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THANK YOU FOR YOUR REFERRALS!



We appreciate referrals from our friends, clients, and colleagues – they are the lifeblood of our business. We limit our practice to helping people in accident cases, personal injury and employment matters, and you can be assured that we will treat your referrals exactly as we would want to be treated if we had a problem: with respect, empathy, sound guidance and strong advocacy. While we cannot help everyone, we do our best to dole out sound advice to those who take the step to contact a lawyer.

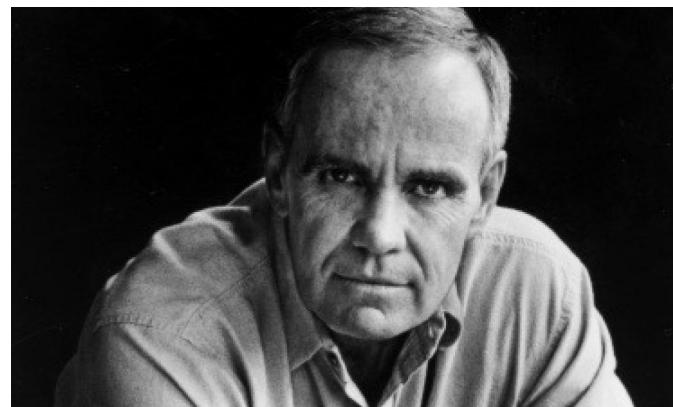
Why we do what we do

Our clients come to us during some of the most difficult times of their lives, and we love nothing more than to know that we've helped them move forward.

“Very Happy with the experience. The staff was kind and considerate in understanding the issues and explained all options and helped to make the best decision for our family.”

– Former client

If you have questions, or would like to be removed from this list, just send an email to newsletter@doraziopeterson.com, or call the office.



“Between the wish and the thing, the world lies waiting.”

–Cormac McCarthy

OUR TAKE

There's an ancient parable about the blind men and the elephant. In it, several blind men are brought to an elephant, for the first time. One is brought to the tusk, one to the ear, tail, trunk, etc. Each identifies the animal as something different: a snake, fan, tree trunk, wall, rope, spear.

I wrote this while sitting on a plane with my family. We were lucky enough to spend a week out west, in Wyoming, enjoying the mountains and nature (more on that next time...).

When I was young, I loved to fly. The entire experience was awe-inspiring – taking off and landing were the best part. I see this in our son Miles now (Lila's not quite there).

Shortly after our kids were born I developed an almost debilitating fear of flying. I'm not sure where it came from, but I assume it had something to do with the sense of our own mortality that starts to blossom when we have children. All of a sudden, we have to (gasp!) think about someone other than ourselves, and for me at least, the change was palpable. I love to travel, and I was also aware of projecting my own fear onto my kids, so while I didn't let this fear completely prevent me from flying it made for a few very uncomfortable trips.

Now that our kids are getting older, and we're traveling more with them, my fear of flying seems to have passed. I'm certainly not as enthusiastic as I was when I was a kid, but at this point I think the mid-flight panic has gone.

This fear, like the story of the elephant, is a lesson in perspective. Nothing about the act of getting on a plane and flying changed during this time - the plane, pilot and crew were in theory no more or less safe than at any other point in time. Just as the elephant was the same elephant, the only thing that was different was the perspective and life experience of the individual encountering the situation.

Politics, of course, provides another example of this. Pay attention for five minutes and it becomes abundantly clear that even though we all have access to the same information, our experiences

and perspective leading up to the moment that we encounter it drastically impacts how we process and view it.

This is part of what makes the civil jury trial system so interesting. When we have trials in front of juries, we are presenting a set of facts to a group of six or eight people who come into a situation with very different experiences, and therefore very different perspectives. The job of a trial lawyer is to recognize and understand that difference of perspective, and to try and get everyone to initially agree on one set of facts from which we can then make judgments (for example: we can agree, everyone, that what we are looking at is an elephant).

This is also why a one-sized fits all approach to legal problems never really works. We see law firms (and medical practices and other professional service providers) attempting to grown and scale as though they were making hamburgers and fries, instead of solving difficult problems. While this may work for them and their clients/patients/customers, we personally believe that most complex problems require different approaches based upon the specific problem, as well as the perspective that the particular client brings to the table. A broken leg for a twenty-year-old college student, for example, can have quite a different impact than a broken leg for an eighty-five-year-old retiree (both can, in different ways, be life changing).



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NEWSLETTER



D'ORAZIO
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BACK TO SCHOOL TIME

Inspired by Back to School season, let’s talk about some considerations if you have a claim against a school in New York.

First up, personal injuries.

Public schools in New York enjoy a layer of protection provided by the Education Law’s notice of claim requirement, which means that if you are injured at a public school, as a prerequisite to filing a lawsuit, you have to serve a notice of claim on the school district within 90 days of the date of your accident. This applies to students as well as to other visitors to the property. What is a notice of claim exactly? It’s a document in which you lay out the facts of what happened and what you are seeking to resolve your claim, in order to (literally) put the school on notice of your claim. Public schools also benefit from the shorter statute of limitations applicable to tort (i.e., negligence) claims against public entities and municipalities of one year and 90 days.

If you or your child are injured at a school, it is important to contact an attorney as soon as possible to ensure that notice of claim requirements is followed to the letter.

What if you are an employee of the school? Typically, employees in New York cannot sue their employers for negligence because of the Workers’ Compensation law. That means if you slip on a spill in the cafeteria that should have been cleaned up sooner, your remedy is in Workers’ Comp and

not in a lawsuit. Employees who are injured at work can have recourse, however, if there is a third party responsible. So, if a contractor is doing work at the school and you are injured because of its negligence, you can have what’s called a third-party claim against the contractor and still receive Workers’ Compensation. However, your recovery in a personal injury lawsuit will likely be reduced by what you have already received, i.e., the Workers’ Comp lien.

Next up, employment issues.

Public schools are subject to the same state and federal anti-discrimination laws as any other employer, as well as the Family and Medical Leave Act.

Complying with notice of claim requirements may be important, even if you have federal claims, because state law can be better for employees and you want to have some backup if your federal claim is dismissed.

In public schools, employees also enjoy some, albeit limited, First Amendment protection when they speak on matters of public concern.

The take away here is that if you are having an issue or action has been taken against you, you should contact an attorney sooner rather than later given the various shorter time deadlines that may be applicable.

SCOTT’S “WEEKEND” PASTA CARBONARA

My grandfather used to make sauce on Sundays. I can still remember the smell of his house when he had a pot going. Though I’ve never been able to replicate his flavor, having married into an Italian family I’ve broadened my horizons when it comes to Italian cooking. Once of my absolute favorites to make (and eat) is this version of pasta carbonara.

Ingredients:

White onion sliced thin along the seam.

1/3-1/2 lb. ham or pancetta, chopped into small pieces

(I prefer the texture of a more substantial ham).

½ bunch asparagus, chopped into small pieces.

3 tablespoons extra virgin olive oil.

1 egg, plus 1 white.

½-1 cup Romano cheese

2/3lb pasta (I prefer the flavor of whole wheat spaghetti for this dish – Giovanna may disagree).

Salt and pepper.



Directions:

Heat 2 tablespoons oil over medium heat in large pan.

Add onions and slowly cook, immediately adding a pinch of salt to prevent the onions from burning.

When the onions begin to soften add the ham and asparagus. Keep heat low, being careful not to burn the onion.

Add freshly ground pepper to taste.

Bring a pot of water to a boil and add pasta.

While pasta is cooking, break one egg plus one white into a mixing bowl. Beat the egg and then add the Romano cheese and continue to beat. Add pepper to taste. (You may add a touch of milk here as well, as long as it’s not skim milk). In the meantime, continue to slowly cook the onion/ham/asparagus combo.

When the pasta is near al dente ladle a half cup of the pasta water into a separate bowl. Drain the rest of the pasta and add to the pan with the onion. Add the egg mix and turn the heat to medium.

Using tongs, quickly and continuously toss the pasta, onion mix and sauce to prevent the egg from scrambling. If the sauce is too thick, add some of the reserved pasta water. Add more fresh ground pepper to taste.

Once the sauce has reached a desired consistency, drizzle a final tablespoon of your best olive oil on top, and serve immediately.