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August 5, 2011

Special Master Sheila Birnbaum
Skadden Arps Slate Meagher & Flom, LLP
Four Times Square
New York, New York 10036

Kenneth L. Zwick, Director
Office of Management Programs, Civil Division
U.S. Department of Justice
Main Building, Room 3140
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Re: *James Zadroga 9/11 Health and Compensation Act of 2010*
Comments To Proposed Rules

Dear Ms. Birnbaum & Mr. Zwick:

Thank you for considering our comments to the Proposed Rules set forth at 28 C.F.R. Part 104 [Docket No. CIV 151] RIN 1105-AB39, *i.e.*, those proposed for the "James Zadroga 9/11 Health and Compensation Act of 2010," dated June 21, 2011.

I. Background

The attorneys in our partnership have been representing 9/11 victims and first responders since October 2001 in claims for compensation and disability benefits resulting from 9/11 related illnesses and injuries. In addition to representing hundreds of 9/11 clients, our attorneys have had over 20 years of experience representing injured and disabled workers in other administrative agency proceedings for governmental benefits arising from work-related illnesses. As such, we bring to the table a unique perspective on how you might wish to administer the Victim Compensation Fund (VCF) while minimizing administrative expenses.

In addition, we have some specific comments regarding access to counsel for all potential claimants. Thank you for this opportunity to provide you with our thoughts on these important matters.

II. Reducing Administrative Costs Associated with the Victims Compensation Fund (VCF)

This comment pertains primarily to Section IV of the draft regulations, "Procedure for Claims Evaluation." The VCF is in many respects structurally similar to the administrative process used to determine federal Social Security Disability claims and New York Workers' Compensation claims. Both of these agencies have developed different forms of "electronic case folders" so that claimant representatives may submit claims, medical and other evidence electronically. (See attached screen shots of the Social Security Administration electronic case folder). Both these systems have been hugely successful in allowing representatives to access application folders, identify missing information, and submit needed information so that applications can be deemed "substantially complete." The Social Security Administration has a simple process of forms signed by the client allowing his representative access to the electronic case file in a secure manner. It is respectfully suggested that the administrators of the VCF borrow and adopt the technology already used by the Social Security Administration for this purpose so as not to have to "reinvent the wheel."

III. Pro-bono Representation Panel

Based upon the statutory language in the Zadroga Act and the proposed language of the draft regulations, there may be a substantial number of claimants who are unable to find needed legal representation due to "collateral source" reductions of awards and attorney fee offsets from prior 9/11 litigations. During the first iteration of the V.C.F., the Bar (largely through the non-profit organization "Trial Lawyers Care") was hugely successful in representing claimants on a pro-bono basis. This selfless representation on a pro-bono basis was one of the Bar's finest hours. There is no doubt in our minds that the Bar, through its respective county, state and national organizations, would spearhead a similar effort as we approach the 10th Anniversary of 9/11. It is respectfully submitted that the Special Master reach out to the appropriate Bar Associations, such as the New York State Trial Lawyers Association and ATLA, and request that "Trial Lawyers Care" be reinstated so that all claimants seeking legal representation, but especially those who have trouble finding representation due to collateral source or attorney fee offsets, will have access to counsel.

On behalf of all 9/11 victims and first responders, we thank the Special Master for her consideration of these comments.

Very truly yours,

Turley, Hansen & Partners

Troy G. Rosasco
Daniel J. Hansen

Enclosure (six pages)