



DONAHOE KEARNEY  
ATTORNEYS AT LAW

1901 Pennsylvania Avenue, N.W.  
Suite 900  
Washington, DC 20006  
202.393.3320  
DonahoeKearney.com

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BRIEF

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## FRANK'S COLUMN

### MARCH MADNESS

As you can see from the article inside, working since I was 16 has taught me a lot, and I know a lot of you are the same way. But I'm not going to mention any of that here. Why?

Besides St. Patrick's Day, the best thing about March is right around the corner — March Madness, where we get to hear over and over that the economy loses \$47 million dollars per second in productivity because people are constantly checking scores, updating their bracket, sneaking off to watch games, and drinking beer during the work day (or maybe that's St. Paddy's Day ... ) and all of a sudden, some school in the Midwest they've never heard of before is all they can talk about.

Leaving aside the fact that the NCAA tournament makes billions for schools, coaches, networks, sponsors — everyone but the players, who can't even profit off of their own likeness — it is the best-hyped sporting event that always delivers. The format — one loss and you're done — is genius, with David vs. Goliath seeding and constant games the first weekend (16 per day baby!). I love a good upset, don't you?

Just like in our cases and in life, sometimes it's not a fair fight. Sometimes you just have to hang in there while the other side goes on a run. Call a time out. Draw up a good play and go for it!

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MARCH 2020

## ANTICIPATING AND ACTING FAST VALUES AND LESSONS FROM HARD WORK

"A good employee is someone who anticipates what's needed and acts on it."

That is what a guy I was working with at my first job told me one day, and it stuck with me. I was 16 years old, and I was working for a landscaping company called Down to Earth Landscaping.

Two guys in their 30s (who I thought were so old), who had been friends forever, started and ran the company out of their house. All throughout the week, we would cut grass and do weed eating for apartment complexes, shopping complexes, and bigger homes. On the weekends, they would take on bigger landscaping and carpentry jobs building decks and fences. I made \$4.25 an hour during the week, and I got overtime pay on the weekends, which was awesome because that was \$5.50 an hour.

I worked for Down to Earth that summer and during all my breaks from school. Early every morning, I would load the trucks, top off the gas in the mowers and weed eaters, and generally make sure everything we needed for the day was in working order. Then, we would start the day.

Unfortunately, I didn't pick up any of the carpentry or handyman skills (ask my wife), but I still learned a lot. I often worked with a guy named Tim who really hustled to make ends meet — he worked as an auto mechanic during the week and the lead carpenter for this company on the weekends. He was probably about 25, married with kids, and had left college after the first year.

He wasn't happy that some teenage kid was his new helper. But I watched pretty closely and started getting him the supplies he needed before he asked for them. If it looked like he was going to need more decking boards or more cement bags, I went and got some. When he finished working in a certain area, I would clean up any trash or debris left behind or get the tools and equipment we needed for the next part of the job.

After about a month of working with Tim, he gave me the ultimate compliment, inviting me to drink beer with him and the crew (sorry, Mom!) as we finished up a job one hot Saturday afternoon.



I also got a chance to see how the bosses and the other workers interacted with clients. I learned how to talk to the people we worked for and tell them about the work we were doing in a way that made them feel comfortable.

As a lawyer, I don't use any of the trade skills I may have learned working in construction and landscaping, but I still pride myself on that work ethic. I remember the real value and satisfaction of a hard day's work and the feeling of depositing my paycheck in the bank at the end of the week, of course. I have Down to Earth Landscaping to thank for all that and for getting me started. And I used that experience and what I learned to get an even higher-paying job (pretty sure it was \$6 an hour!) as a commercial construction laborer the next summer.

Why didn't I go back to work for Down to Earth?

Well, this story had a happy ending for me. But the two guys who owned the business? Turns out one of them was committing tax fraud ... so the business closed early during my second summer with them, and he ended up going to jail. (Tim told me it was because he gave beer to a 16-year-old worker — and I almost believed him!)

-Frank Kearney

# RELIEF FOR MY PAIN

## AND JUSTICE FOR MY CLAIM

I could write a book about all my stories from working in Public Transportation here in DC. You see a lot of people from many different walks of life. Sometimes that makes the job worthwhile, and other times, it can make the job frustrating. All in all, though, it's a good job and I've been happy to have it.

Back in 2014, I was helping a passenger in a wheelchair get onto the bus. As I was helping them, I felt a sharp pain in my shoulder. I thought it might just be some soreness that would fade by the next day, but that didn't happen. When I went back to work, the pain was lingering, and I realized I must have injured my shoulder a lot worse than I thought. I filed for workers' comp not too long after that.

I received workers' comp benefits while I was in and out of work on account of my injury. Some days the pain was bearable and I could do my job without any problems, and on other days, it would flare up and I couldn't work at all. It was like a recurring injury. The next couple of years were a vicious cycle. I would work, then my injury would flare up, I would file for workers' comp, stay out of work, and then come back when I felt better — only to do it all over again. As if that weren't frustrating enough, my paychecks stopped coming in a timely manner.

Finally, in May of 2016, I had shoulder surgery. I was out for a few months on workers' comp after that, but I figured I could go back to work without any problems when my shoulder was done healing. I went back to full duty in September of 2016, and at first, my shoulder finally seemed to be back to normal. But it wasn't. The pain came back and I went back to doing light duty shifts.

I had no idea what to do and no idea whom to ask about my next steps. Fortunately, one of my coworkers recommended I talk to Frank Kearney to see if I had a case. After I got off work, I gave him a call, and everything was smooth from there.

***It was my first time ever having talked to a lawyer about anything. I didn't know all the ins and outs or what questions to ask, but Mr. Kearney helped me feel at ease throughout the entire process.***

Sometimes I had to be patient, but even then, he let me know what the next part of the process would look like when it happened.

Without getting too much into the details of the case, I can finally say everything is over. I'm relieved that despite all the bumps along the road, I was still fairly compensated for my injury. I'm happy to have worked with Mr. Kearney, and I can't stress enough how great a person he is. I would recommend his firm to anyone: five stars and two thumbs up!



I tell everybody who is dealing with an injury — don't ever feel like you have to fight for your rights by yourself. Get in touch with an attorney you can trust. Call Frank Kearney.

*-Nick McAllister*

# BROOKE BIRKEY ON CHASING YOUR DREAMS, 10 YEARS LATER

*"Just don't give up trying to do what you really want to do. Where there is love and inspiration, I don't think you can go wrong."*

-Ella Fitzgerald

I've had my sights set on law school since I was 19. That desire got under my skin at my first serious job as an office manager of a small law firm in Bradenton, Florida. I loved it. I started working there full time while pursuing a degree in political science at night.

I started applying for law schools right after graduation. Unfortunately, I didn't study very much for the LSAT (definitely a bad case of senioritis), and I only applied to "reach schools," considering my score. I was too proud to go to a local school, so I didn't go at all.

Instead, I moved to Washington, D.C., to get some real-life experience under my belt. That was 10 years ago. This year, I'm applying to law school again, and if accepted, I'll continue working full time and go to class at night. It's been a long ride, but my experiences have proved invaluable.

I didn't work in the legal field for a few years after I moved, but I yearned to get back to my original career path. Despite not having worked in a law firm since leaving Orlando, Frank and Keith gave me a shot as a part-time paralegal in July 2016. At Donahoe Kearney, one of our core values is leaving things better than we found them. Since they took a chance hiring

me, I try my best every day to live that out by doing my best for every person who reaches out to us in their time of need, and multiplying that by hiring an exceptional staff. Every team member here possesses strong character, a solid work ethic, and a can-do attitude. Sure, we make mistakes, but we try really hard to do the best job we can for everyone we work for.

Consistency and hard work pay off even when the rewards seem far away. When I was juggling a full-time job and night classes, it seemed like it would never end. I had to remind myself that each moment was an investment in the future. Despite the hiccups along the way, I've never forgotten that.

I've learned humility and dedication are far more valuable than ambition to get you where you want to go. So, for everyone who has had a dream on hold, don't give up. If you want it bad enough, it is within your grasp!

*-Brooke Birkey*



## CONGRATULATIONS CORNER



**CRAIG TURNER**

I really enjoyed speaking to Craig and getting his story. Stay tuned in May for the full profile!

Craig is a telecommunications specialist working with copper wire and fiber optics. His job is very cool — he climbs poles, gets into manholes, and basically follows the wire wherever it may lead so we can have phone and internet connections in residences and businesses. He doesn't do as much of the heavy duty work now (he ruptured not one but two Achilles' heels) and hopes to get into more infrastructure and less direct services in the future. But for the moment, he is back to work, serving the city in DC and keeping us connected to each other.

Congratulations, Craig, on your settlement. Keep up the good work!

Tyliia Bradshaw  
Cynthia McCray  
Doug Allston  
Eli Feghali  
Talaya Jenkins  
Vic Goel

*many thanks*

Lawrence McCrae  
Daniel Medina  
BenGlassLaw  
Shareka Cole  
Tia Corry  
Cooper Hurley  
Lu Trujillo

Belen Cadena  
McDonald Worley  
Richard & Dee Mooney

To the Friends of the Firm for your continued support, referrals, engagement, profiles, and other ways you contribute to our community!

# WE GET QUESTIONS

## OUR COMMUNICATION POLICY EXPLAINED

Another lawyer asked me recently about our firm's communication policy. He represents insurance companies and knows we are different from every other law firm he deals with, but he's just not sure why. So, like a lot of people who find us, he's curious about how we do things.

And when he was told I wouldn't talk to him when he called, we had this conversation:

**Q: WHY DON'T YOU TAKE CALLS IMMEDIATELY AS THEY COME IN?**

**A:** Because we're hard at work on a case helping someone, and we don't want distractions or interruptions. You see, **what we do for the people we help is really important — to them and to us.**

Yes, this means if you're someone we're privileged to represent, you know that when you call or email, we may set a time to call you back.

This is so we can give you the full update on your case or issue or get an answer for your question without interruptions or distractions. You don't get put on hold, there are no texts or other emails being read or people running in and out — it's all about you.

That's the best way to give you updates, give you advice, and, **most importantly, listen to you.** That would be the worst — having a law firm that was "multitasking" and not listening to you.

We decided long ago we're not settling for that. Yes, it's different than other law firms. So what?

The people we help — **the people who really matter** — love it. And I don't care about what other lawyers think.



Mark had a legit injury and a long work history — he wasn't faking, and he didn't have anything to hide. Unfortunately for Mark, he'd never read his disability insurance policy (and neither had his HR rep), but he had lots of family and friends to give him advice on what to do.

So, he filled out the forms and sent them in. And he waited. **STAY TUNED FOR PART III: The Conclusion to Mark's Story.**

*Mark is a fictional character based on real-life scenarios that we use to illustrate and teach how to handle (or not handle) long-term disability issues.*

## PART II OF III:

### HOW TO LOSE YOUR LONG-TERM DISABILITY APPEAL

After such a bad fall, Mark needed surgery for the fractured wrist and, later, the broken leg. While still recovering, he made the decision to not let this keep him from returning to his normal life. He would do whatever it took until he was back to his old self. He followed his doctor's orders and did what he needed for his body to heal. But his doctors, therapists, and his own body let him know he wasn't going to be 100%.

More than the worry and stress of his recovery, Mark was worried about how he would provide for his family. He'd always been a hard worker, but his job was a physical one.

How was he going to get back to work? He had a crew, but so much of what he did involved leading by example and picking up whatever slack his crew wasn't getting done. If he tried going back to work, then there was a good chance he'd hurt himself or someone else.

His company had long-term disability insurance coverage, and his human resources representative told him he should apply because he just had to fill out a simple form, his injuries would qualify, and he'd get paid while he couldn't work.

Although he hated to admit it, Mark decided he'd probably need to submit a long-term disability claim. He wanted to work, but he just couldn't. Because he'd dealt with different insurance companies in the past as a contractor, he figured he'd be good to go after filling out some paperwork.

## CLAIM DENIED: THE UGLY TRUTH ABOUT DISABILITY INSURANCE

The American dream is a beautiful thing: It includes working hard, earning enough money to feed yourself and your family, and having a roof over your head. We work hard and enjoy the fruits of our labor. And you've done that your whole life.

But what if that dream turned into a nightmare? What if something happened that took away your ability to work? All of a sudden you can't pay your bills or your rent — and instead of coming home to a happy household, you come home to a place of anxiety and fear, a place of wondering if you're going to lose everything you've worked for.

It's a scary thought, but it happens every day in America — to people just like you who have planned, saved, and done the right thing all their lives.

Here are the facts: One in 5 Americans live with some sort of disability. One quarter of all 22-year-olds will become disabled before they reach the age of retirement.

Many people work in a job they enjoy; chances are they're working that job

because they get paid for it. If you become sick or seriously injured and can't physically perform the duties of your job, you want to be sure your disability insurance policy has you covered. While employers offer long-term disability benefits with the best of intentions, sometimes that insurance policy and its terms create real hurdles for you and provide a huge advantage to the insurance company so they can deny coverage and stop or limit your disability benefits.

Let's think about that for a minute: Let's say you're hurt and you can't do your job. You feel stranded and alone at sea with no escape except for this life raft your employer gave you. Well, as you inflate the raft, you discover — guess what — there's a giant hole in it!

What's worse?

When they deny your claim for disability benefits, the insurance company basically says you're faking, lying, and malingering. They don't believe you, your doctors, or your test results.

They try to take your dignity. Don't let them.

**CLAIM DENIED**

**THE UGLY TRUTH ABOUT DISABILITY INSURANCE**

**Why Your ERISA Long Term Disability Claim Can Be Denied By The Insurance Company Even Though You're Disabled and Can't Work (and What You Can Do About It).**

You're stressed, worried, and upset (and dealing with the effects of a serious illness or injury), but you can fight back. It may be difficult, but you may need help from someone who believes in you, someone with a plan and ability to show the insurance company they were wrong about you.

You can do it. Order the book today through [bbirkey@dklp.com](mailto:bbirkey@dklp.com) or calling 202-393-3320!



## RATATOUILLE

### INGREDIENTS

*Inspired by Bon Appétit*

- 1 eggplant, peeled and chopped
- 1 large zucchini, sliced into 1/4-inch-thick rounds
- 2 tsp salt
- 3/4 cup olive oil, divided
- 5 sprigs thyme
- 1 large onion, halved and sliced 1/2-inch thick
- 1 red bell pepper, chopped
- 2 garlic cloves, sliced
- 2 pints cherry tomatoes

### DIRECTIONS

1. Heat oven to 400 F.
2. In a colander, toss eggplant, zucchini, and salt. Let sit for 30 minutes and pat dry.
3. In an ovenproof pot, heat 1/2 cup olive oil. Add half of eggplant mixture, stirring constantly for 5 minutes. Remove vegetables from pot.
4. Tie thyme sprigs together with kitchen twine.
5. In the same pot, heat remaining 1/4 cup olive oil, and cook onion, pepper, garlic, and thyme for 8–10 minutes.
6. Add half the tomatoes and cook for 5 minutes.
7. Stir in original eggplant and zucchini mixture and top with remaining tomatoes. Do not stir.
8. Transfer pot to oven and bake mixture for 15–20 minutes.
9. Remove pot from oven and remove thyme bundle before serving.



Happy St. Patrick's Day! Enjoy a day of singing, dancing, and blarney from Donahoe Kearney to you and your family.