
Answering A Plea

Fortunately for their clients, some attorneys just won't take "no" for an answer.

Thanks to the persistent efforts of a team of volunteer lawyers, the widow and son of a Middlesex County man killed on the Sept. 11 American Airlines flight 11 will receive a \$2.15 million structured settlement from the September 11 Victims Compensation Fund, despite the fact that the fund initially rejected their claim for compensation.

Edward C. Bassett Jr., a Worcester trial attorney who led the pro bono team, says he undertook the case after enrolling in Trial Lawyers Care, Inc., a national effort he credits to local trial legend **Leo V. Boyle** of Boston (see photo, page 3).

When Bassett discovered that fund regulations denied any recovery to the surviving spouse or son, he prepared his client to participate in a lawsuit filed against American Airlines and other defendants.

He says that fund regulations followed a grid-like chart to calculate recoveries for each victim based largely on economic loss, but mechanically deducted out from any recovery the proceeds of any benefits payable under life insurance policies or workers' compensation.

As a result, the fund initially calculated his clients' allowable recovery at zero, but Bassett says the inflexible grid failed to assess the economic impact of forcing a mother to care for her 3-year old son instead of following her pre-accident career track.

The Worcester lawyer credits a team of economists for demonstrating that the mother's loss of income from a significant fundraising position with a major university was substantial and should have been taken into account in rendering a decision.

He also credits his partners at Mirick O'Connell - **Andrew O'Donnell**, **Janet Wilson Moore** and **Sarah Rana** - for assisting with the experts and insuring a payout structure that will meet the family's needs, as well as the managing partner of Boston's Hemingway and Barnes, **Michael J. Puzzo**, for serving as a guardian ad litem to the decedent's son.

The structured settlement, which was approved last month, includes payments to a Massachusetts trust for the benefit of the child that will continue past his 18th birthday in order to meet his educational needs.