

SHOLLENBERGER & JANUZZI Attorneys At Law

FACT & COMMENT

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*Happy New Year from Everyone at
Shollenberger & Januzzi*

Presettlement Loans: Too Good to be True

DID YOU KNOW?

...People over the age of 50 have an advantage when applying for social security disability benefits. The Social Security Administration has stricter requirements for younger people who apply for disability. If someone under the age of 50 is applying for benefits or appealing an initial denial, it is critical that certain aspects of their case are addressed. Adam Wolfe, a partner at our firm, has successfully obtained disability benefits for clients both older and younger than age 50.

...Only some insurance companies offer first party medical benefits on motorcycle policies. They are also not required by law to offer a minimum of \$5,000 in coverage like they are with car policies. Therefore, the amounts they offer often fluctuate between companies. When purchasing motorcycle or car insurance, make sure you ask questions about the types of coverages you are buying. You shouldn't buy the insurance unless you know what it covers you for. As always, the attorneys at Shollenberger & Januzzi remain available to answer questions about your automobile insurance policies and the types of coverages you can purchase.

...If you are working for two employers, are injured while working for either one and unable to work either job due to injury, you are entitled to receive workers compensation benefits based on your total earnings from both jobs. Karl Januzzi, a partner with the firm, has successfully handled this issue for clients on a number of occasions.

Daytime television is flooded with commercials by companies offering to advance money to injured people whose cases are not yet settled. It sounds great; offers of fast, hassle free money. But just like with anything else, when something looks too good to be true, it usually is.

What they don't tell you on those commercials is that the interest rates on the loans are astronomically high. In fact, they will typically advance you less than what they believe the case is worth, but by the time your case is settled they will be owed much more than the amount they advanced. In some cases they are even owed the whole amount of the person's net recovery.

One of the contingencies to receiving the loan they don't tell you about is that your attorney has to provide them with the information they request about your case. Sometimes, this requires the attorney to provide sensitive information about your case. This leads to questions of whether the information discussed by the attorney and the loan company becomes discoverable by the other party. This could potentially lead to privileged information becoming available to the "other side." This could ultimately jeopardize the case and result in a lower settlement or award.

Attorneys in Pennsylvania are governed by a set of ethics rules called the Rules of Professional Conduct. One of those rules, Rule 1.8(e), addresses attorneys' ability to provide financial assistance to clients and precludes attorneys from loaning money to clients while they wait for their cases to be settled. While this type of lending may not equate to direct financial assistance from the attorney, it does require cooperation and agreement from the attorney.

Another duty inherent in the professional ethics of an attorney is the responsibility to act in the best interest of their clients. We take that responsibility very seriously at Shollenberger & Januzzi and will almost always strongly advise our clients not to accept loan monies from these companies. We encourage our clients to contact us before calling these companies so that we can discuss the effects of accepting the loan money.



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NEWS FROM THE FIRM

Adam Wolfe, a partner with the firm, recently taught a seminar for the Pennsylvania Bar Institute about the use of functional capacity evaluations in personal injury litigation. A functional capacity evaluation is a set of tests designed to determine a person's physical ability to perform certain types of work. They are often used in cases involving loss of earning capacity and loss of future earnings.

Jessica Swedenhjelm, R.P. (Registered Paralegal), paralegal to Attorney Shollenberger, recently attended the National Federation of Paralegal Associations (NFPA) Annual Convention in Portland, Oregon. At the meeting, the delegates approved the development of a Basic Proficiency Exam, which will assist with the expansion of the paralegal profession. Jessica has already taken and passed the advanced proficiency exam.

A NOTE FROM OUR CLIENTS

"Thank you for fighting this all the way to the end. We originally called Russ Brown who referred us to Shollenberger & Januzzi. That's how we were lucky to meet Adam.

We were sitting on a motorcycle at an intersection and were stopped by a crossing guard when an SUV struck us from behind. Nevertheless, it was a drunk driver with no license, who didn't own the vehicle. Also, the police let the drunk driver walk from the scene of the accident. No justice.

Adam sprung into action and didn't waste any time obtaining police reports and seeing that our medical bills were paid and that we had time off to heal and do rehab while our bills were being paid. He even went out of his way to ensure that our employer would cooperate with some disability. We cannot thank you enough for the pressure you took off of us and our family.

Adam even made sure that I got my helmet and jacket replaced not to mention a new motorcycle! Then when we thought our disability was going to turn on us, Adam went to battle for us again to ensure we didn't owe back money. Adam also conferred with our surgeon to see that we had the proper treatment for our injuries and that they were covered under the statutes of the law.

Complete physical, mental and financial recovery thanks to Adam. We didn't go nuts when things got crazy and out of our control. Nice to have someone this powerful and professional on our side.

Mark and Linda

P.S. My wife Linda says she's gonna miss a friend (Me too!). Thanks to Adam for doing more than expected."

VISIT US ON THE WEB...NEW AND IMPROVED

The **NEW WEBSITE** is up and running. The internet address is the same: www.sholljanlaw.com. Please take a few minutes to browse the site. We have recently added videos covering topics that may be of importance to you. The telephone numbers on the site are different than the numbers most of you are used to calling. If you are a current client, we encourage you to use the telephone numbers you already have. However, the telephone numbers on the website will connect you to our main office location in Enola. We hope that the new website content is informative and provides our current and prospective clients with pertinent information about personal injury law and how we can help. Please feel free to share the internet address with anyone who may benefit from the content of the site.

OUR PURPOSE

Shollenberger & Januzzi, LLP is committed to excellence in providing superior legal services in personal injury cases. We consider our past and present clients part of our legal family and we hope that they think of us as "their lawyers". Publication of this quarterly newsletter is another example of our determination to keep friends and clients informed about legal matters important to them. It is not intended to be offered as a source of advice pertaining to any specific matter. Please feel free to share the newsletter with neighbors, friends or anyone you think may benefit from the information it contains.

