

THE COURT REPORTER

OUR 25TH ANNIVERSARY ISSUE



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From a modest beginning to the largest Applicant's law firm in San Bernardino..... by Laurence Lerner

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In the Spring of 1976, two young attorneys, one from California and one from Missouri, were practicing for a large Los Angeles law firm. Ronald P. Lubey was primarily a Personal Injury Attorney, who also did some general civil practice. Laurence R. Lerner was a Workers' Compensation and Social Security Disability Attorney. One day, while both attorneys were having lunch at the old Central City Mall, a chance conversation took place. Could these two attorneys pool their knowledge and resources to open their own firm?

After several months of discussion, Ronald Lubey and Laurence Lerner opened a small law practice on Second Street in San Bernardino specializing in Workers' Compensation, Social Security Disability and Personal Injury law. The firm opened with two secretaries with Mrs. Lubey handling the accounting responsibilities.



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From Modest Beginnings..... (continued)

The firm's business caused them to outgrow their small office and the firm expanded and moved to Fifth Street. After less than two years in that facility, the firm decided to move into a new office. This private law office was encompassed within the building housing the old Social Security District Office at Fourth and "E" Street.

That building was demolished in 1998 to provide space to build the multi-plex cinema which is now located on that corner. The firm had the opportunity to expand and purchased the building at 141 N. Arrowhead in 1985, where it has been located for the past sixteen years. In December of 1987, Ronald Lubey suffered a head trauma in an automobile accident which did not allow him to return to work. Attorneys Kirk Moore and Robert Mammano joined the firm over ten years ago, and the firm name was changed to Lerner, Moore and Mammano. Joel Strasser joined the firm in 1993 and Frank Silva joined the firm in 1995. The firm name was official changed to Lerner, Moore, Mammano, Strasser & Silva in 1997.

The firm's five partners have a combined experience of over sixty years in the fields of Personal Injury, Workers' Compensation, and Social Security Disability Law. As the firm celebrates its 25th Anniversary, it is looking forward to continuing its tradition of service to injured and disabled men and women in the local community.

⌘ ANSWERS TO QUESTIONS ⌘



Are You Covered by Workers' Compensation When You're on the Way to Work?

By Kirk. D. Moore

Did you know that you may be covered by Workers' compensation on your way to work? The general rule is that an employee going to and from work is not covered Under California Workers' Compensation. There are, however, many exceptions about which you should be aware.

If your employer provides transportation to and from the work site, your coverage begins when you begin your journey. This is also true when your employer pays for travel to and from the job site or sends an employee on an errand or "special mission". I was able to prevail at trial for a young lady hired by a mall photography company. After a month, she was promoted to sales in the studio. She worked at both the Victor Valley Mall and Ontario Mills Mall. At times, in the middle of her shift, she would be required to go to the studio in the other mall. On a day that she was not scheduled to work, she thought she would go to one of the malls to get some work done. Before she arrived, however, she was involved in a serious traffic accident. Although she was not "on the clock", the Judge ordered Workers' Compensation benefits to be provided.

PERSONAL INJURY CLIENT RECEIVES \$360,000 SETTLEMENT

By Bob Mammano



Our firm is a member of "NOSSCR" (the National Organization of Social Security Claims Representatives). We have successfully represented thousands of clients before the Social Security Administration.

Recently, our client, who has asked to remain anonymous, was driving home from work eastbound on Slover Avenue, when a motorist who was southbound on Cherry Avenue ran a red light and collided into the client's vehicle broadside. Our client sustained injuries to his chest and pelvic regions. He incurred just over \$40,000 worth of medical expenses. He was off work for several months, but was ultimately able to return to his job as a truck driver. Attorney Robert Mammano secured compensation for the client in the amount of \$360,000.

One of the interesting facets of the case is that the motorist who struck our client was an on duty police officer who was responding to an emergency situation. Unfortunately the police officer failed to adequately activate both his lights and siren before proceeding through the red light which was facing him. Had the officer appropriately activated his lights and siren, he would have been immune from a suit for damages pursuant to the vehicle code. The police officer involved sustained no injuries in the accident.

El Dilema del Obrero Indocumentado por Francisco T. Silva



¿Los obreros indocumentados tienen el derecho de recibir los beneficios de la compensación de obreros? Sí y No.

Todos los obreros en California, si legalmente en este país o no, tienen el derecho de ser compensados por su lesión si la lesión fue causada por su empleo u ocurrió durante el curso del empleo y resulto en una invalidez permanente. Ellos se titulan para recibir el tratamiento médico para curar o relevar los efectos de la lesión al gasto del portador de seguros del patrón. Si el obrero herido es incapaz trabajar debido a los efectos de la lesión, el doctor tratando puede recomendar que el obrero permanezca fuera del trabajo. En ese caso, todo obrero herido se titula a los beneficios de incapacidad temporal, sin tener en cuenta su estado de inmigración.

Hasta recientemente, obreros heridos que son permanentemente inválido de volver para trabajar a sus trabajos usuales y de costumbre, califican recibir la rehabilitación vocacional mientras vuelven a entrenar a una nueva ocupación. Después de completar su entrenamiento, los beneficios continuarían para un periodo adicional mientras el obrero herido buscaba trabajo en la nueva ocupación. Si el obrero herido no fuera un ciudadano americano e incapaz de demostrar documentación apropiada para que se permitieran legalmente trabajar en este país, sin embargo, la ley no le exigía al patrón que proporcionara la ayuda para encontrar un nuevo trabajo. Sólo el entrenamiento se proporcionarían en esos casos, pero no los servicios de la colocación. Sin embargo, si el obrero herido pudiera proporcionar la prueba adecuada que él o ella pudieran trabajar legalmente en los Estados Unidos, esa persona pudiera recibir todo los beneficios conectados a la rehabilitación vocacional.

INDOCUMENTADO (DESDE LA PÁGINA 3)

Lerner, Moore,
Mammano, Strasser
& Silva

En algunos casos, obreros herido (incluso los ciudadanos americanos) no recibirá la rehabilitación vocacional repara si el patrón puede proporcionar trabajo modificado o trabajo alternativo que es físicamente apropiado, y ofrece el nuevo trabajo al obrero herido en lugar de la rehabilitación vocacional. ¿Pero, que si los hallazgos del patrón son que el obrero herido está indocumentado? ¿El patrón todavía puede ofrecerle un trabajo al obrero indocmentado en lugar de la rehabilitación profesional? No ya.

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El año Pasado, el Tribunal de Apelaciones de California gobernó que obreros indocumentados ya no van a ser en absoluto elegible para cualquier beneficio de la rehabilitación vocacional si el patrón le ofrece al obrero indocumentado trabajo modificado al herido o trabajo alternativo. Eso es porque si las ofertas del patrón destinan trabajo modificado o el trabajo alternativo, el obrero herido ya no sera titulado a los servicios del los de rehabilitación vocacional mientras la oferta del patrón pueda se considerada "auténtica". Los medios son que el patrón debe hacer la oferta dentro de un cierto periodo de tiempo, y reúne ciertos otros requisitos. Claro, el patrón que ofrece trabajo modificaron o el trabajo alternativo a un obrero indocumentado no puede hacerlo legalmente para que hasta que esa persona pueda demostrar el estado "legal". Así que, el patrón se escapa con no tener que proporcionar la rehabilitación vocacional en absoluto y el obrero indocumentado se sale sin un trabajo para remontarse, y el patrón se escapa con no tener que proporcionar la rehabilitación vocacional al obrero indocumentado.

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**These newsletters are edited by
Attorney Joel Strasser.**

**If there is a topic that you would like us to discuss,
please let me know by sending an email to:**

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Lerner, Moore, Mammano, Strasser & Silva (LMMS&S), a professional law corporation, is one of the largest and oldest firms with a continuous practice in the Inland Empire specializing in the fields of Workers' Compensation, Social Security Disability, and Personal Injury. The founder and senior partner of the firm, Laurence Lerner, has championed the causes of injured workers for over a quarter of a century. He served as president of the California Applicants' Attorneys Association from 1996-97 and continues on the Board of Governors.

The firm has been an integral part of the Inland Empire and the High Desert communities. Mr. Lerner and the firm have been prominently involved in civic and philanthropic projects in the community.

Any individual who needs help with a Workers' Compensation claim, has been denied Social Security Disability benefits, or has a personal injury case, may call for a free consultation. The staff speaks English and Spanish and is always ready to assist new clients.

