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Bertini Voted Legal Elite 7th Year in a Row

Lisa Bertini was selected by her peers as a member of Virginia's Legal Elite for 2007 in employment law. This year, voters returned 1,162 ballots, about 100 more than in 2006. The ballots resulted in the nomination of 2,742 lawyers. Of that number, about 750 lawyers, roughly a quarter of the nominees, were selected for the list. Lisa Bertini was named, along with some 70 others, for her work in employment law. Of those 70, only a very small percentage concentrate on plaintiff's work. This is her 7th year being named.

Bertini & Jochens Super Lawyers in 2008

Lisa Bertini was again named as a Super Lawyer for 2008. **Amberley Jochens** was again named by Super Lawyers as a Rising Star for 2008.

Firm News

Lisa O'Donnell will be attending the annual convention of the Virginia Trial Lawyers Association in March, where she will give a presentation to the lawyers, judges and legislators in attendance on recent cases and decisions from the courts of Virginia. Additionally, she has been working with our state legislators in Richmond over the past weeks and

throughout the session on several bills of importance that will protect the rights of citizens of Virginia in legal matters. In addition to these important volunteer duties, she continues an active trial practice and is currently preparing to go to trial in several medical malpractice cases. These include an orthopaedic case involving injury from knee surgery, as well as several cases where children suffered neurological injuries at birth.

In addition to her time spent representing neurologically impaired infants and patients in medical malpractice cases, **Amberley Jochens** has been busy working on some interesting products liability cases, such as a case involving an alleged defective boat seat and another one involving an exercise band. Ms. Jochens successfully settled the boat seat case this month for a police officer who was injured. Ms. Jochens enjoys products liability cases and has achieved successful results for her clients.

Employment Notes: 4th Circuit Finds for Employees in Two Exceptional Title VII Lawsuits

In January 2008, the United States District Court in Baltimore, MD found for a deaf man against Fed Ex and affirmed the jury award of \$8,000 in compensatory damages and \$100,000 in punitive damages. In this case, the Court found that the employer violated the ADA when it failed

to offer reasonable accommodations to a deaf package handler in the form of a sign language interpreter at employee meetings and safety training sessions. (*EEOC v. Federal Express*, Jan 23, 2008). In *Wilson v Phoenix Specialty Mfg*, the USDC in Orangeburg, SC found that the manufacturing company violated the ADA when it terminated a shipping supervisor who suffered from Parkinson's disease. The Court found that the company mistakenly and illegally perceived that the employee could no longer do tasks that he, in fact, could, and concocted a plan to eliminate his position. The court awarded Wilson \$177,783 in back pay, \$10,000 in compensatory damages and \$10,000 in punitive damages based on its finding that Phoenix's discriminatory plan to terminate Wilson was developed and carried out "with reckless indifference" to Wilson's federally protected rights under the ADA.

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Please remember that we handle a wide variety of cases, including all personal injury, automobile and trucking accidents, injuries from defective products, employment and discrimination, medical malpractice, nursing home negligence, and birth-related injuries. We sincerely appreciate referrals of your friends and family to our firm.

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