the reporting of stolen or lost guns was defeated in Pennsylvania; however, it was the first time in 15 years that lawmakers had taken up the issue of significant gun legislation.

Recent Superior Court case clarifies child-support liens on personal injury awards

On March 11, 2008, the Pennsylvania Superior Court decided a case that clarified the issue of what portion of the proceeds of a personal injury award must be withheld from the plaintiff and paid to satisfy child-support arrears. The Court held that the lien applies only to the “net proceeds” to the plaintiff in excess of \$5,000, and that “net proceeds” means the award minus attorney’s fees and costs, which are paid first, and then the plaintiff keeps the first \$5,000 of the net proceeds. The remaining settlement proceeds must be used to pay child-support arrears.



NOTICE OF ABILITY TO RETURN TO WORK

Many of our clients receiving workers’ compensation benefits will receive a “Notice of Ability to Return to Work,” especially after they have been examined by the insurance company doctor. Employers and insurance companies are required to file this document and send a copy to the injured worker before they can start proceeding to modify your weekly wage-loss benefits. However, the Commonwealth Court of Pennsylvania has recently held that issuance of this document four months after the date the employer claims the injured worker was able to return to work does not qualify as prompt notice, and therefore it is untimely.

If you receive one of these notices, you should contact us immediately. While the filing of the Notice will not automatically stop your benefits, you should check with us to determine if it was properly issued.

What’s coming up in the next issue

First, look online for our additional Web site that will feature information dedicated solely to the issue of Civil Compensation for Crime Victims at www.cvicpa.com.



Dan Monahan will be attending four days of seminars at the American Association for Justice’s Annual Meeting, which is being held in Philadelphia this summer. In the next issue, Dan hopes to report back on some of the interesting topics he expects to learn more about, including emerging issues involving liability of interstate trucking companies, traumatic brain injury cases, inadequate-security cases, school violence, sex-abuse litigation, and a number of programs dealing with trial advocacy and how to better convince juries about the value of significant, life-altering injuries.

If you have a friend or colleague...

...who would like to receive this newsletter, please give us the person’s name and address, and we’ll add them to our distribution list. Thanks.

Dan

You’re invited to call or e-mail

“If you have been injured—or if a family member has died—from a crime-related injury or accidental injury, please don’t hesitate to call me. I will gladly speak with you over the telephone or in person, whichever you prefer. And your initial visit is always free. You’re welcome to call me anytime. I promise I’ll do everything I can to help you.”—*Dan*





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*Written and published by
Crime-Victim Lawyer Dan Monahan*

To request your free copies,
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Make sure you consult a qualified lawyer so you can discuss the facts of your case.

Local history of interest

This past Fourth of July weekend, I found myself with a little time on my hands, so I picked the John Adams biography that I had started last winter when the HBO series had just aired. Maybe I was inspired because HBO was rerunning the program nonstop over the holiday weekend. I finished the book, but as good as the book and the HBO series were, I couldn’t help but think that we’re missing out on a lot of local connections to the American Revolution right in our backyard. Perhaps it’s because I was a history major in college at the University of Delaware, and perhaps it’s because I still love to read about history, but I finally stopped by a blacksmith’s shop right outside my housing development. I only waited 20 years!

My kids still think I’m crazy, but I think it’s exciting to know that British General Cornwallis, who surrendered to General George Washington at Yorktown, effectively ending the Revolutionary War, marched by my neighborhood with his troops after the Battle of Brandywine in September 1777. I found it interesting that his troops stopped across from the children’s elementary school and spent the night resting at the Goshen Friends Meeting House, and that British soldiers are rumored to have been buried under that same blacksmith’s shop, having been killed by local Patriots. I even learned that the house where General Cornwallis made his headquarters for later engagements at the infamous Paoli Massacre, where sleeping American troops under General Anthony Wayne were bayoneted in their sleep by Hessian troops, is located right down the road, where you can walk up and see the plaque noting this historical fact.

We live in a great country and take for granted a lot of the freedoms we enjoy. It’s good to visit and pay homage to the brave Patriots that walked these same roads over 230 years ago.

Introducing a new member of our staff

Monahan Law Practice, P.C., is pleased to announce that we have recently hired a new paralegal to help us better handle your cases. **Susan Green** comes to our firm with extensive experience in personal injury litigation and will be working closely with Dan Monahan on all of our personal injury cases, including auto accidents, premises liability, products liability matters, and civil cases on behalf of crime victims.

Susan, who is originally from Philadelphia, graduated from Pierce College in Philadelphia with a B.S. in business administration. Prior to Pierce College, Susan had completed Certificate of Paralegal Training from the Main Line Paralegal Institute. During most of her educational experience, she received recognition as a President’s and Dean’s List scholar.

Starting in 1996, Susan worked for a number of large Philadelphia civil litigation trial law firms, where she gained valuable experience in handling personal injury cases. In addition to that, Susan has had additional extensive experience in the business world since moving to Chester County, which provides an added dimension to her already outstanding skills.

Susan currently resides in Chester County with her husband and two children. We are confident that your cases will be handled with the professional attention you deserve with Susan on the job. We welcome you to call or stop by and introduce yourself to Susan at any time.