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BRIEF

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FRANK'S COLUMN

IS THE HANDSHAKE GONE FOREVER?

One of the changes with the coronavirus I just can't get used to and miss — which I'd never really thought about before — is shaking hands. When I was a kid, a firm handshake was a part of growing up. My dad always emphasized it — looking someone in the eye and giving them a good handshake. And it made you feel like a grown-up when you were 9 or 10.

We even practiced shaking hands (no Netflix back in the day), and one of the biggest compliments we could get as a kid was "That's a good handshake." I taught my kids the same thing.

So, I used to shake hands with everyone — delivery drivers, store clerks, people I met or hadn't seen in a while. Now I have to catch myself — I still automatically extend my hand, and it looks like I have a twitch when I pull it back.

It's a small thing I suppose, but I miss it. And don't even talk to me about elbow bumps, toe taps, air high-fives. Not even close.

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OCTOBER 2020

THE LEGACY OF HENRY FORD'S ASSEMBLY LINE

AND WHY IT HAS NO PLACE IN A LAW FIRM

Henry Ford first introduced the Ford Model T to the world on Oct. 1, 1908. However, it wasn't until five years later that the Model T's legacy would be solidified. That's when Ford installed the first moving assembly line in his factory, reducing the amount of time it took to build a Model T from 12 hours down to just 30 minutes.

Ford's new system for building automobiles not only increased the number of cars his factories could produce, but they also made them affordable for consumers. Just by making his production systems more efficient, Ford effectively ushered in the automobile age in the United States.

Beyond just his legacy in the automobile industry, Ford demonstrated just how important efficient systems are in any industry. Greater efficiency leads to more people getting a business's products or services.

On the administrative side of things here at Donahoe Kearney, we use systems to help us help our clients every day — from our investigating potential medical malpractice to making sure deadlines are met and promises kept. It's a big part of why people trust us. However, because we're helping people rather than selling cars, systemizing our operations is only helpful to a certain extent.

While every Ford Model T was exactly the same, every person we help is unique. Since we focus on helping people who are seriously injured, every case is important and complex. So we want to honor that in our customer service and communication at our office.

Consider those commercials for law firms we see on TV — how do they take on that many clients? Just like Ford set up an assembly line for his automobiles, these firms will run their clients through an assembly line-type process instead of treating their cases with the care any unique person deserves (I was hired as a mediator in a case for one of those firms once and they showed me their "bullpen" where they did this).



You won't find anything like that assembly line process here.

Any systems we put in place at our firm give each of our clients the unique experience they deserve. Unfortunately, this means we don't have the capacity to take on every client who seeks out our help. That's why we provide so many extra materials — all sorts of guides, reports, and books — on our areas of expertise for anyone with a legal issue. Our goal in providing these materials is to help any potential clients we've had to turn away as they search for another attorney.

Systems and efficiency are incredibly important, but when they mean treating people like numbers instead of, well, people, it's time for those systems to take a backseat. Henry Ford's legacy, and the legacy of the Model T, will always be one of efficiency and productivity, which brought the automobile to the American driveway. However, it's probably best that legacy doesn't affect how we as attorneys interact with our clients.

Frank Kearney

CLIENT SPOTLIGHT: THERESA WISE

Theresa Wise is one of our longest-standing clients. She has been with us for 20 years! Now, you may be thinking, why on earth would anybody's case go on for 20 years? Well, most don't! But this was an epic battle.

So, we've been there for Theresa.

Back in 2000, Theresa was working as a bus attendant for a transportation company, helping young children get from their homes to the bus, strapping them in car seats, and getting them to and from school safely. She took a bad fall down the school bus steps and injured her neck, back, and knees. She knew of Frank Kearney because he had represented her brother previously, and she signed on with him right away.

Her experience with workers' comp was a lot like most of our clients' experience: up and down. At first it was easy, but then it got hard (a lot of times, the workers' compensation adjuster will lull you into a false sense of security by being accommodating before they start to give you a really hard time). It wasn't long before they started denying her treatment and contesting her financial benefits.

Theresa had to go to court several times throughout the case, starting in 2000. And she just kept winning (she is warm and friendly and makes a great witness).

The insurance company switched lawyers four times. And the new lawyers were always trying to deny the claim with new vigor or stop the benefits she relied on. They contested her injuries and tried to say they weren't related to the work accident. But Theresa knew we were going to take care of things.

I asked Theresa what it was like to have a case for 20 years.

Theresa tells the story of how a couple of years ago, they had yet another deposition in Mr. Kearney's office. "That went well — they wanted to settle the case, but Mr. Kearney wasn't going to settle the case — their offer wasn't enough money. I said, 'You're the man, Mr. Kearney — you've been with me for 20 years.' I put my hands in his hands because he knows more about it than me. I trust Mr. Kearney is doing everything possible, that he will get everything he can for me. I just sat back and let him do the driving."



"It's been 20 years and I have fun with Mr. Kearney. I knew he was going to win — I kept telling him 2020 was going to be my year! I really appreciate what he did for me. I'm glad he left his old law firm (15 years ago) and left it up to me if I wanted to go with him on his own. I chose to go with him. I was going to stay with him no matter what. He's a very nice person."

And so it was. After 20 years of getting benefits, the case settled for an amount that would take care of Theresa for the rest of her life and continue to cover her medical treatment. Frank kept pushing back on them until they made an offer that he thought was right for Theresa. **That's what he does for all of his clients.**

I asked Theresa what she is looking forward to now that her case is settled.

She said, "I'm going to do as much as possible that I can that I used to do. I'm so tired of doctors. I want to get out in the world. I have three kids and 10 grandkids. I'm going to do life again."

TOP 5 COSTUME IDEAS THAT WILL KEEP YOU 6 FEET APART



1 Horse and Rider



2 Hula Hooper



3 Sword Fighter



4 Pit Bull Trainer (Priscilla)



5 Coronavirus Carrier

GET IN THE HALLOWEEN SPIRIT WITH OUR AVOCADO BREAKFAST RECIPE



INGREDIENTS

Makes 4 avocado toasts

- 4 avocados
- 1 tbsp lemon juice
- Salt and pepper, to taste
- 2 sheets of seaweed
- 1/2 red bell pepper
- Radishes
- Black olives
- Mini dill pickles, grape tomatoes, and walnuts, optional.
- 4 pieces of toast

DIRECTIONS

1. Slice the avocados in half, remove the stones, and scoop out the avocado flesh into a bowl. Add the lemon juice and pinch of salt and pepper, then mash with a fork.
2. Prepare the toppings for the facial features of the toast faces. Using sharp scissors, cut out shapes from the seaweed. You'll need circles for eyes, zigzags for hair, and thin strips for smiles, scars, noses, and eyebrows. Chop the red bell pepper into small pieces to make lips, fangs, nostrils, and pupils. Slice the radishes for eyeballs. Slice the olives into rings for eyes. Cut up the other optional ingredients if you want!
3. Spread the mashed avocado onto the toast pieces and decorate. See some examples of cute designs at the URL below — but let your imagination run wild!

Source: [Brit.co/get-in-the-halloween-spirit-with-our-avocado-breakfast-recipe/](https://brit.co/get-in-the-halloween-spirit-with-our-avocado-breakfast-recipe/)





'A CIVIL ACTION'

A MOVIE REVIEW

So, movie fans, I watched another great personal injury movie the other day. I can't believe it has taken me so long to see this movie — I think I've been holding out to read the book (I usually prefer to read the book first), but I caved. I mean, legal movie + John Travolta (plus a bevy of other notable actors including but not limited to "Monk," aka Tony Shalhoub) — you can't go wrong!

So, Jan Schlichtmann (John Travolta) is your embellished stereotype of a plaintiff's attorney. He is cast as a rich personal injury guy who doesn't really care about his clients. That is, until this one case really gets under his skin. It's a ground contamination case where two companies are responsible for dumping waste into the ground, and the result is a bunch of medical issues and deaths of children living in the nearby community. But Schlichtmann has to prove that a) the companies dumped intentionally, and b) they knew that dumping was wrong. This is a true story, mind you (*Anderson v. Cryovac, Inc. in Woburn, MA*).

So, the cynical attorney gets sucked into this case, and he really truly cares about his clients. In fact, he bleeds his three-partner law firm dry trying to prove the case, mortgages all of their houses to get the line of credit, eventually loses half the case on a technicality, and fails to get an adequate settlement. Their legal fees didn't even cover their expenses. Ouch!

Most notably, the senior plaintiff on the case said she didn't want money. She wanted an apology for the death of her son. And the apology didn't come.



Schlichtmann failed to get her the only thing she wanted. The companies at fault didn't admit fault, didn't clean up the site, and didn't ask for forgiveness.

At this point, Schlichtmann was broke and got kicked out of his law firm for the way he went rogue on the case. He ended up practicing solo, had to file for bankruptcy, and naturally fell off of Boston's "Most Eligible Bachelor" list. He was ruined.

But he was a changed man.

Jan Schlichtmann, though he wasn't able to fully prosecute the two companies like he wanted to, made a brilliant chess move. He wrote a long letter to the EPA explaining the case, and sent over all

of his research. The EPA picked up the case and was able to successfully show fault and the two companies cleaned up the site to the tune of \$60 million-plus. Schlichtmann moved on to practice environmental law.

At Donahoe Kearney, every case gets under our skin like that! We only take cases where we know we can truly help people, and we love what we do. If you have a chance watch the movie — it's really well done and it has an all-star cast. And let me know what you think.

Brooke Birkey

FREE BOOK EXPLAINS HOW INSURANCE COMPANIES TAKE ADVANTAGE OF ACCIDENT VICTIMS

AND HOW YOU CAN AVOID MAKING A CRITICAL MISTAKE

If you know someone who was seriously hurt in a car accident, get them this short book before they talk to the insurance company and make a huge mistake in their case! And it's now available for download, just go to <https://bit.ly/UltimateGuide>.

Hate reading stuff on your phone or computer? So do we — just call and we'll send you a hard copy.

Even better, our new webinar gives you the inside track on what you need to do to make sure you don't get taken advantage of by an insurance company!

Check it out at <http://bit.ly/caraccidentwebinar>.

And this goes for any of our books or consumer guides — if you need something, just call!



NO TRICK-OR-TREATING? NO PROBLEM! MAKING SURE YOUR KIDS GET CANDY YOU CAN STEAL



2020 has definitely been more trick than treat so far, and concerns about COVID-19 might mean it's unsafe for children to do what they were born to do — get free candy — in the great sugar rush that is trick-or-treating. But rather than call it a night without any spooky-sweet fun, why not make a Halloween night in as fun as possible for the littlest monsters in your family? Here are a few ideas.

PLAY SOME GHOULISH HALLOWEEN GAMES.

Family game nights are the perfect outlet for all the energy and excitement that would otherwise be reserved for trick-or-treating — especially if the games involve candy. Depending on the weather, you could set up cornhole boards in your yard. Otherwise, Halloween Bingo with candy prizes, or bobbing for donuts — sure to be a family favorite, you tie donuts to pieces of string, dangle them from the ceiling, and see who can be the first to eat one with no hands — will also get your kids' energy out and satisfy their sweet tooth.

WATCH SOME (FUN) HALLOWEEN MOVIES.

Halloween movies don't have to be so scary that your kids can't enjoy them. If you have to spend Halloween night in, you could throw on old favorites like "Hocus Pocus," "The Nightmare Before Christmas," or even just "It's the Great Pumpkin, Charlie Brown." Bring out some sweet Halloween snacks to munch on while you watch, and you have the makings of a truly spook-tacular movie marathon.

THROW A BLOCK PARTY.

While you might be a little nervous about traversing the whole neighborhood with your kids, keeping Halloween confined to the block with some good friends and neighbors is a fun, safe way to get in the Halloween spirit. You could make it a potluck with all sorts of delicious fall foods, and your kids can wear their costumes.



ORGANIZE 'CONTACTLESS' TRICK-OR-TREATING — YOUR BEST BET

Instead of going door to door, talk to your neighbors about putting card tables with candy bowls on your driveway or sidewalk and have the kids just go table to table — way more efficient from a kid's perspective ... No explaining what your costume is, having to say "thank you," or getting your annoying younger brother up and down front porches and steps.

