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COHEN+FEELEY

ATTORNEYS AT LAW

YOUR PERSONAL INJURY LAW FIRM

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*Best Wishes for a
Joyous Holiday Season
and a New Year of Peace*

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Attorney Mark K. Altemose Has Been Named A Partner In The Firm



The law firm of Cohen & Feeley is pleased to announce that Attorney Mark Altemose has become a partner with the firm.

Mark is a graduate of Villanova School of Law and has focused his entire career on protecting the rights of the injured. He is Board Certified as a Civil Trial Advocate by the National Board of Trial Advocacy. In 2005, Mark was elected by his peers as one of Pennsylvania's "Rising Star Superlawyers".

Mark is a long-standing member of the Board of Governors of the Pennsylvania Trial Lawyers Association. He is a former Chairman of Pennsylvania Disciplinary Board Hearing Committee 2.04 and has been elected to Who's Who in American Law, Who's Who in America and the American Registry of Outstanding Professionals.

He currently serves on the Board of Directors of the Lehigh County Bar Association and received the Association's Service Award in 1998.

Mark has won many awards and settlements for his clients in excess of \$1 million. In 2003, he was elected to the Million Dollar Advocates Forum in recognition of these results.

He is licensed to practice before all of the Courts in the Commonwealth of Pennsylvania as well as the Third Circuit Court of Appeals and is a member of the Association for Justice, the Pennsylvania Bar Association, Lehigh County Bar Association and Northampton County Bar Association.

Mark has lectured on trial strategy and tactics to Bar Associations and other lawyers groups. He also regularly teaches continuing legal education courses to fellow attorneys regarding personal injury litigation. Mark is often selected by Plaintiff and Defense attorneys as an independent mediator and arbitrator in complex personal injury cases.

What is the value of a Personal Injury case or "*How much is my case worth?*"

By Dennis Feeley

It is not unusual for a personal injury lawyer, at the first meeting with a client, to be asked what a client might expect to receive at the end of a case. Of course, as we all know, an injury is a very personal matter and quantifying it in terms of a money figure is a difficult thing to do. How much a broken leg is worth to one person may be entirely different to another, or what about the loss of life of a loved one? These are not easy questions to answer. But, these are the exact questions juries are asked when they sit in civil trials, and are required to enter a monetary award. How then can personal injury lawyers, like Cohen & Feeley tell a client at the time of their first meeting what their case may be worth?

Let me begin to answer that question by telling you that in most instances a lawyer who does personal injury work cannot truthfully answer that question at the first meeting. First, a lawyer must consider liability. Liability means whether or not the party who was injured is in any way responsible for the injuries they suffered. Take for example an automobile accident. Let's assume, that the injured party was stopped at a traffic light and was rear ended by another motor vehicle. Clearly, the vehicle that was stopped at the intersection shares no responsibility for the cause of the accident. Take a second example, here, assume that one party failed to stop at a stop sign and illegally entered the intersection, but also consider that the injured party was speeding when they entered the intersection. Here, each party may share some fault and responsibility for the accident. In the Commonwealth of Pennsylvania we operate under "comparative law". This means that an injured party can recover for his or her injury caused by the negligence or actions of another, so long as that injured party does not share more than 50% responsibility for the accident. In the second example above, a jury would have to decide whether or not the party who was injured was more or less at fault than the party who went through the intersection. If the jury decided that the injured party shared some responsibility then the law would require the jury to set the exact amount of fault attributable to each party. So long as the jury does not determine that the injured was more than 50% at fault they would be instructed by the court to make a determination of what that injured party would be entitled to for his or her injuries. When the jury returned to the courtroom the judge would look at the form that the jury is instructed to complete and the judge would conduct a mathematical reduction. Let's assume that the jury assigned a 25% fault factor to the injured party and a 75% fault factor to the party that went through the intersection and that they awarded \$100,000 as a monetary figure for damages. The judge would reduce the monetary award by 25% to reflect the fault attributable to the injured party in our example. Therefore, the injured party would receive an award of \$75,000. If, and most importantly, the injured party was found to be more than 50% at fault, even 51% at fault, they would receive nothing.

Secondly, the 'injury part' of the case is equally as important as the liability case. Certainly, when a client comes into a lawyer's office shortly after an accident and is still physically, emotionally, and economically suffering from the immediate impact of an accident the lawyer doesn't know how that client might recover and what that client's actual economic losses may be. This is something that will take time. In order to do this, a lawyer must collect all of the various medical reports and records from the various hospitals, physicians, and related healthcare providers. Both client and lawyer must be patient as the client goes through the healing process. This can sometimes take months, and unfortunately, sometimes years. Perhaps the most frustrating experience for a client (who is going through this process), is the time it takes to heal, which will put the attorney in a position to value the case. Someone once said that, "time heals all

wounds." Unfortunately, in many cases, clients are not in a position to meet all of their financial obligations during this recovery period. Mortgages, medical bills, and general living costs don't stop just because a party is injured. These factors also are major components and considerations in arriving at what a client's case is worth.

The most important component in assessing the value of a client's injury is what lawyers call "permanency." Until a client is through treating and released by his or her physicians it is impossible for a lawyer to fully advise a client concerning the value of their case. In cases where a client will suffer a permanent disability, which may affect his or her ability to work, it is often necessary for a lawyer to consult with an economic expert to determine how this injury will impact a person's economic future. Future medical expenses and other physical limitations are prime considerations for a lawyer in assessing clients' injuries. This same analysis takes place in all cases, whether auto accident, medical malpractice or general negligence.

As you can see from the above, it is not an easy task to tell a client, early on, what his or her case is worth. We at Cohen & Feeley understand the frustrations, impositions, and hardships that a client might experience during this process. However, it is of no service to the client to give them unreasonable expectations at the start of their case, which could only later harm the relationship between client and lawyer. At Cohen & Feeley this is something that is fully explained to a client at the beginning of any personal injury case.

Finally, after the investigation has been completed, and after all of the various components of the client's injury are assessed, one of our lawyers will sit down with you and cover all of these matters in detail, and explain to you how it is that we may arrive at a reasonable figure or value on your case. We know that the newspapers are filled with reports of awards, verdicts and settlements in personal injury cases, and we are also aware that this information is often times misleading, factually incorrect and missing important information. We ask our clients not to form any unreasonable expectations concerning the value of their case until we have been allowed to complete our investigation. The famous "McDonald's" burn case is a good example. There were many missing facts of which the public was never made aware.

We at Cohen & Feeley have over 30 years experience in handling personal injury cases. We are proud of our team approach in handling cases which allows us to take advantage of the combined knowledge of all of our attorneys in order to make sure that each and every client receives a fair and just result. We also take pride in the fact that we are always available to discuss these matters with our clients in order to prevent any confusion from occurring and to keep them fully informed.

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