

STAYING IN TOUCH

At Rich Cassidy Law, we focus on representing individuals. We have great clients with whom we tend to develop personal relationships. We care about you and want to stay in touch. If we can be helpful, even if it's with a referral outside of our practice areas, please feel free to call—Rich

CORONAVIRUS AND THE LAW

In the past few weeks, we have been getting calls about the Coronavirus, COVID-19. Many people are very worried, and some people's fears relate to the legal implications of the illness.

In thinking about the virus, it's important to remember that public health officials say that most who are infected will have mild to moderate symptoms.

Here in Vermont, concern has risen quickly, particularly given media coverage of a Dartmouth-Hitchcock Medical Center employee who showed signs of Coronavirus and was told to avoid contact with others. Apparently, he went directly to a Dartmouth College mixer in Vermont. Within three days he tested positive.

If he had been formally quarantined his actions would be a misdemeanor under New Hampshire law. Meanwhile, as of Sunday, March 8, 2020, Vermont had its first confirmed coronavirus case. As of March 26, we had 158 confirmed cases, 9 deaths, and 325 people in Vermont were being monitored for coronavirus.

Vermont's quarantine law is skeletal. The law permits the Commissioner of Health to quarantine people but does not specify a penalty for noncompliance.

That doesn't mean that there are no legal consequences. The Vermont Supreme Court ruled in a case involving the spread of the human papilloma virus, that if a person knows or should reasonably know that they have a disease, they are required to act reasonably, or face potential civil liability for negligently spreading the disease to others.

Another important legal question that the coronavirus presents is whether workers who contract the virus on the job will get Workers Compensation benefits. The answer is not so clear.

In almost all cases, employees who are injured by accident at work are entitled to workers compensation benefits that would replace two-thirds of their wages while they are out of work, provide benefits for partial or total disability or even death, and cover medical expenses.

Proof will be the problem. It may be hard to show that a person acquired an infection due to a workplace exposure. It will get even harder if the coronavirus becomes commonplace. What's that mean? It's likely, that nurses and other healthcare workers who contract coronavirus while treating those who have it will receive workers compensation.

But other workers may find it impossible to link their infections to work.

Obviously, the most important concerns about coronavirus are health, not money. But if health is impaired, compensation for lost income, disability and medical expenses, can be important.

These are just a few of the dozens of legal issues that the coronavirus epidemic would present. Let's hope we avoid them.

Meanwhile, keep washing your hands!

—Rich



RICH CASSIDY LAW
LAWYERS FOR PEOPLE



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SPECIAL POINTS OF INTEREST

- Sophie celebrates her first birthday!
- See what clients have to say about Rich Cassidy Law
- Learn how Rich Cassidy Law is staying connected while working remotely

IN EACH ISSUE, WE WILL FEATURE A DIFFERENT NON-PROFIT THAT IS MEANINGFUL TO OUR FIRM AND THE COMMUNITY. THIS SEASON WE CELEBRATE THE WORK OF OUR COMMUNITY POLICE OFFICERS.

QUEEN CITY POLICE FOUNDATION

Mission Statement: “The Queen City Police Foundation provides funding for innovative Burlington Police Department projects that better serve the community, improve engagement and communications, and foster excellence in policing. In addition, the Queen City Police Foundation will provide assistance to officers, employees and/or their families facing challenging circumstances while in service to the city.”

This Spring, Rich Cassidy Law recognizes the work of the volunteer board of the QCPF and will join in supporting the purchase of new uniforms for The Honor Guard detail of the BPD. The Honor Guard, made up of active police officers, provides ceremonial support at civic occasions, memorials and other appropriate community functions. Their uniforms, dating

back many years, will be replaced by new clothing appropriate to their significant duties.

Over the years, the Foundation has funded contemporary technology, new equipment, crime scene vans, motorcycles, rugged laptops for police cruisers, load bearing vests and camp scholarships for kids.

Becky Cassidy serves as Vice President of the Board of Directors of the Queen City Police Foundation and Rich represents the Burlington Police Officers Association.



BPD Honor Guard present colors at Fenway Park



Honor Guard prepares for a city event

Here's a recipe Courtney made with delicious spring ingredients. The recipe is adapted from one originally printed in the New York Times by Martha Rose Shulman.

WILD MUSHROOM AND PEA RISOTTO

Ingredients:

- 7 C vegetable stock
- 2 Tbsp olive oil
- 2 chopped shallots
- 1 lb. wild mushrooms sliced into small pieces; reserve stems for stock
- 2 minced garlic cloves
- 1 1/2 C arborio rice
- 1/2 C dry white wine
- 1 C thawed frozen peas
- 1/2 C grated parmesan cheese; reserve rind for stock
- Salt and pepper to taste
- Optional additional parmesan and fresh parsley to garnish

Directions:

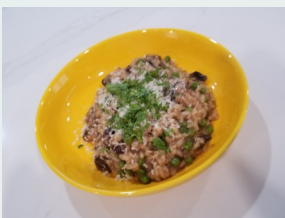
1. Simmer broth in a saucepan as you prep other ingredients; add mushroom stems and parmesan rind to broth for deeper flavor
2. Heat oil in a wide, nonstick skillet over medium heat. Add shallots and sauté until just translucent
3. Turn the heat to medium-high and add mushrooms. Stir until mushrooms begin to release water. Add minced garlic, salt, and pepper. Taste and adjust for seasoning.
4. Add rice and stir to thoroughly coat the grains. Add wine and stir until it evaporates. Add just enough stock to cover the rice. Stir continuously until the stock is absorbed. Add another two ladlefuls of stock and continue to stir continuously. As the rice appears dry, continue adding additional ladlefuls of stock for 15 minutes.
5. Add peas and continue stirring with additional stock for 10 minutes. Taste for seasoning and to check doneness of rice.
6. Add one last ladleful of stock and stir in parmesan. Remove from heat and serve immediately. Can garnish with additional parmesan and fresh parsley.



Simmer the stock while prepping other ingredients



Sweat the mushrooms



Enjoy!

SOPHIE ANN TURNS ONE

By Becky Cassidy



Our granddaughter, Alexandria, charms Sophie and vice versa

by neighbors and their dogs. This happy pack includes, Rory, Stormy, Star, Tater, Herc, Elsa and Roman. They gambol over the snow and mud with the agility of young acrobats. A fallen tree? An overturned picnic table? Oh joy, a burned out campfire? Only Columbus or Magellan may have been more natural explorers. So, the dog parents, like parents of human children, exchange stories, advice, treats and friendship. Saturdays are best, when the bonds of work are lessened or disappear, and humans and animals frolic to their hearts content.

We've worked to teach Sophie good manners and somewhat reliable obedience. Her naturally exuberant nature sometimes interferes, and she is inclined to greet close friends so enthusiastically that they have no need to wash their faces as her long, pink tongue has done the job. We hasten to say that those who get face kisses are only the ones who welcome them! Our initial puppy trainer has moved to Florida, so we are looking to continue her education with a skilled successor filled with patience, humor and kindness.

Like any one-year old, Sophie has a lot to learn and so do we. But the most important lesson for both dog and parents alike, is that greeting each day with joy and eager anticipation is a fabulous way to live. We're grateful for this warm and wonderful little black and white bundle of joy.

A scant 10 months ago Rich and I added Miss Sophie Ann Cassidy to our lives. The tiny puppy we brought home has grown up in so many ways and surprised and delighted us as we have melded into a happy family. The early days, now a distant memory, found Sophie spending a lot of time in her parents' laps as she grew accustomed to her new home and the rhythm of life there.

Since her arrival, each morning has been filled with joy. Her coal black eyes sparkle with excitement as she races down the stairs and out the door with her dad for their morning constitutional. Off they go, up the steep hill and into Red Rocks Park, a treasure trove of fabulous scents and occasional forbidden treats. Sophie loves to eat rocks, any rock at all will do. It's only better if it comes wrapped in mud or some indescribable crud which of course makes it more delicious. Hence the clarion call which comes frequently from both of us: "Mouth inspection!" And human hands retrieve a rock or two cleverly concealed in Sophie's cheek.

Sophie has friends, lots and lots of friends! She and Rich trot through the park often accompanied

ROAD TRIP TO NEW HAMPSHIRE



On a chilly day in February, Becky, Sophie and Rich packed up the car (Sophie was especially helpful) and headed to New Hampshire where Rich served as a Legal Advisor during Primary Election voting. He was in charge of monitoring 5 polling places in Keene where smooth management of the election made his job easy. Not so easy was navigating the roads between the 5 polling places, but WAZE and friendly NH voters provided assistance. Long a political campaign volunteer and advocate of voting rights for all, Rich enjoyed his journey back to NH where 50 years previously he had also volunteered at the NH Primary!



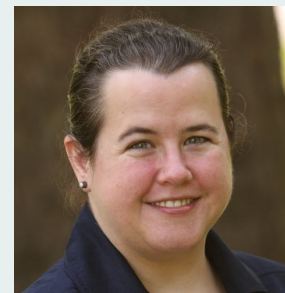
OUR FIRM:



Founding Attorney Richard Cassidy



Associate Attorney Matthew Shagam



Associate Attorney Amanda Lee



Office Staff (L-R)

Linda Jackman - Business Manager

Becky Cassidy - Marketing and Community Relations Director

Courtney Seale - Administrative Assistant

SUPREME COURT VICTORY



In February, Matt Shagam won a Vermont Supreme Court 5-0 reversal of two lower Vermont courts with judgment entered for his client.

The facts are a little complicated, but we'll try to explain it simply. Many towns hire new police, send them for training for several weeks at the Academy, and pay those officers a salary while they're at training.

A local town required new police officers to pay back some of that training salary if they left for another position within 3 years of hire. If the new officers wouldn't sign the "side agreement" to pay back training salary, they would not be hired. The problem is that the town had a union contract with its police officers which laid out the officer's salary.

When our client left his job for a new position after two years, the town tried to enforce the side agreement. We believed the side agreement was unenforceable under Vermont law regarding union contracts and fought it for our client.

The core of the appeal was two issues: how to tell if a new deal was already covered by the union contract, and, if it was, whether the new deal gave the employee a special benefit of some sort, which could be allowed in certain circumstances.

The Vermont Supreme Court opinion reaffirmed that public and union employees - like teachers, many tradespeople, and police officers - can rely on their contracts to protect them from employers trying to extract better terms from new employees. If employers want better terms from employees, then they must get those better deals by bargaining for them.

This victory puts public and union employees on a more level playing field with their employers and keeps hiring more honest with new employees. It also prevents different employees from getting different deals, increasing trouble in the workplace and weakening unions.

Town of Bennington v. Knight 2020 VT 17.



SUGAR LIGHT

By Amanda Lee

Strike
a match
to candle,
to stove. Lengthened
days still short, still cold.
But soon the sap will run,
liquid amber drips into pails;
boiled down, bottled liquid gold.
A sweet reminder of sun and warmth.
Sugar on snow means Spring's awakening.

Our attorneys are talented in many ways. Amanda Lee has been writing poetry since she was 10 and shares this lovely harbinger of spring.



PUGS' CORNER

As Gia approaches her second adoption anniversary with Matt and Courtney, she and Dexter continue to strengthen their bond as siblings. Gia is always the doting little sister and Dexter the loving older brother **except** when there are bully sticks involved. The puggles, who often visit Rich Cassidy Law, are frequently spoiled with pats, treats and bully sticks. They are each given their own chew. Gia runs off happily with hers, oblivious to the rest of the world. Dexter, on the other hand, amasses a large pile of bully sticks, none of which he really cares about. He wants the one bully stick which belongs to Gia!

Dexter will sit and pout, staring at his puggle sister or whichever employee is close enough to sympathize. The result...they add to his snack pile! If Gia loses interest for a second, Dexter jumps at the opportunity to steal her treat, even with just a mere inch of bully stick left. He chews contentedly on his precious prize while Gia, none the wiser, moves on to a new, untouched chew from Dexter's hoard. Dexter's short-lived victory ends when he notices Gia content with a new stick. Then the process repeats itself. Sometimes it doesn't matter how many bones a dog or human is given. Life's lessons often come from our pets.



CLIENT REVIEWS



Here is what Rich Cassidy Law clients say about Rich and the firm:

"I highly recommend Cassidy Law. Whether you are just looking for a legal consultation or your case has to go to the supreme court, Rich and Matt are the attorneys you want on your side. Rich and Matt both were amazing with how they handled my case. They were able to meet with me in person without appointment and answered all of my phone calls and emails.

I felt that I was heard throughout the process and could not be happier with how I was treated. Matt was extraordinary in the court room being well prepared, and thinking of everything that could have been an issue.
Thank you for all the work you did!"—CK

"Amanda was AWESOME! She answered all our questions in language we could understand and was genuinely concerned about my situation. Would highly recommend this law firm!!!" — Susan Trombley

"First, I want to thank Rich for all his help and expertise concerning my case. I am so grateful he took it up so quickly. Secondly, we loved watching him in action. Rich has so much knowledge, wisdom and courage and he is truly amazing. And last but not least, I was so comfortable in his office because of his staff/colleagues. They were all so kind and attentive, especially Sophie, the office mascot. She was very therapeutic!
Thank you again, Rich, for all of your help."—Evan Cobb

FIVE REASONS WHY MEDIATION WORKS

By Rich Cassidy

Throughout my 40 years in practice, I have been both a successful mediator and the beneficiary of successful mediations on behalf of my clients. The old-fashioned idea of sitting down and actually talking face-to-face can be a supremely successful way to resolve a case. More and more, judges are mandating that opposite parties in cases at least attempt a mediation before taking a case to court. With a positive resolution there can be significant savings of time and money for all involved.

As an advocate, I've used mediation to help resolve cases since 1989, and have made serving as a mediator a part of my practice since at least 1994.

I think there are five dynamics that power mediation.

First, face-to-face contact in mediation humanizes the parties and helps each side understand the other. There are two sides (or more) to every dispute. It's easy for each side to demonize the other, particularly when separated by the formalities of a lawsuit. When people sit down face-to-face and talk directly about a dispute, some predictably positive things happen. Most often, it turns out that the person on the other side of the table at least believes, in good faith, that they are right, and there is some reason for that belief. That encourages settlement.

Second, the process is usually a low risk opportunity to explore voluntary resolution. For that reason, it can occur early in a dispute when fewer resources have been spent and the parties are not too entrenched. Before mediation became common, many cases settled on the eve of trial. That was wasteful and made settlement more difficult because it's hard to abandon sunk costs. The mere fact that a mediation is pending requires the parties to focus attention on the issues and think through the options while settlement is still within reach.

Third, a skilled mediator assists the participants in understanding the strengths and weaknesses of the case, and the risks and burdens of the alternatives. If lawyers were perfect, they could provide that service to their own clients. Most lawyers try. But lawyers are humans too and are subject to the blindness of confirmation bias. A good mediator doesn't bring a bias to the table and can help everyone see things in a more realistic way.

Fourth, somewhat ironically, mediation works because no party gives up the alternative of an externally imposed resolution just by participating. Normally, there is an alternative to mediation, usually some combination of litigation, trial, and a third-party decision. Without the alternative of an imposed resolution, the advantages of face-to-face contact, timeliness, and a realistic view of the issues and alternatives would often fail. Some unreasonable parties would just remain unreasonable. So, one reason mediation works is that, if a settlement is not achieved, there is another alternative. Your lawyer, in order to maximize the chance that mediation will work, must be ready, willing, and able to try your case.

Fifth, and surprisingly, mediation works because it provides an opportunity for "things" to happen. What do I mean by this? Direct contact disturbs the existing equilibrium. When the parties and their lawyers sit down and talk, surprising events sometimes occur. Here is an example: I once mediated a high-stakes commercial dispute that took place over four-days in two separate meetings among multiple parties. At the first two-day effort, we found a tentative approach to settlement. But after having a chance to think about it, the plaintiff decided that the approach simply wouldn't work.

After further litigation did not resolve the case, we got back together a year later. For nearly two days we seemed to make incremental progress but were still a long way apart. As I walked from one caucus to another, I realized that two of the lawyers were engaged in a side conversation that had become heated. I tried to intervene, but as I approached, one lawyer personally insulted the other. I separated the lawyers and let them cool down. When I took the lawyer who had passed the insult aside, he already realized that he had made a mistake. He asked me if I would confirm that the other lawyer would accept an apology. I did, and the two lawyers "kissed and made up." (Well, it was really a handshake.)

With that behind them, the lawyers quickly made progress, and complete settlement was reached within a few hours. What happened? I think that settlement progress had been impeded by a long building and deep-seated resentment between the two. The resentment spilled out like poison from a lanced boil in a relatively controlled setting where it did little harm, and lots of good.

So, sometimes unpredictable "things happen" that have little to do with the merits but lots to do with resolving the dispute. That's why it's critical that a skilled intermediary be present to maximize the benefits and minimize the risks. The mediator's responsibility is to the process, not to one party or another.

A good lawyer wants the best for his or her clients and will suggest mediation if it seems appropriate.

HOME THOUGHTS



Recently Rich and Becky gathered with Rich's sisters and their husbands, Mary and Carl Maz-zariello pictured to the left of the Cassidys and Joanne and Dick Navin, pictured to the right.

In a time when we are all anxious and somewhat fearful of the coronavirus pandemic, it's great to realize how much our family means to us. Mary, Carl, Joanne, Dick and their children are in our hearts each day and time spent with them is precious. A phone call, a note, a text or e-mail mean so much to all of us as we embrace our loved ones and are embraced by them.

WORKING REMOTELY

At Rich Cassidy Law we continue to actively counsel and advocate for our clients and take on new clients, but we are working remotely. As our practice management system and client files are in the cloud, we are fully able to do that.

If you wish to arrange a conference with one of our lawyers, please call or e-mail. We are happy to confer by phone or by video conference. Our phone number is 802-864-8144.

Please be advised that the Courts are only hearing essential cases.

Of course, this may change, depending on public health needs.



RICH CASSIDY LAW

Our firm represents people, not businesses or institutions. We focus on personal injury litigation and employment law. We represent people who have been injured due to the fault of others, and employees in disputes with their employers or former employers.

Justice is not given; it is achieved. Without help from a competent, experienced lawyer, you may get nothing, or you may get whatever pittance the insurance companies or employers choose to give you. We offer the very best legal counsel, advice and support available. The experienced staff at Rich Cassidy Law will assist you from the time you contact us through the conclusion of your case. You can count on being treated humanely and courteously throughout the course of your time as our client.



Rich Cassidy Law
1233 Shelburne Road
Suite D5
South Burlington, VT 05403

Phone: 802-864-8144
Fax: 802-778-0510
E-mail: amanda@richcassidylaw.com

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