

CHAIKIN  
SHERMAN  
CAMMARATA  
SIEGEL P.C.

*Happy Holidays from CSCS!*

*Attorneys at Law*

*Winter 2020*

## **Are We the Luckiest Law Firm in Town?** *If so, it's because we believe the harder you work, the luckier you get!*



*A message from Managing Partner Ira Sherman*

The saying goes that it's good to be “lucky” in life. We are lucky to have our health, to have our family and our friends who love and support us, and work which we enjoy that allows us to put bread on the table. But there are things in life that result from dedication to a cause, like equal justice for all. Our mantras, “We fight for those you love” and “The courtroom is our battleground,” signify that when you are represented by Chaikin, Sherman, Cammarata & Siegel, P.C. (CSCS), you will have a lawyer who is creative and aggressive, one who will never sacrifice anything that is in your best interests. These are core concepts at CSCS, and they have not only provided results we are consistently proud of, but they have also produced recognition within our own legal community and metropolitan category.

All four of the named partners—Donald Chaikin, Ira Sherman, Joseph Cammarata, and Allan Siegel—were past presidents of the District of Columbia Trial Lawyers Association, and Matthew Tievsky, our most recently named partner, is on the Board of Directors.

Martindale-Hubbell®, a lawyer rating agency, awarded CSCS and partners Ira Sherman, Joseph Cammarata, and Allan Siegel its highest rating, AV Preeminent. In fact, Ira Sherman was recognized this year for having AV Preeminent ratings for 20 years in a row.

*Washingtonian Magazine*, in its most recent survey, listed CSCS partners Ira Sherman, Joseph Cammarata, and Allan Siegel as “Top Lawyers” in the D.C. metropolitan area in the category of Personal Injury Litigation. Moreover, Joseph Cammarata has been named a “Top Lawyer” by *Washingtonian Magazine* every year that they have made this designation, since 1997. Allan Siegel has been named a “Top Lawyer” every year since 2004.

*Washington, D.C. Super Lawyers® Magazine* also does a yearly survey that identifies lawyers considered

to be in the top 5 percent of their primary area of interest. Ira Sherman, Joseph Cammarata, and Allan Siegel have been named to the list of *Super Lawyers®* every year since 2011. Joseph Cammarata and Allan Siegel also have the distinction of being named in the “Top 100 Lawyers” in the Washington, D.C. area by *Super Lawyers® Magazine* for the second consecutive year. And, partner Matthew Tievsky has been named a *Rising Star* by *Super Lawyers® Magazine* since 2014.

*Northern Virginia Magazine* also rated the three named partners as “Top Lawyers” in the field of Personal Injury Litigation in its December 2019 issue.

Finally, and most recently, on November 1, 2019, the law firm was named a Tier 1 “Best Law Firm” by *U.S. News & World Report®* in the field of Personal Injury.

Now, back to the question: Is CSCS the luckiest law firm in D.C.? The answer is “no” and “yes.” When every major organization that rates the competence of lawyers in our area has included the individual partners, as well as the law firm as a whole, in their rankings, that is not luck. It is the result of years of hard work, perseverance, and dedication to our clients. The harder we work, the “luckier” we get!

We were all, however, very lucky to have met each other, and to have been mentored by our founder, Donald Chaikin. We have multiplied the luck of meeting Donald Chaikin by combining, over time, Ira Sherman, Joseph Cammarata, and Allan Siegel, all of whom share the same foundational precepts that resulted in the success CSCS has achieved. And, let's not forget, we were most fortunate to have met each and every one of you! We care about each of you, and all those whom you love, and we fight the battle, day after day, to assure as best we can that you receive full and complete justice. We thank you for having placed your trust in us! We wish you a happy and healthy holiday season.

### **Washington, D.C. Office**

The Law Building  
1232 17th Street, N.W.  
Washington, D.C. 20036

### **Maryland Office**

911 Silver Spring Avenue  
Suite 107  
Silver Spring, MD 20910

### **Virginia Office**

5673 Columbia Pike  
Suite 101  
Falls Church, VA 22041

### **Telephone**

202.659.8600

(outside D.C.)

800.229.8384

### **Fax**

202.659.8680

### **e-mail**

sherman@dc-law.net

### **Website**

www.chaikinsherman.com

Attorneys available  
24 hours a day, 7 days  
a week.

### **Practice limited to personal injury**

- Free consultation
- Home appointments
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We do not get paid  
unless you do.

## CSCS NAMED A TIER 1 “BEST LAW FIRM” FOR PERSONAL INJURY IN 2020 *U.S. NEWS & WORLD REPORT*® LAW FIRM RATINGS

We are proud to announce that Chaikin, Sherman, Cammarata & Siegel, P.C. has been named a Tier 1 “Best Law Firm” in the 2020 *U.S. News & World Report*® law firm ratings in the field of personal injury for the Washington, D.C. metropolitan region. *U.S. News & World Report* has become one of the best-known legal ranking organizations in the country. To qualify for a ranking, a law firm must already have an attorney recognized in *The Best Lawyers in America*®, which represents the top 5 percent of practicing U.S. lawyers. CSCS has three lawyers named in *The Best Lawyers in America*—Ira Sherman, Joseph Cammarata, and Allan Siegel.

The ranking criteria for the *U.S. News & World Report* “Best Law Firms” publication is very selective, and only the nation’s top firms are ranked in this prestigious publication. *U.S. News & World Report* applies a rigorous selection methodology. The publication assigns a cumulative score rating to each firm, based on review of nominations, peer and client references, as well as other data. Their research team then compares all firms to see where they stand on the national and regional lists.

Firms that received a Tier 1 designation in a practice area reflect the highest level of respect a firm can earn among other leading lawyers and clients in the same community and practice areas.



## HAVE YOU BEEN TREATED UNFAIRLY BY A WASHINGTON D.C. BUSINESS?

Across the country, you can sue if you lose money because of a business’s shady practices. But what if you are unsure that the cost of filing a lawsuit makes it worthwhile when weighed against the money that you lost? Many states have dealt with this problem by passing special laws that create incentives for consumers to file lawsuits against unscrupulous businesses. The District of Columbia has such a law. In fact, D.C.’s law, the Consumer Protection Procedures Act (CPPA), is possibly more generous to consumers than any similar law in the country.

The CPPA provides for legal actions against “merchants” who commit “unlawful trade practices.” A “merchant” is any person or corporation who regularly sells goods or services. “Unlawful trade practices” include misrepresentations of important facts, bait-and-switch tactics, and false advertising. The CPPA provides that a local government agency, the Department of Consumer and Regulatory Affairs, can file a legal complaint against a merchant for an unlawful trade practice.

More significantly, the CPPA also authorizes an individual consumer harmed by an “unlawful trade practice” to file a lawsuit against the merchant on behalf of him/herself *and* all other consumers harmed by the same practice. The consumer does not have to live in the District of Columbia, as long as there’s otherwise a significant connection between the unfair trade practice and D.C.—e.g., the consumer could buy a defective product from the merchant’s store in D.C.

And to encourage consumers to file such lawsuits, the CPPA provides for generous awards: A consumer can recover *triple* the damages that he or she suffered due to the unlawful trade practice, as well as punitive damages (an extra award to punish the unethical merchant), payment of the consumer’s attorney fees, and injunctive relief (a judicial order for the merchant to stop its unlawful trade practices).

Our firm’s practice is based on helping individuals who have been hurt or harmed by wrongdoing but who do not have the resources or know how to vindicate their own rights in court against powerful interests. That is why we are always interested in potential claims under the CPPA. If you believe you have been cheated out of money by unethical practices by anyone who sells goods or services, you should contact the attorneys at Chaikin, Sherman, Cammarata & Siegel, P.C. for a free consultation.



# \$35.6 MILLION VERDICT OBTAINED IN MEDICAL MALPRACTICE LAWSUIT

Partner Joseph Cammarata represented our client, who suffered a life-altering injury as a result of the actions of a neurosurgeon. She was forced to go to trial to recover compensation for her injuries after the neurosurgeon and the neurosurgeon's insurance company refused to offer any money to our client. After seven days of trial, the jury awarded our client \$35.6 million. The details are as follows:

On October 22, 2015, our client underwent lower back surgery in an effort to cure her chronic back pain. The neurosurgeon who was going to perform the surgery told our client that the surgery had a 70 percent likelihood of being successful. The surgeon was to remove a lower back disc and fuse the surrounding vertebrae.

To perform the surgery, the neurosurgeon placed our client facedown on the operating table. He did this so that while operating he would not come close to an artery in the stomach area while he performed the operation. The neurosurgeon knew that if he cut the artery, he would cause serious harm, if not the death of our client.

Unfortunately, the neurosurgeon caused his surgical instrument to go too deep into the disc space and he cut the client's artery. As a result, our client was not able to get oxygen to her brain for approximately 23 minutes.

Although our client was revived, she was brought back to a life of total dependence; loss of function; and cognitive, emotional, and behavioral dysfunction requiring 24-hour care.

Our client's husband was appointed as the guardian and conservator for our client, who later filed a lawsuit against the neurosurgeon.

At trial, the jury was presented with evidence of our client's permanent condition and of a plan which detailed our client's lifetime needs. The cost of those lifetime needs, with 24-hour homecare, was approximately \$7.5 million.

Further, the jury heard evidence of our client's past medical expenses of approximately \$800,000, and our client's substantial loss of earnings of up to \$1 million.

Despite a vigorous defense by the neurosurgeon, in July 2019 the jury returned a verdict in favor of our client and against the neurosurgeon in the amount of \$35,620,902.

The size of the jury verdict is a recognition of the harm imposed on our client by the neurosurgeon. Our client served the United States at a high and successful level, with distinction, working for an intelligence agency as an expert on Russian affairs. In that capacity, she was a consultant with respect to the Chernobyl tragedy, and involved in negotiations between India and Pakistan over nuclear arms.

Our client is now confined to a wheelchair and to a life which requires full-time care, and is struggling to remember fragments of her life and those in it.

Our client is a Virginia resident. Virginia has a law which limits the amount of money that can be recovered against a healthcare provider (a "malpractice cap"), despite the size of any jury verdict, depending on the date of the malpractice. In this case, the malpractice cap was only \$2,400,000.

Partner Joseph Cammarata is working to repeal the malpractice cap in Virginia. The malpractice cap benefits big insurance companies at the expense of victims of malpractice. The malpractice cap perpetuates inequality in access to justice. This cap must be eliminated. Under the current system, the insurance company is in a better position than a victim of malpractice, and we are not equal before the courts.

Partner Joseph Cammarata is actively working to eliminate the malpractice cap and secure equal access to justice.

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# PARTNER ALLAN M. SIEGEL LECTURES AT AAJ TRUCKING SEMINAR IN FLORIDA

Partner Allan M. Siegel was invited to speak at the American Association for Justice (AAJ) Trucking Litigation Section's Members-Only Seminar in Florida on December 9, 2019. He discussed trucking collisions in an urban environment.

Partner Siegel has been handling commercial vehicle accidents for over 25 years. He is an active member of AAJ's Trucking Litigation Section and is a frequent lecturer across the country on truck accident cases. Last year he co-chaired the committee that planned the trucking program in Washington, D.C. that focused on maximizing jury verdicts in trucking cases, and moderated that program. He also currently serves as the co-chair of two of AAJ's Trucking Litigation Section working committees.

## We are your law firm

We want you to think of us as your law firm.

If you have legal matters that need attention, please let us know. If we cannot handle the matter, we will refer you to a competent firm that can.

Please feel free to refer us to your family, friends, and neighbors for their legal needs. We welcome the opportunity to help.

**Call us. You're going to feel a whole lot better about things.**

CHAIKIN  
SHERMAN  
CAMMARATA  
SIEGEL P.C.  
*Attorneys at Law*

The Law Building  
1232 17th Street, N.W.  
Washington, D.C. 20036

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## ASSOCIATE MINDY EPSTEIN JOINS FIRM

We are excited to welcome Mindy Epstein as an associate attorney. Ms. Epstein is an experienced litigator who represents clients with passion and vigor.

Prior to joining Chaikin, Sherman, Cammarata & Siegel, P.C., Ms. Epstein worked as a litigation attorney with established personal injury law firms in Prince George's County and Montgomery County, Maryland. Over the past six years, she has represented individuals who suffered injuries as a result of negligence in automobile accidents, slip-and-falls, and medical malpractice cases.

Additionally, she has litigated wrongful death cases and assisted in obtaining excellent results on behalf of families who have lost loved ones. Ms. Epstein has also worked as Assistant General Counsel for a bi-county agency of the State of Maryland, wherein she handled matters in various aspects of the law, including employment matters, contract disputes, administrative claims, and government defense.

