



**Attorney  
Matt Healey  
Is a Certified  
Workers’  
Compensation  
Specialist**

The North Carolina State Bar offers certification as a specialist in 15 areas of law, one of which is workers’ compensation. On its website, the State Bar explains that providing certification “helps consumers to identify lawyers who have experience and skill in a certain area of practice” and also encourages lawyers “to improve their expertise in particular areas of practice and provides them with a legitimate way of informing the public and other lawyers of this expertise.”

Although attorneys may focus or limit their practices to specific types of law, the State Bar prohibits an attorney from stating that he or she “specializes” in a certain area of law unless the lawyer has been properly certified. In order to obtain certification, a lawyer must, of course, be licensed and in good standing with the Bar, have been substantially involved in the practice area for a minimum of five years, acquire the appropriate number of continuing legal education credits, achieve satisfactory peer review and pass a written exam. Certification lasts for five years.

Attorney Matt Healey heads the firm’s workers’ compensation practice group at Martin & Jones, and he has been a certified workers’ compensation specialist since 2011. Since he joined the firm in 2006, he has worked hard to secure disability benefits and medical treatment for injured workers. He takes pride in negotiating favorable settlements for his clients, settlements that provide security to families whose futures are jeopardized by workplace injuries. Matt has been recognized as a Rising Star by North Carolina Super Lawyers since 2010.

In the course of his practice, Matt has developed a particular interest in representing workers who have suffered catastrophic injuries - such as serious spinal injuries, amputations, and traumatic brain injuries. Such workers often need significant medical treatment and attendant care for the rest of their lives. Matt has worked closely with doctors and life-care planners to determine the care his clients need and has battled insurance companies to ensure that the care is provided.

Matt has been practicing law in North Carolina since 2002. He lives in Raleigh with his wife and four young children. When he can find the time, Matt loves to read fiction, biography, history, and philosophy. He enjoys running and is absolutely obsessed with Notre Dame, his alma mater, football.

Follow Matt on Twitter @mjworkerscomp.



**North Carolina Contributory Negligence Laws Are Unyielding** *by Hoyt Tessener*

In North Carolina most negligence cases come before our Superior Court. The Superior Court judge decides if the case should go before a jury. Once there is a decision by the jury, the losing party can appeal to the North Carolina Court of Appeals.

The following details of a North Carolina Court of Appeals opinion show the harsh reality of being in one of only four states with contributory negligence. Contributory negligence law means that if you “in any way” contribute to the negligence, you receive no recovery.

In a 2011 case (not handled by our firm), a driver was stopped at a stop sign and texting on his cell phone. While texting, the driver pulled directly in the path of a woman traveling with the right of way. The texting driver pulled out so quickly, there was no time to react, and a collision resulted.

Police was called to the scene. The woman spoke to the police officer while she was in the hospital. The police officer asked her

how fast she was going, and she told the officer that she “believed she was going about 50 mph.” The speed limit was 45 mph. The police officer wrote on his report that the injured driver was going 50 mph in a 45 mph zone. She was not charged with speeding. The texting driver was cited for failure to yield. As a result, the insurance company denied her claims for property damage, medical bills, lost wages and any compensation for pain and suffering. The injured woman was forced to hire an attorney and the case went all the way to trial. The jury found the defendant negligent for texting and pulling directly in her path but the jury also found her contributory negligent. The police officer testified that the injured woman told him that she was going about 50 in a 45 mph zone.

The plaintiff’s attorney appealed the case to the Court of Appeals. The Court of Appeals said there was no error. Since the injured woman told the police officer that she believed she was going about 50 mph

in a 45 mph zone, the jury had reason to believe that she was contributory negligent. Therefore, the injured woman received no payment for any damages.

Most of us would find it hard to believe that we could not get our car repaired or our medical bills paid because we were driving only 5 mph over the speed limit. Welcome to North Carolina.

**Some lessons to learn:**

- Always abide by all of the rules of the road.
- Be mindful that North Carolina’s contributory negligence laws are harsh and unyielding.
- Be careful what you say to non-party witnesses. As in most cases, no one knows exactly how fast they are going at the time of the collision. Be aware that what you say can and will be used against you.
- Contact an attorney before you give any statements regarding the incident.



**Doing Our Part for the Environment** *by Hannah Facchine, Office Assistant*

In a profession that by its nature is not typically eco-friendly, Martin & Jones is making serious strides to help out the environment. While law firms are notorious for requiring a paper copy of everything, the recycling committee is keeping the firm staff in check.

**REDUCE!**

Law firms are known for their excessive use of paper; however, Martin & Jones is working towards more paperless options and recycling the paper that must be used. There is a recycling receptacle for every kind of paper at the Martin & Jones office. Each receptacle is color coded and clearly labeled to display whether it is for confidential paper or regular paper. Shimar Recycling works with the firm on this recycling endeavor. Bi-weekly, Shimar collects both the confidential and regular use paper. Confidential paper is shredded and then sent on to be recycled with the rest of the paper. In the past six months alone, Shimar has collected and recycled nearly five thousand pounds of paper from the Martin & Jones office. The firm is also making strides to use less paper overall. Things like medical records are often transmitted electronically when possible, and many staff members are starting to use digital copies of documents instead of printed paper copies.

**REUSE!**

Martin & Jones has a fully stocked kitchen, with dishes and utensils available for staff members and visitors. This eliminates the excessive use of disposable dishes and utensils. Staff members are encouraged to bring their own water bottles that can be filled at the filtered water fountain in the kitchen. This eliminates bottled water waste, while providing staff with a good source of drinking water. The firm also has a number of potted plants throughout the office. Having plants in the office significantly increases indoor air quality by filtering air and producing fresh oxygen.

**RECYCLE!**

Andrew Garber, the unofficial leader of the MJ recycling committee, is committed to finding a recycling program for everything in the firm. Worn out notebooks and binders are sent to underprivileged school children, and used instant-coffee packets are mailed back to the Flavia company to be recycled. Every other month Andy mails 30 to 40 pounds of the used Flavia packets back to the manufacturer to be repurposed. It takes a little extra effort, and maybe some postage, but the impact on the environment is well worth it.

Paralegal Caitlin Griffin also commented on the recycling efforts at Martin and Jones. “Law firms get a really bad reputation for excessive waste, so I am really proud that Martin & Jones takes such stringent efforts to reduce our environmental footprint. In my first year of employment here, I have learned to recycle items that I never used to think twice about throwing away – like Flavia coffee packets and Lean Cuisine boxes,” said Griffin. Things like used ink cartridges and old electronics are also sent out periodically to be recycled or reused in any way they can be.

**Everyday Efforts Are Important**

Ultimately, the everyday efforts of staff members make a big difference to the environment. Small things, like turning off electronics and lights at the end of each day, save energy, while sorting waste into the appropriate recycling receptacles helps to minimize the waste that is put into landfills.

Remember, just because an item has the word recyclable printed on it, that doesn’t necessarily mean that it is recyclable in every community. It is important to know what items can and cannot be included in recycling efforts. Including the wrong items with recyclables can contaminate the recycling effort.



**Mike Riley Performs to Raise Funds for Haven House**

Martin & Jones attorney Mike Riley (pictured above on the far right) performed in a fundraising “Battle of the House Bands” helping to raise more than \$12,000 for the Raleigh, North Carolina based non-profit Haven House Services. Mike’s band “Wally Pipp” joined five other bands in the event that took place Sunday afternoon, May 19, 2013 at Southland Ballroom in downtown Raleigh.

Established in 1973, Haven House Services dedicated the organization to improving the quality of life for at-risk youth and their families. Haven House explains that its mission changes the outcomes for struggling young people and their families by working “with families, schools, government agencies, the courts and other organizations to help vulnerable, at-risk kids find their way to a positive life, directly impacting more than 3,000 youth each year.”

“Haven House services make a huge difference, not only to the youth and their families, but also to the community at large,” Mike explained when asked about his involvement. “It was an honor to be involved in an event to support Haven House. Plus it was fun playing music with friends at the Southland Ballroom, which is a great venue, and watching the talented musicians in the other bands performing that day for the cause.”

This was the second year for the event and the second year Mike and his band participated. The funds raised at this year’s event more than doubled from last year. All the bands had a least one representative from a Raleigh area law firm. Each band performed 30 minutes worth of music.

“We are so appreciative of the legal community’s support to make this event happen,” stated Michelle Zechmann, the Chief Executive Officer of Haven House Services. “It is a really great way to raise awareness and needed funding for programming to help our most ‘at-risk’ youth.”

Haven House’s website described the event as, “a hard-playing fund-raising afternoon for the legal right to be the Haven House Band.”

**MARTIN & JONES**  
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RALEIGH, NC 27603

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SUMMER 2013

## Martin & Jones Appreciates Your Trust and Confidence

Everyone agrees that referrals are the highest compliment. Martin & Jones is grateful for each and every referral from our clients and colleagues. In addition to clients and other attorneys, we receive referrals from doctors, insurance adjusters, court reporters, judges, law school professors, current and former Martin & Jones employees, and local folks in the community who work for companies with whom we do business.

So far in 2013, more cases have come to our firm by personal referral than from any single source of advertising. Martin & Jones wants to say thank you to everyone who has ever recommended our firm to a friend, family member, patient, client or colleague. We appreciate the trust and confidence that recommendation shows that you have in our attorneys and staff.

Please know that when you do refer someone to our firm, if that person's situation isn't one with which we can help, we will do our best to provide the name and contact information for an attorney better suited for his or her needs.

If you have legal questions, call us at: **800-662-1234**  
Or Visit Us Online At: **www.MartinandJones.com**

**MJ**notes  
NEWSLETTER

If you do not wish to receive this newsletter, please call Martin & Jones toll-free at 1-800-662-1234 and request to be removed from our mailing list. Or, if any of your contact information changes, please let us know so that we can be sure this and other mailings reach you.

### OUR ATTORNEYS:

Tom Barwick  
Katie Bricio  
Carrie Guest  
Matt Healey  
Forest Horne  
John Alan Jones  
Greg Martin  
Chris Olson  
Spencer Parris  
Mike Riley  
Hoyt Tessener

*Atlanta Office:*  
Elizabeth Rodger  
Sam Starks

**MARTIN & JONES**  
Attorneys at Law

### OTHER OFFICES:

302 E. PETTIGREW ST., SUITE 330  
DURHAM, NC 27701  
919-544-3000

1213 CULBRETH DR., SUITE 121  
WILMINGTON, NC 28405  
910-256-9640

3340 PEACHTREE RD., SUITE 510  
ALTANTA, GA 30326  
404-257-1117

A NEWSLETTER FROM THE LAW OFFICES  
OF MARTIN & JONES, PLLC

**MJ**notes

## Martin & Jones Honored by Peers and Employees

Martin & Jones has been recognized in 2013 as a Best Law Firm in America and as a Best Employer in North Carolina. The firm is honored to be selected by our peers and by our employees as among the best in both areas.

U. S. News and World Report and Best Lawyers® joined to rank more than 10,000 firms across the country. Martin & Jones was recognized as a Best Law Firm in Raleigh in the areas of Mass Tort Litigation/Class Action, Personal Injury Litigation, Product Liability Litigation and Medical Malpractice Law.

Best Lawyers® states that "rankings are based on a rigorous evaluation process that includes the collection of client and lawyer evaluations" providing "peer review from leading attorneys in their field," with lawyers voting on "expertise, responsiveness, integrity, cost-effectiveness, whether they would refer a matter to a firm, and whether they consider a firm a worthy competitor." Additionally, at least one lawyer in the firm must be recognized as a Best Lawyer®. Martin & Jones has six Best Lawyers®. John Alan Jones, Greg Martin, Spencer Parris, Hoyt Tessener, Forest Horne and Chris Olson have been recognized as Best Lawyers®.

In addition to being recognized as a Best Law Firm, Martin & Jones was recognized in the February issue of Business North Carolina magazine as one of the 2013 Best Employers in North Carolina. Companies from across the state entered the two-part survey process, which was conducted by Best Companies Group. Best Companies Group explained the purpose of the survey and awards program is to identify, recognize and honor the best employers in North Carolina, benefiting the state's economy, its workforce and businesses.

With three offices in North Carolina, as well as one in Atlanta, Georgia, Martin & Jones employs 55 people. More than half of Martin & Jones employees have been with the firm for more than ten years. Martin & Jones deeply appreciates the enthusiasm and dedication of our staff which has allowed our firm both to survive and thrive.

### WE HELP PEOPLE WITH THE FOLLOWING CLAIMS:

- Trucking Accidents
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- Wrongful Death
- Medical Malpractice
- Nursing Home Abuse
- Traumatic Brain Injury
- Harmful Products
- Defective Prescription Drugs
- Mesothelioma
- Asbestos-Related Lung Cancer
- Railroad Injuries/FELA
- Construction Site Accidents
- Workers' Compensation
- Wage & Hour Class Actions
- Insurance & Investment Fraud
- Small Business Litigation
- Whistleblower Lawsuits

If you have legal questions,  
call us at **800-662-1234**.

**MARTIN & JONES**  
Attorneys at Law

**2013**  
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Employers in  
NORTH CAROLINA

