



MARASCO & NESSELBUSH LAW OFFICES

Rhode Island's Trusted Personal Injury & Social Security Disability Law Firm

AREAS OF PRACTICE

Personal Injury Law:

- ☞ Auto Accidents
- ☞ Medical Malpractice
- ☞ Motorcycle Accidents
- ☞ Wrongful Death
- ☞ Uninsured Motorist
- ☞ Premises Liability
- ☞ Alcohol Related Accidents

Social Security Disability Law:

- ☞ Social Security Disability Insurance (SSDI)
- ☞ Supplemental Security Income (SSI)

FOUR CONVENIENT LOCATIONS

PROVIDENCE:

685 Westminster Street
(401) 274-7400

WAKEFIELD:

231 Old Tower Hill Road, Suite 206
(401) 783-0000

WARWICK:

51 Jefferson Boulevard, 3rd floor
(401) 738-7700

WOONSOCKET:

603 Park Avenue
(401) 762-9800

Free Parking, Easy Access

ATTORNEYS

Joseph P. Marasco
Donna M. Nesselbush
Mariam A. Lavoie
Joseph P. Wilson
Mark H. Grimm
Jennifer L. Belanger
Paul E. Dorsey
William Elderkin, Jr.
A. Chace Wessling
Timothy P. Lynch
Patrick S. Cannon

This newsletter is intended for current and former clients of Marasco & Nesselbush. We thank you for your many kind referrals, and for placing your trust and confidence in our firm.

MARASCO & NESSELBUSH

Bigger, Better, Faster, Stronger...

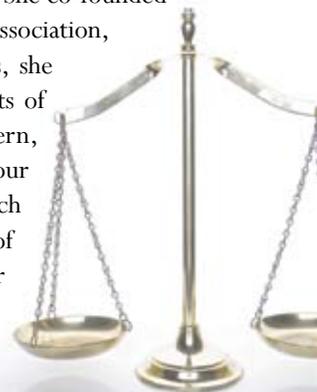
The year 2010 has been one of impressive growth for the Law Firm of Marasco & Nesselbush. Partners Joseph P. Marasco and Donna M. Nesselbush have expanded the firm's professional resources to meet the legal needs of our growing client base. In 2010, Marasco & Nesselbush was pleased to welcome into our firm 6 new Associate Attorneys and 9 new Legal Assistants. Our firm also broke ground on an ambitious construction project at our Providence office to meet the growing demand for our legal services.

All of the new attorneys were carefully chosen based on their experience and ability to obtain extraordinary results for our clients. **Paul E. Dorsey** joined our Social Security Disability Division as an Associate Attorney this spring. Attorney Dorsey graduated *cum laude* and prior to joining our firm had already litigated hundreds of Social Security Disability cases throughout New England. **A. Chace Wessling** is also now a member of our Social Security Disability Division. Attorney Wessling came to Marasco & Nesselbush after gaining experience as a civil litigator in the area of property rights and land use. She demonstrated academic excellence by graduating *cum laude* from Roger Williams University School of Law where she served on the *Law Review*. **Patrick S. Cannon**, also joined our Social Security Disability Division. He returned to Rhode Island after serving as an Assistant District Attorney for the state of

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Attorney Donna Nesselbush Elected Rhode Island Senator

Marasco & Nesselbush is pleased to announce that Partner Donna M. Nesselbush has been elected to the Rhode Island State Senate. Long a strong advocate for the rights of Rhode Island's disadvantaged and disabled, Donna felt drawn to serve on a higher level. She was excited to participate in government as a means of enacting laws and policies to improve and strengthen the fabric of our state. Having achieved leadership roles in academia, our state's human service sector and the legal community, Donna will bring a wealth of experience to the Rhode Island Senate. Donna was politically active at Brown University, she served as a past President of Progreso Latino, she was the former Executive Director of the Rhode Island Coalition Against Domestic Violence, she has served on the Board of Directors of the ACLU (American Civil Liberties Union). She co-founded the Social Security Disability Committee of the Rhode Island Bar Association, she serves as a Municipal Court Judge, and for the last 20 years, she has dedicated herself and her legal career to fighting for the rights of Rhode Island's injured and disabled. She is well qualified to govern, and we wish her well in the Senate. "I have learned so much from our clients and from the causes I have worked for; I have seen so much injustice, yet have met so many good people. I will bring all of my experience to bear to help shape a prosperous future for our state, where the rights of the down-trodden are well protected." Senator-Elect Nesselbush will be sworn in on January 4, 2011.



An Extraordinary Social Security Result...Just in time for the Holidays!

Recently, a woman turned to Marasco & Nesselbush after previously being represented by another law firm. With her prior attorney, she received a denial of benefits from an Administrative Law Judge. She was suffering from severe carpal tunnel syndrome, complicated by arthritis. She had great difficulty using her hands for any productive activity. Due to the vagaries of Social Security law, in order for her to receive benefits, she needed to prove that she had been disabled since at least 2007.

By the time the client came into our office, she was financially struggling. Having lost before a judge, our attorneys knew that the client would be forever barred from re-filing for disability benefits,

unless we filed a federal complaint in United States District Court. We did so, and Marasco & Nesselbush attorney Joseph P. Wilson convinced the United States District Court that the Administrative Law Judge had made harmful and material errors of fact, and that she should be granted a second chance to prove her case. At the second hearing, Attorney Wilson did, in fact, convince the judge to change his mind and award our client Social Security disability benefits. Our client received a favorable decision on October 17, 2010, paving the way for an award of retroactive benefits of nearly \$70,000, just in time for Christmas for our client, her husband, and her two young children. Now that's an extraordinary result!

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Paul E. Dorsey

Pennsylvania. Mr. Cannon holds his Juris Doctor from Villanova University School of Law where he served on the *Law Review* and Honor Board.

Our firm also added two Associate Attorneys to its Personal Injury and Medical Malpractice Division. **William Elderkin, Jr.** joined the firm as an experienced and respected attorney, having successfully represented clients in the trials courts of Massachusetts and Rhode Island, as well as in the United States District Court. He holds a Juris Doctor degree from Roger Williams University School of Law. Finally, Attorney **Timothy P. Lynch** also joined the firm after graduating *magna cum laude* from New England School of Law, where he served as an editor for the *New England Law Review*. He is admitted to the practice of law in Rhode Island and Massachusetts.



A. Chace Wessling

Lastly, veteran and renowned attorney **Philip M. Weinstein** has joined Marasco & Nesselbush as "of counsel." Attorney Weinstein brings more than 40 years' experience and a wealth of knowledge to our team. He is the former president of the Rhode Island Bar Association and the former president of the Rhode Island Trial Lawyers Association (now Rhode Island Association for Justice). He is responsible for numerous precedent setting cases in the Rhode Island and federal courts. Throughout his career he has received numerous professional accolades for his legal service and service to the community.



Patrick S. Cannon



William Elderkin, Jr.

We are very proud of our attorneys and legal assistants, and we will continue to give all our clients the personal attention they deserve. We remain dedicated to achieving extraordinary legal results. Our firm has been blessed with extraordinary success, in large part due to the many kind referrals we receive from current and former clients.



Timothy P. Lynch

To each of our clients, we thank you for the trust and confidence you have placed in our firm.



The
Providence
Center

Helping Our Community Heal

In this issue, Marasco & Nesselbush is proud to feature **The Providence Center**, a vital part of our state's safety net for those affected by mental health and substance abuse issues. Our firm has worked very closely with the staff of **The Providence Center** throughout the years, seeking to make sure that clients who are eligible for Social Security Disability benefits get them.

The Providence Center is one of the largest community mental health centers in Rhode Island, each year providing comprehensive services to thousands of adults, adolescents and children experiencing mental health, substance abuse, emotional and behavioral difficulties. Their distinguished team of providers includes psychiatrists, psychologists, psychiatric social workers, chemical dependency treatment professionals, psychiatric nurses, vocational/rehabilitation counselors, special education teachers, case managers, residential counselors and teaching assistants. Clients are seen by teams of professionals to assure them of comprehensive, coordinated care. By housing a broad array of services within one organization, **The Providence Center's** clinicians assure their clients of the best possible treatment.

The Providence Center offers a wide variety of child and family services, including a school for special needs children in grades pre-K to 12, early childhood programs, treatment and intervention programs for children and adolescents, family therapy, adult services ranging from chemical dependency treatment to outpatient counseling, residential programs, acute care services and more. For more information about the excellent work of this important organization, please visit www.providencecenter.org.

Because they provide comprehensive care to so many in our community, Marasco & Nesselbush is pleased and proud to support the excellent work of **The Providence Center**.

WRONGFUL DEATH

Firm Holds Nursing Home Accountable for Negligent Care

A confidential settlement was recently achieved in a medical malpractice/wrongful death claim against a nursing home. The case involved a 71 year old woman who had been placed in the facility due to a severe lung condition. She had been transferred to the nursing home from a local hospital with instructions to utilize a special machine to assist her with breathing.

Unfortunately, the nursing home staff failed to follow these instructions and did not provide the necessary treatment for two days. When the family of the woman inquired, the staff finally provided the appropriate care. Although she improved for a short period, the lack of breathing assistance for the two day period had weakened her, and her condition rapidly deteriorated. She died two days later.

In negotiating the claim, our firm successfully argued that the nursing home's inadequate care had caused her additional pain and suffering and had hastened her death. The nursing home ultimately agreed to compensate the family for the woman's demise and was compelled to accept responsibility for their negligence. Both her children and husband were consoled by the outcome without the stress associated with a protracted court battle.

Our firm realizes that no amount of money can adequately compensate a family for the premature loss of a loved one. However, in cases like this, a fair settlement can provide some degree of comfort to the survivors.



Clip this and keep in the glove box of your vehicle

WHAT TO DO

If You Are In An Auto Accident



Call 911 right away.

Do NOT move your vehicle until a police officer says it's OK, unless it's necessary for safety reasons.



If you or your passengers are hurt, get medical help right away. If paramedics, EMTs, or police officers advise you or your passengers to take an ambulance to an emergency room, do it.



Get the names, addresses, and phone numbers of everyone who saw the accident happen (including other drivers and people walking on the street).



Get the names, addresses, drivers' license numbers and insurance information from all the other drivers involved in the accident.



If the person who hit you flees the scene before the police arrive, try to get the license plate number. Write down the plate number, state, color and model of car, if possible.



If possible, take pictures of the accident scene and damage to all vehicles with a camera or cell phone.



Never talk with an insurance company (even your own) before you talk with your attorney.

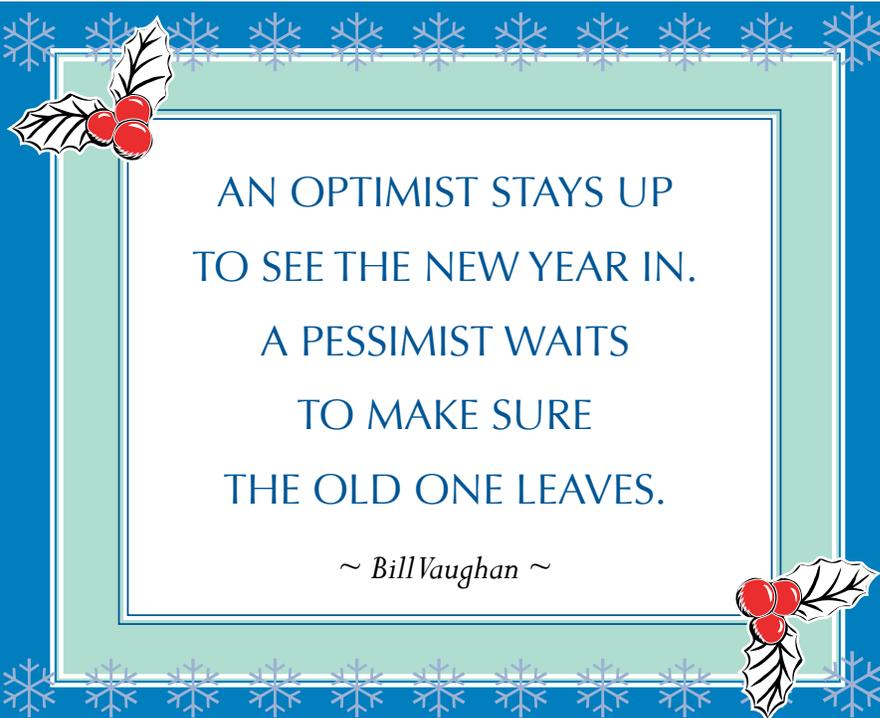
Please visit our website

www.M-N-Law.com

or call us at

(401) 274-7400

for more information or a free legal consultation about a car, truck or cycle accident.



AN OPTIMIST STAYS UP
TO SEE THE NEW YEAR IN.
A PESSIMIST WAITS
TO MAKE SURE
THE OLD ONE LEAVES.

~ Bill Vaughan ~





Next time you're on Facebook, please be sure to visit **Marasco And Nesselbush!**

Merry Christmas and a
Happy New Year!



MARASCO & NESSELBUSH Attorney Co-Authors Book on Professional Practice

Marasco & Nesselbush Associate Attorney **Mark Grimm** has written "Creating a Discovery Plan" in the recent publication *Practical Guide to Discovery and Depositions in Rhode Island*. The book, published by MCLE and released in August of this year, is a highly acclaimed guide for lawyers engaged in litigation practice. MCLE's publications are designed to help lawyers "in acquiring the professionalism and practical skills that would help them better to represent, advocate for, and counsel clients." When MCLE decided to create and publish this book to guide Rhode Island lawyers, they invited a number of well known and experienced litigation attorneys to write the book. With extensive experience representing medical malpractice and personal injury clients in both Rhode Island and Massachusetts, Attorney Mark Grimm was called upon by the former President of the Rhode Island Association for Justice to co-author the book. Mr. Grimm and others worked with Rhode Island Superior Court Justice Patricia Hurst and the publishers to create this innovative, two volume guide to advance the civil practice of law in Rhode Island.

OUR TEAM

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Lindsey lgastelbondo@M-N-Law.com
Natasha nlubo@M-N-Law.com
Taneka tparham@M-N-Law.com

We are very proud of our legal assistants. We have chosen them because of their intelligence, skills and abilities, attention to detail, and ability to help win cases. If you are changing addresses, health insurers, doctors or phone numbers, or if you are going back to work, please contact your legal assistant.

All of them can be reached at (401) 274-7400, or by email.

Client Testimonial

"I send you praise and a big thank you for believing in me all these years. Everyone who works in your office deserves gratitude. They have all been inspiring when I felt down. The legal assistants work hard to get all my medical notes. My attorney has been a great 'shoulder to lean on.' He is a very honest man." ~ Note from Theresa, Client, August 2010