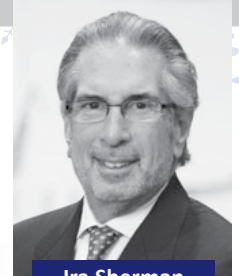


CHAIKIN
SHERMAN
CAMMARATA
SIEGEL P.C.

Attorneys at Law

“We Are a Nation of Laws, Not of Men”

John Adams



Ira Sherman

A message from Managing Partner Ira Sherman

It has certainly been a tumultuous political year. In fact, I have not lived through a more emotionally draining campaign for the presidency than 2016. To those concerned about the presidency of Donald Trump, I ask you to remember that political power is defined and limited by the laws that govern this country. President John Adams said, “We are a nation of laws, not of men,” and that is just as true now as it was then.

First and foremost, we are governed by the U.S. Constitution. The Constitution’s first 10 amendments, referred to as the “Bill of Rights,” guarantee basic “inalienable” rights, such as freedom of speech and assembly (1st Amendment), the right to privacy (4th Amendment), and the right to counsel (6th Amendment). The Constitution also defines the limits of the power of the president and of Congress.

In addition, there are thousands of laws passed by Congress that define and limit the conduct of our citizens, including the president. For example, the Civil Rights Act of 1866 is an integral part of our history and limits the exercise of police power.

The third branch of government, the judiciary, assures that actions taken by the president or Congress comply with the U.S. Constitution. Additionally, although it does not apply to the president, Maryland and Virginia each have state constitutions that guarantee fundamental freedoms and limit governmental power.

Finally, there is court-made law called “common law.” These cases are “precedent” and define what is permissible. Of course, courts can change their opinions if new judges are elected or appointed, or new justices are appointed to the Supreme Court, but that takes a lot of time—often decades. So, although there is a change in the White House, laws in America are often very slow to change.

We will all remain safe and secure because we are protected by our laws. Most importantly, we all know that lawyers are here to see that the laws are enforced fairly and in a nondiscriminatory way.

*Everyone at Chaikin, Sherman, Cammarata & Siegel, P.C.,
wishes each and every one of you a happy holiday season,
and a healthy and prosperous new year.*

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PARTNER ALLAN M. SIEGEL OBTAINS \$1.1 MILLION FOR WOMAN WHO SLIPPED AND FELL

A slip-and-fall case can be one of the toughest personal injury cases. This is especially true in the District of Columbia, Maryland, and Virginia. All three of these jurisdictions apply a law called contributory negligence. (The District of Columbia recently passed a law that will abolish contributory negligence, but the new law only applies to bicyclists and pedestrians involved in motor vehicle accidents—see article on page 3.)

Under the contributory negligence law, if the injured party is even 1 percent at fault for their injury, they cannot recover. In other words, if an owner of a property was negligent for leaving a floor in a wet and dangerous condition, and not putting up warning signs, an injured party could still lose. For example, the injured party could lose if it was determined by a jury that the injured party was negligent for failing to see the wet floor. The law is inherently unfair, which is why 45 states have abandoned it, and instead apply a form of “comparative” negligence, which means the jury is allowed to compare the negligence of the parties. Typically in a comparative negligence state, if an injured party is less than 50 percent negligent, then they can still recover (although their recovery is often reduced by the percentage that they are determined to be at fault).

In light of these challenges, the law firm is particularly proud to announce that partner Allan M. Siegel obtained a \$1.1 million settlement on behalf of a woman who was injured when she slipped and fell on mayonnaise in an office building. The mayonnaise had been spilled and not properly cleaned up, leaving a greasy residue. The owner of the office building and the company that spilled the mayonnaise argued that the mayonnaise was properly cleaned up, and that there were signs up warning our client of the dangerous condition. Our client vehemently denied this, and her testimony was supported by a coworker who was walking with her.

The client suffered serious and permanent injuries to her back, requiring surgery. Unfortunately, the surgery was not successful, and she has not been able to return to work since the incident. The case settled at mediation.



BILL COSBY CASE LITIGATION UPDATE

This is an update on the litigation pending against Bill Cosby. **Joseph Cammarata, Ira Sherman, Allan Siegel, and Matthew Tievsky** represent seven women who have sued Bill Cosby in federal court in Massachusetts for defamation. The seven women allege that Mr. Cosby branded each of them a “liar” when they made public their allegations of Mr. Cosby’s sexual abuse and assault of them.

Mr. Cosby has also been criminally charged with the 2004 drugging and sexual assault of Andrea Constand, and his criminal trial is set for June 5, 2017, in Pennsylvania. Mr. Cosby has repeatedly sought to get the criminal case dismissed, but his efforts have proven unsuccessful.

The civil case that the law firm is handling is in the fact-finding stage. Unfortunately, we have been prevented by the court from getting information directly from Mr. Cosby due to the criminal case pending against him in Pennsylvania. The court put a “stay” in place in the civil case to protect Mr. Cosby’s constitutional right to not incriminate himself if he had to testify in the defamation case. His testimony in the defamation case could be used against him in the criminal case. However, if he refused to testify in the defamation case by asserting his Fifth Amendment right against self-incrimination, then a jury may be permitted to draw the conclusion that if Mr. Cosby did testify, it would not have been favorable to him.

Mr. Cosby is also seeking to prevent the state’s attorney in the criminal case from using against him, in the criminal case, a deposition he gave in 2005, in which he admitted, among other things, to obtaining Quaaludes so he could have sex with young women. A ruling on this issue is expected soon from the judge in the criminal case.

PARTNER ALLAN M. SIEGEL SPEAKS NATIONALLY AND LOCALLY

Partner **Allan M. Siegel** recently gave lectures in Florida, New Jersey, and in the District of Columbia. The American Association of Justice's Trucking Litigation Group invited Mr. Siegel to speak in Florida on November 10, 2016, at its Members Only Seminar. The Trucking Litigation Group is a group of lawyers who focus a portion of their practice on litigating cases against truck and tractor-trailer owners and drivers. Mr. Siegel has been a member of this group for years, and lawyers from across the country frequently refer him trucking cases that occurred in Maryland, Virginia, and the District of Columbia. Mr. Siegel was invited to speak on accident reconstruction in trucking cases.

Mr. Siegel was also invited to speak at the New Jersey Association for Justice's Meadowlands Seminar on November 16, 2016, regarding accident reconstruction in motorcycle cases. The speech focused on techniques that Mr. Siegel used to discredit the opposing side's accident reconstruction expert in a motorcycle case that he settled on behalf of a client in 2015 for \$4.5 million.

Lastly, Mr. Siegel and associate **Ashley Page** made a presentation to the Washington Area Bicycle Association on November 14, 2016, regarding what to do after a bicycle crash. As our readers may recall from our last newsletter, the firm recently became a Legal Resource Member of this Association. We were excited to share our knowledge and expertise with the group so that they are better prepared in the event they are involved in a crash.

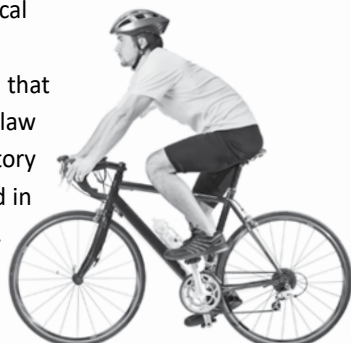


CONTRIBUTORY NEGLIGENCE TO BE ABOLISHED IN THE DISTRICT OF COLUMBIA FOR BICYCLISTS AND PEDESTRIANS

On September 20, 2016, the D.C. Council unanimously voted to abolish the contributory negligence doctrine in cases involving bicyclists and pedestrians. Mayor Bowser recently signed the law, and it has been sent to Congress for review. The law, known as the Motor Vehicle Collision Recovery Act, enacts a system of comparative negligence in the District of Columbia for bicyclists and pedestrians, as well as other "nonmotorized users" injured in a collision with a motor vehicle. "Nonmotorized users" include people on skateboards, nonmotorized scooters, Segways, tricycles, and other similar "nonpowered" transportation devices.

The new law allows injured victims to recover compensation, as long as they are less than 50 percent at fault. This new law will be extremely beneficial to a population which often suffers the most serious injuries as a result of traffic accidents, and will help them recover money for their medical expenses and other damages.

We are hopeful that the wisdom that resulted in the passage of this new law will eventually lead to the contributory negligence doctrine being abolished in all cases in the District of Columbia. The law is projected to go into effect on December 16, 2016.



PEDESTRIAN INJURED IN CROSSWALK WINS SETTLEMENT

Partner **Joseph Cammarata** successfully represented an attorney who was crossing in a crosswalk on 10th Street and Pennsylvania Avenue, NW, in front of the Department of Justice, when he was struck by a limousine turning left, resulting in multiple fractures requiring multiple surgeries. Mr. Cammarata was able to obtain a settlement on behalf of the attorney in the amount of \$900,000.



VICTIM OF INVASION OF PRIVACY WINS SETTLEMENT

Partner **Joseph Cammarata** successfully represented a man who was secretly videotaped by his roommate while engaging in private and intimate activities. The man discovered the secret camera and reported the roommate to the police. The roommate was convicted and is now in jail. Mr. Cammarata was able to win a settlement from the roommate of \$250,000. There was no insurance available to cover the claim, and the settlement was paid from the roommate's personal assets.



WINTER IS COMING—BEWARE OF ICE

Every winter the firm gets an influx of calls from clients who have suffered serious injuries as a result of falling on ice. A property owner or manager is required to maintain their property in a safe condition. If there are freezing temperatures, and snow or other precipitation, then they must take reasonable efforts to clear the pedestrian walkways to provide safe passage. However, in order to prove liability against a property owner or manager, we must be able to prove that they had sufficient time, after the snowstorm or precipitation, to make the property safe. For example, if you were to go out while it was snowing and slip on a walkway that was covered in ice or snow, it would be very difficult to prove that the property owner or manager should have cleared the walkway, since the snow had not even stopped. However, if the snowstorm ended the evening before, and you left your apartment to go to work in the morning, and fell, it is likely the landlord could be held responsible for not clearing the walkway in a timely fashion.

If you were injured as a result of a slip and fall on ice, and suspect that a property owner or manager was responsible for failing to clear the walkway, call one of the lawyers in our office. The first consultation is always free.

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.

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CSCS WELCOMES ASSOCIATE MEGAN GIBSON

Megan Gibson recently joined the law firm as an associate attorney. She has an extensive background in advocating for injured people's rights with strength and integrity. Her practice areas include motor vehicle collisions, premises liability, medical malpractice, and other tort claims. Prior to joining **Chaikin, Sherman, Cammarata & Siegel, P.C.**, she worked for another prominent Washington, D.C., law firm that represents the rights of injured individuals.

Ms. Gibson received her JD from the Georgetown University Law Center in Washington, D.C., in 2013. While in law school, she co-authored a winning proposal for a Georgetown Law class and federal advocacy project, was director of the Georgetown Law Human Rights Fact-Finding Committee, and vice president of the Georgetown Human Rights Action—Amnesty International student group. She has lived in the D.C. area for nearly 10 years and is an avid outdoorswoman and yogi.