



Newsletter

March 9, 2009

Hello To All,

Jamie, Matt, and I hope that all of you are doing well. I am a little late with the February newsletter; I apologize. We have little Alabama news to report for the month, however, we do have some upcoming events and topics that we would like to share with you.

ESW NEWS:

Matt Williams, Jamie Sanders, and Lisa Sanders, were fortunate enough to visit some of our out of state clients during the month of February. We visited Dallas, Nashville, Atlanta, and Mobile. We were given the opportunity to provide several in-services to both new and current clients. We would like to say thank you to everyone for such a warm welcoming.
YOU KNOW WHO YOU ARE!!

WE ARE PLEASED TO ANNOUNCE:

WALKER MOSS our Alabama Associate has recently sat for the Georgia Bar. He will have his results at the end of May. We are very thrilled for him and we will certainly keep you posted on his progress.

UPCOMING EVENTS:

ESW will co-host our annual Alabama State Conference Dinner on March 18th, 2009. Our dinner this year will be held at Vulcan Park. If you are planning to attend the March 19th Alabama State Conference and would like to attend our dinner on March 18th, please let me know and I will send an invitation. It will be a wonderful evening and the opportunity to learn more about Birmingham, Alabama.

MATT WILLIAMS will speak at the AWCO luncheon on April 21st, 2009, in Birmingham Alabama. The event will be held at The Club.

MATT will also speak at the AWCO Seminar May 7th, 2009, in Birmingham, Alabama. The event will be held at the Wynfrey Hotel.

JAMIE SANDERS will be speaking at the Mississippi Conference, April 24th at the Beau Rivage. Please join us for lunch at the Beau Rivage on April 25th, 2009.

We hope to see some of you at the above conferences. Please let us know if you will be attending.

FEBRUARY BIRTHDAYS: We know that some of you had a birthday this month. . We hope that it was a very special day for you. If you don't mind, please send me your birthday, so I can put you on our birthday calendar. Thanks!

No representation is made that the quality of legal services to be performed is greater than the quality of legal services performed by other lawyers.

NOW ALABAMA NEWS!!!

ARE YOU AWARE OF HB18? READ ON:

RE: New Bill (HB 18)

On February 3rd, the 2009 regular session of the Alabama Legislature opened. HB 18 was introduced and sponsored by Joseph Mitchell (D) from Mobile. If passed HB 18 will introduce two drastic changes to Alabama workers' compensation. It will remove the \$220 cap on weekly workers' compensation benefits. Secondly, it will remove the limitation to the schedule of injuries.

This Bill is currently pending in the House Commerce Committee and will meet again on February 17th for the fifth time. As always, I will keep you up to date with any new developments. Those with business interests will most likely disapprove and you can make your disapproval known to the House members by writing them at the State House Office Building in Montgomery, Alabama.

ALABAMA LAW WEEKLY FEBRUARY 13, 2009.

***Duran et al. v. Goff Group*, 18 ALW 7-8 (2070763), 2/6/09**

Workers' Compensation: Death Benefits

The Plaintiffs (dependents) filed a lawsuit seeking to recover workers' compensation benefits for the death of their father under Alabama Code 25-5-82 (1975). The trial court held that since none of the dependents resided in the United States at the time of the employee's death, they were not entitled to recover benefits and refused to find the Act unconstitutional. The dependents appealed. Affirmed.

The sole issue on appeal involves the contention of whether § 25-5-82, by denying death benefits to nonresident alien dependents of deceased workers who are subject to the Act, contravenes equal-protection and due process as stated in the Constitution. The Court of Appeals states, "However, the dependents, being neither citizens of nor resident aliens in the United States, are not entitled to invoke those constitutional guaranties on their own behalf, because those guaranties are inapplicable to nonresident non-citizens." *Duran et al. v. Goff Group*, 18 ALW 7-8 (2070763), 2/6/09. The Supreme Court has noted in discussions of the constitutional rights of aliens that "aliens only receive constitutional protections when they have come within the territory of the United States and developed substantial connections with this country." *United States v. Verdugo-Urquidez*, 494 U.S. 259, 271 (1990).

THAT'S ALL FRIENDS:

No representation is made that the quality of legal services to be performed is greater than the quality of legal services performed by other lawyers.

We hope you have enjoyed our newsletter and we look forward to updating you on new laws, events and topics for the month of March. Please don't hesitate to call us at any time.

**Take care,
Matt, Jamie, and Lisa**

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