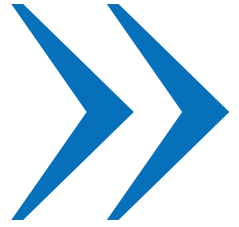


MARTIN_{LAW}

Working for people who can't.



» Workers' Compensation » Social Security Disability » Long-Term Disability » Veterans' Benefits



OUR ATTORNEYS

- » George Martin
- » Matthew L. Wilson
- » Joseph C. Huttemann
- » Alfred J. Carlson
- » John P. Dogum
- » Amit J. Shah
- » Leah Cilo
- » Joseph A. Conlan
- » Joseph D. Capitan
- » Lisa D. Eldridge
- » Frank J. Udinson
- » Andrew Yang
- » Joseph L. Ring
- » Arathi Manohar
- » Kayla Kieszek

More Certified Attorneys Than Any Other Firm in Pennsylvania

In 2009, the Workers' Compensation Section of the Pennsylvania Bar Association formed a committee to create the first legal certification program in Pennsylvania.

“*The exam is meant to recognize attorneys in the specialty of workers' compensation and allow them to stand out from attorneys whom dedicate just a small percentage of their practice to workers' compensation matters.*”

Matthew Wilson was a member of that committee and has since worked with the group on what has turned out to be a very successful program. They launched the first certification test in March 2013 and in that first year 149 people, including three of our partners, became

certified specialists. Because of Matt's involvement on the committee, he and the rest of the members were

not eligible to take the exam. In spring 2014, another 32 attorneys, including three more Martin Law attorneys, became certified. Finally in 2015, Judge David B. Torrey, created a second test enabling Matt Wilson to take the certification test. After proving that he has actively practiced law for more than five years and dedicates at least half of his practice to workers' compensation claims, Matt sat for a four-hour exam and passed to become Martin Law's newest certified specialist. We are so proud of Matt for his time and dedication to the process which was designed to help you, the client, identify well-qualified attorneys to represent them.

» *If you have any questions please call our experienced attorneys for a free, no obligation consultation by calling 215-587-8400.*

1818 Market Street, 35th Floor, Philadelphia, PA 19103

main 215-587-8400 fax 215-587-8417

branch offices or appointment-only locations

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PAWORKINJURY.com

#MartinStrong

On May 2, Martin Law gathered a team of 20 to pull a plane to raise money for the Ronald McDonald House of Philadelphia. The team raised \$2,801.



Teachers:



Back To School

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DECISION CONTINUED FROM PAGE 4 »

contractors only if they have signed a written independent contractor agreement with the employer. The worker represented by Martin Law did not have a written contract with the employer before he fell off roof. In a cunning move, the employer presented him with a written contractor agreement for him to sign as he was leaving the hospital and told him that he need to sign the agreement in order to receive his final pay and to get his tools back. Understandably, the worker signed the agreement that designated him an independent contractor after the work injury.

Martin Law successfully argued before the judge that in order to satisfy the Construction Workplace Misclassification Act an independent contractor agreement must be in place at the time the injury occurs and not executed after the fact.

THE RESULT

The Commonwealth Court adopted Martin Law's argument and affirmed lower court decisions that held that the worker was an employee, not an independent contractor. The Court clearly stated that when the worker signed the agreement after his injury, it did not make him ineligible for workers' compensation benefits, because it did not modify his employment status at the time of the injury.

Knowing the changes in the law and how to effectively argue its meaning and application helped this worker

receive benefits for his on-the-job injury; this is what good lawyering is all about.

MARTIN LAW'S INVOLVEMENT IN THE CASE

Martin Law partner John Dogum, who was the attorney for the employee in this case, explained the decision as follows:

"In addition to the fact that the employer did not satisfy any element of the Misclassification Act (as noted in the concurring opinion), any finding of a valid contract applicable to this injury would have been against public policy. [The worker] was presented with the so-called independent contractor agreement in one hand and pay in the other at a time of duress after he was released from the hospital, and allowing such a contract to have any bearing on the injury would be against the public's interest."

"Sadly, situations such as the one in this case occur far too frequently. Unscrupulous contractors still utilize 'independent contractors' in construction without meeting the elements of the Misclassification Act - often with undocumented workers who are fearful of stepping forward. This not only results in a lack of or substandard medical care (as well as lost wages) for workers, but also results in lost premiums for the insurance industry, uncollectible medical expenses and lost payroll taxes."

» If you have any questions please call our experienced attorneys for a free, no obligation consultation by calling 215-587-8400.

WORKPLACE SAFETY

THIS IS THE FOURTH IN A SERIES ABOUT WORKPLACE SAFETY.

TEACHERS: As you are getting back into the classroom, safety is a topic that can't be stressed enough. However, when you think about safety, it's not enough to just focus on standard safety procedures and how to handle them. It's also important to touch on safety in the classroom that are often overlooked.

Check out these three great classroom safety tips:

1. Check your classroom daily to make sure that everything you and your students need are easily accessible. That means placing everyday items low on shelves or in plain sight so that students do not have to go out of their way to get what they need. If supplies are too high and out of reach, students can easily get hurt in the process of trying to reach them.

2. Strategically place mirrors next to your chalkboard or whiteboard so that you can supervise your students even when your back is turned. Students often use the time when you're facing the board as an opportunity to act out, so placing mirrors close to you allows you to easily keep an eye on what's happening behind you.
3. Organize classroom furniture in a way that is safe and orderly. For example, chairs should not be left in the middle of the room – students can easily trip on them! If you plan to set up classroom work stations, make sure they're relatively easy for students to get to. That means keeping all possible walkways clear!

Once you've created a classroom environment that is safe for both you and your students, we recommend brushing up on your school's safety standards.



» Follow us on Facebook for weekly safety tips to keep those wheels turning on accident prevention in the home and workplace.

100 YEARS OF WORKERS COMPENSATION

On June 1, 2015, the Workers' Compensation Section of the Pennsylvania Bar Association held a Centennial Gala in Hershey, PA to celebrate the 100th Anniversary of the Workers Compensation Act in Pennsylvania. Partner, Matthew Wilson was a member of the planning committee and since he was Chair of the Section in 2014-2015 he was an integral part of the planning and execution of celebrating this momentous event.

Pictured are partners, (L-R) Joseph Huttemann, Matthew Wilson, Alfred Carlson, John Dogum and George Martin posing with the Commemorative Book: *The Centennial of the Pennsylvania Workers' Compensation Act*.



MEET THE JCH TEAM!



PICTURED L-R:
Dzhamal Babaeva, Meredith Glover, Joseph Huttemann and Yatora Johnson

partner JOSEPH HUTTEMANN has been with the firm since 1997. He earned his law degree from the Dickinson School of Law of The Pennsylvania State University. Joe lives in Doylestown with his wife and two children. He enjoys distance swimming, fly fishing, mountain biking and skiing. Most of all, spending time in the outdoors with his family.

paralegal YATORA JOHNSON has been with the firm since 2009. Yatora is married with two beautiful daughters. She is a Girl Scout Leader and enjoys cooking and attending food and wine tastings.

legal secretary MEREDITH GLOVER has been with the firm since 2010. She was born and raised in Hershey, PA, the sweetest place on Earth, is a graduate of Temple University, and is an avid sports fan.

legal assistant DZHAMAL BABAeva has been with the firm since 2014. She graduated from Manor College and enjoys spending time with her family and friends at the beach. She is fluent in Russian.



FAQ Video Series:

We've recently released a series of videos which answer your Frequently Asked Questions. You can view the videos on our website or our YouTube page. Some of the questions we answer include:

- *When should I report my workers' comp claim?*
- *Should I settle my workers' comp case?*
- *I was offered a light duty job. Should I take it?*
- *Can I sue my employer in addition to receiving workers' comp benefits?*



Meredith Glover, Ashley Taylor and Kiersten McMonagle manning the firm's Alex's Lemonade Stand in our lobby at 1818 Market Street on June 23.

COMMUNITY SUPPORT

At Martin Law, community support is one of our core values. For the third year in a row, "Martin Law Gives Back," continues to choose a different community organization to support through various donations and volunteering.

» In April, staff members and their families volunteered at the Philabundance Hunger Relief Center to help sort food to be delivered to local shelters and food banks. Philabundance is the region's largest hunger relief organizations and provides food for about 75,000 people per week.

» In May, the firm competed in the 7th Annual Philadelphia Ronald McDonald Plane Pull. The firm also raised money for the Philadelphia Bar Association's Young Lawyers Division .

» In June, the firm hosted an Alex's Lemonade Stand and was able to raise over \$400 to help fund research for childhood cancers.

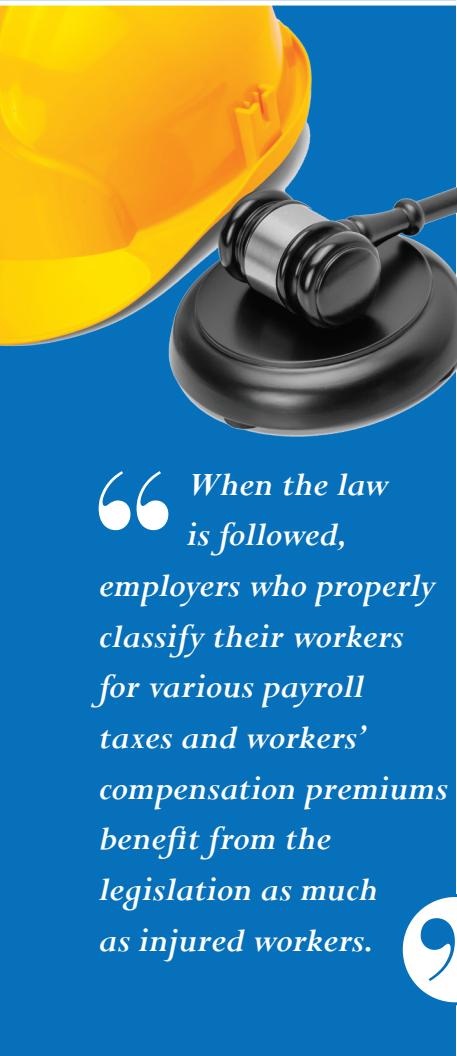
» In July, the firm held a school supply drive to support Turning Points for Children, which helps support families in raising safe, healthy, educated, and strong children.

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Working for people who can't.



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“ *When the law is followed, employers who properly classify their workers for various payroll taxes and workers’ compensation premiums benefit from the legislation as much as injured workers.* ”

DECISION: INDEPENDENT CONTRACTORS

A RECENT MARTIN LAW CASE HELPED TO CLARIFY INDEPENDENT CONTRACTOR LAW IN PENNSYLVANIA

In Pennsylvania, employees are covered under their employers’ workers’ compensation policies; however, independent contractors typically are not covered for insurance purposes. While this seems like a straightforward division, in reality, it is a complicated and changing area of workers’ compensation law. Martin Law recently handled a case that demonstrates that understanding the application of the recent legislation can insure that an injured worker is awarded benefits even when an employer is asserting independent contractor status.

THE INJURY

In the case, a worker with 20 years of painting and roofing experience responded to an employment ad. The employer that placed the ad met with the worker and offered to pay him \$100 a day for his work, and he accepted the position. On his third day on the job, the worker slipped off the roof and struck his head on the sidewalk. Eventually, about a month

after the accident, he underwent surgery on his right knee and left ankle. A few months after his surgery, the worker filed a claim for workers’ compensation benefits. The lasting effects of the injuries were extensive; almost two years later, an independent medical examination revealed that the worker was able to return to only light-duty work.

WAS THE WORKER AN INDEPENDENT CONTRACTOR?

The critical question in this case was whether the worker was an independent contractor or an employee. For years the Pennsylvania Workers’ Compensation Act relied on a list of factors that must be present in order for a worker to be classified as an independent contractor instead of an employee. However, several years ago, the standard was changed with the passage of the Construction Workplace Misclassification Act, and now workers in the commercial or residential building construction industry are considered independent

DECISION CONTINUES ON PAGE 2 »