

TWO MINUTES



Bob Gagliano

# The good fight

**Troy Rosasco**  
goes to battle for Zadroga benefits

When the nation was attacked on Sept. 11, 2001, Troy Rosasco was inundated with an influx of clients, representing both those who lost loved ones, and victims and rescuers who were injured in the terrorist attack.

With the recently passed James Zadroga 9/11 Health and Compensation Act of 2010, disability law firm Turley, Redmond, Rosasco & Rosasco, of which he is a founding partner, will likely see an enormous amount of business coming from the victims and rescuers looking to recoup compensation for their medical needs. He took a moment recently to talk with LIBN about the Zadroga Act and what it means for those affected and disability law in general.

**Why did it take so long for the Zadroga Act to be signed into law?** It's a federal act and there were many people from around the country who quite frankly forgot how important the 9/11 tragedy was to New Yorkers and people from our area. People, for instance, from Oklahoma questioned why those killed in the Oklahoma City bombing tragedy didn't get similar benefits. Those arguments carried weight with many lawmakers around the country and slowed down the law's passage.

**Does the Zadroga Act go far enough to address the needs of 9/11 volunteers and victims?** For the time being, yes, although I wish they hadn't limited the medical care benefits to a five-year period. There will be more first responders who get sick outside the next five years who will need compensation, but I predict we will fight a successful battle five years from

now to get funding for those needs.

**Why do injured parties need an attorney to collect on the Zadroga Act benefits?** Proving the full extent of any individual's damages, both economic and pain and suffering, is a complicated process. Each worker will have an opportunity to go in front of a hearing officer appointed by the special master of the fund. That hearing officer almost certainly will be, and has been in the past, either an attorney or an administrative law judge, and therefore the assistance of an attorney is advised given the complexity of the claim. An individual would have a hard time in identifying on their own what the full extent of the economic and pain and suffering damages were worth.

**How will the \$4.3 billion set aside for the Zadroga Act be distributed?** The \$4.3 billion

is split as follows: \$1.5 billion for medical care to fund various centers of excellence around the country to give medical care and monitor 9/11 victims and first responders for the next five years. The remaining \$2.8 billion will be used to reopen the Victim's Compensation Fund. That \$2.8 billion will not be distributed evenly, but will be based upon each individual's economic and non-economic harm. For instance, a person who has lost his job as a result of his 9/11 injury would have much larger 9/11 damages than someone who continues to work despite their 9/11 injuries. In addition, a person who has a condition that may have required surgery or substantial change in lifestyle will have much greater pain and suffering damage than someone who may simply need to take medication on a regular basis.

**How much of a victim's settlement should be expected to go toward legal expenses?** The members of Congress made it very clear they did not want attorneys to benefit more than victims and workers, and therefore they set a hard cap of a 10 percent limit on attorney's fees. Typically, attorney fees usually make up one-third of a disability settlement.

**Are you worried this cap will negatively affect your firm's bottom line?** We are not concerned

about the bottom line as it relates to these cases. We believe the 10 percent cap is a fair cap and we will be able to service clients within that cap in a way that will not hurt the bottom line of that firm, but at the same time will not hurt workers.

**What portion of your business do you expect Zadroga Act claims to make up going forward?** Going forward, since we're a full-service disability law firm, Zadroga will probably make up about 15 to 20 percent of our business. The remaining amount will be the typical Social Security and regular worker's compensation cases that we traditionally handle.

**How much of your time has been devoted to 9/11 disabilities over the past nine years?** After the immediate tragedy, I was spending up to 50 percent of my time on 9/11 cases. Over the course of time and in the absence of the new Zadroga Act, the claims have slowly diminished simply because there was no additional benefits available to Ground Zero workers and victims. Now with the act passed as of Jan. 2, I am spending almost 100 percent of my time on Zadroga Act claims along with one of my partners. I believe that I'll be spending 100 percent of my time through at least the end of the summer.

— JOHN CALLEGARI