

ARONBERG & KOUSER, P.A.

Attorneys At Law

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Highlights of Legal News & Information



(Left to Right) Joseph Musso, Edward Lopez, Robert Greenberg, William Stopper & David Kouser

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What Am I Signing At The Nursing Home?

One of A Three Part Series

By Joseph Musso, Esq.

When the nursing home pushes the admission contract across the table for your signature, you are likely to find some strange language in it about Arbitration. What does that language mean and why is it there? In simplistic terms, it means that if you and the nursing home get into a legal dispute, instead of going to court, your dispute will be decided by a professional decision-maker

(or a panel of professionals). At first glance, that may sound good, especially when you discover that Arbitration is usually faster than going to court. But let's think about it: why would YOU file a lawsuit against the nursing home and why are THEY asking you to sign this document?

Realistically, no one wants to go to court. But if you went to court, *continued on page 2*

Frequently Asked Questions About Social Security

By Edward A. Lopez, Esq.

Q. How do I obtain Social Security or SSI Disability benefits?

A. Before any benefit can be paid, you must first apply. You can file a Social Security Disability application in person at your local Social Security office or by telephone by calling 800-772-1213. After you file your initial application, you should meet with an attorney in our office to discuss your claim. We will advise you about your potential rights and benefits under Social Security as well as any potential

problems with your claim.

Q. How long do I have to appeal a denial of benefits?

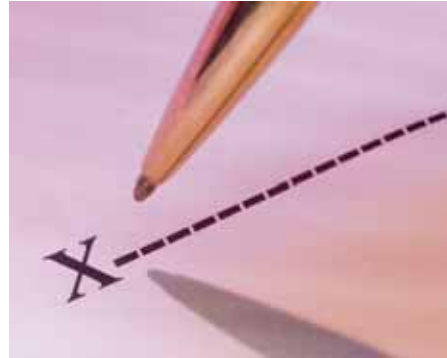
A. You must file an appeal within 60 days of any denial. If your initial application is denied you must ask for reconsideration within 60 days. If your reconsideration is denied, you must request a hearing within 60 days. If your hearing results in a denial, you must file an appeal with the Appeals Council within 60 days.

continued on page 3

What Am I Signing At The Nursing Home?, *continued*

why would you be there? What would make you hire a lawyer? It would likely be because the nursing home did something wrong that harmed your loved one who lives there. If that happened, you would be mad and you would want to hold the home accountable for not doing what they promised, which was to protect your loved one. Because of the realities of litigation, even if you get mad you aren't likely to sue the nursing home unless they hurt your loved one badly or kill them. So, you have to ask yourself: "If they hurt my Mom badly or caused the death of my parent, why wouldn't I want to hold the nursing home accountable to the full extent of the law?" With that in mind, let's talk about why the nursing home wants you to sign an arbitration agreement. The nursing home industry is concerned about what they view as a "runaway jury verdict." They don't like it when a jury holds the nursing home accountable for harming Mom and awards a lot of money (remember, deciding what "a lot" means usually

depends on which side of the dispute you're on – we would all rather have Mom than money, but if they kill Mom, what is your price tag on her love?). With that in



mind, the nursing home would rather have a professional decision-maker resolve the dispute. Who are these "professionals" that sit on arbitration panels: most of them are lawyers or accountants who work for big business (like nursing home chains). There are exceptions, but the truth is that the vast majority have an interest in keeping awards against the nursing home industry low. Think about it – if arbitration

awards were as high as jury awards, nursing homes wouldn't hire arbitrators. So, when nursing homes justify arbitration by saying they want injury and wrongful death awards to be "reasonable," the issue you have to decide is whose definition of reasonable are you willing to accept?: the nursing home's or a jury's?

The nursing home cannot make you sign an arbitration agreement. If they made it a condition of care, the contract probably isn't enforceable (although you may want to make notes on the document itself that the agreement is signed under protest or that they are requiring you to sign it). You can simply cross through the arbitration portion of the agreement. If you have already signed an arbitration agreement, you can write to the nursing home and let them know you are rescinding (cancel) that portion of the contract. If the nursing home objects, then keep anything they put in writing where they make it look like you are required to agree to arbitration and contact your local long-term care ombudsman.

Giving Back To The Community

It is our goal to educate the general public concerning their rights and duties under the law. We view this goal as a way to give back to the community by helping to make our family of clients knowledgeable in all aspects of legal responsibility and protection of their families. The Firm would like to thank the following groups for allowing us to speak to their members about various legal issues:

Carpenters Union Local #1578

Camden City PBA Local #35

Gloucester County PBA Local #122

If you have an interest in having our Attorneys host a free seminar for your Union Local, Civic Group or Organization please contact our Administrator Cathy Schaefer.

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FIRM NEWS



Aronberg & Kouser, P.A. Welcomes Attorney Edward A. Lopez To The Firm

A 1993 graduate of Rutgers University School of Law in Camden and admitted to the practice of law in 1994, Edward Lopez joined the firm in March 2006. He has concentrated his practice in the fields of Worker's Compensation law, Social Security Disability law, personal injury and municipal court matters in the State of New Jersey. Ed is admitted to practice before the United States District Court for the District of New Jersey. He is a member of the New Jersey Chapter of the American Trial Lawyers Association, the Worker's Compensation Section of the New Jersey State Bar Association, the National Organization of Social Security Claimant's Representatives, the Cumberland and Camden County Bar Association as well as a Barrister in the New Jersey Worker's Compensation Inn of Court. Ed resides in Cherry Hill with his three children.

Reopen Your Workers' Compensation Claim

By Edward A. Lopez, Esq.

I'd like to take this opportunity to remind those of you who have settled worker's compensation cases in the past that you only have two years from the date of the last payment received to "reopen" your claim. If there has been a material worsening of your condition, you may be eligible for further medical treatment or more money. If you are not sure whether you are still eligible to "reopen" your claim, please feel free to call me to discuss your claim.

Social Security Questions & Answers, *continued*

Q. *What fees will I need to pay?*

A. An attorney's fee is payable only upon obtaining a favorable decision. Our contract calls for 25 percent of past due benefits. All fees must be approved by Social Security and no fee greater than what is allowed by Social Security can be charged.

Q. *What proof do I need to show to get disability benefits?*

A. At least one treating or evaluating doctor must support your claim that you cannot work and that you have not or will not be able to work for at least 12 consecutive months. There are also various nonmedical requirements based on your type of claim.

Q. *What happens if my claim is denied after hearing?*

A. There is a 60-day period during which you may appeal to the Appeals Council in Arlington, Virginia. If the Appeals Council denies your claim or refuses to remand it for a new hearing, we will have 60 days to file a federal district court appeal. Our firm will not appeal to the federal district court without first meeting with you to discuss the possible appeal. The federal court has different rules and filing fees.

Q. *How long will it take for my case to be completed?*

A. That depends on the stage of appeal, when you first come to our office and how long it takes the agency to make its decisions. Frequently a hearing is scheduled three months after the request and two to six months after the hearing for a decision.



Thank You For Your Referrals

Our firm receives many new clients based upon the references of our current clients and friends of our firm. We would like to express our deep appreciation to everyone who refers anyone to our firm. We sincerely appreciate the trust and confidence you place in us by making these referrals.

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PROFILES OF ARONBERG & KOUSER MEMBERS

Erica Musso, Paralegal



Erica Musso has been a valued member of the Aronberg & Kouser family for over 13 years, serving as paralegal for our workers' compensation department. She recently added social security matters to her list of responsibilities, with the welcomed

addition of Ed Lopez and his successful practice. Erica's years of experience have provided her with a wealth of knowledge, and she is dedicated to helping our clients resolve their many issues and problems. She is an integral part of our staff. Erica grew up in Cherry Hill and currently resides in Barrington with her husband, Jonathan, and their dog, Willie.

Deborah Maddox, Paralegal



Deborah Maddox is the paralegal to David S. Kouser and Edward Lopez. Debbie has over 20 years of experience, having been with our firm for the past 7 years. While assisting in our workers' compensation department, her experience has also led her to run our real

estate, municipal court and will preparation departments. She is also a crucial part in our PBA Legal Protection Plan which provides counsel to Police Officers. Debbie continues to be an asset to the firm through her dependability and dedication. Debbie grew up in Cherry Hill and now resides in Marlton with her husband, John, a Sergeant with the Camden City Police Department, and their three boys.

Seasons Greetings

And Best Wishes For A Happy & Healthy 2007

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OTHER LEGAL MATTERS

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DWI/DUI Real Estate
Criminal Matters Traffic Violations