



SOVEREIGN IMMUNITY

"The King Can Do No Wrong"

by Colin Lynch

Just northwest of the George Washington National Memorial in Alexandria, a resident has posted a sign that reads:

City of Alexandria Sovereign Immunity Site

Did You Know...

The City of Alexandria claims "sovereign immunity" from liability for damage from its trash collection truck did to this fence.

That's right. On May 22, 2019 a city truck hit and broke this fence. It's on video! But none of that matters. They're immune from liability.

What is Sovereign Immunity?

Simply put, the term sovereign immunity is derived from a British common law doctrine based on the idea that the King could do no wrong.

So be careful around City of Alexandria vehicles. They can do no wrong."

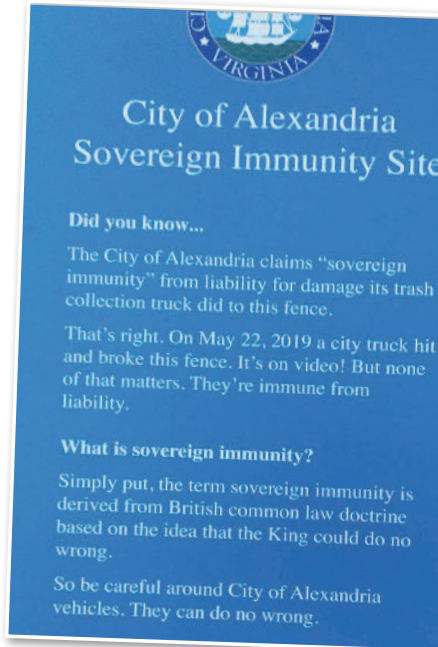
This sign echoes a lot of frustrations that Virginia residents have when taking institutions to court. There are actually two kinds of sovereign immunity:

Absolute Immunity means that the person/institution cannot be sued, even if they acted maliciously or in bad faith.

Qualified Immunity means that the person/institution is shielded from liability only if certain terms are met.

Some examples of government actors who can claim sovereign immunity are schools, police departments, hospitals, and yes even trash collectors, medical

Photo Source: <https://i.redd.it/qltutzu9rbt31.jpg>, photo by user griffdog82



A local resident has posted a sign in protest of Sovereign Immunity.

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HOW YOUR DISABILITY BENEFITS APPLICATION CAN MOVE TO THE **FRONT** OF THE LINE

Due to the incredibly high volume of Social Security Disability (SSD) applications, there is a large backlog that results in a 3-6 month wait before an applicant receives any decision. More than half receive a denial and have to appeal. Those who successfully appeal often have to wait 2-3 years to receive Social Security Disability benefits.

Because of the long wait time, many people with severe or fatal conditions may never receive the benefits they deserve because they run out of time. This led to the creation of the Compassionate Allowances initiative.

WHAT ARE COMPASSIONATE ALLOWANCES?

The SSA defines Compassionate Allowances as "a way to quickly identify diseases and other medical conditions that, by definition, meet Social Security's standards for benefits."

The program was created to:

Streamline the application process

Help people suffering from extremely severe and/or rare conditions

Assist SSA workers that read the applications

HOW DO I QUALIFY FOR COMPASSIONATE ALLOWANCES?

Meet all criteria to receive Social Security Disability benefits

Have a Physician Prove Your Condition

Have a condition that's on the Compassionate Allowances list (CAL)

HOW TO APPLY FOR COMPASSIONATE ALLOWANCES

Fill out the Disability Benefits application as normal and the Social Security Administration will cross-check your condition to the CAL. Remember to fill out your application correctly and provided required documentation.

WHERE TO START?

The SSDI application and appeals process can be long and frustrating, but the BenGlassLaw team is here to walk side by side with you through the process, and that starts with giving you important information about your claim.

BENGLASSLAW™ CALL (703) 584-7277

BGL's Best Bites:



SUSIE'S SWEET POTATO MINI MUFFINS

Note from Susie: These are the muffins we do in a mini muffin tin. Bed Bath and Beyond has a 24 mini muffin tin which makes it a lot easier! I'm sure they would be good too as a regular muffin. I buy sweet potatoes cut them in half and then boil until fork tender. Pull them out, remove skin and then mash.



Ingredients:

- 1/2 cup butter at room temp
- 1 1/4 cups sugar
- 2 eggs
- 2 1/2 cups canned sweet potatoes, mashed
- 1 1/2 cups all-purpose flour
- 2 teaspoons baking powder
- 1/4 teaspoon salt
- 1 teaspoon cinnamon
- 1/4 teaspoon nutmeg
- 1 cup milk
- 1/4 cup pecans or walnuts, chopped
- 1/2 cup golden raisins, chopped
- *Optional:* cinnamon sugar mixture

Directions:

- 1 Preheat oven to 375 degrees. Grease 1 1/2 inch muffin tins.
- 2 Cream the butter and sugar. Add the eggs and mix well. Blend in the sweet potatoes. Sift the flour with the baking powder, salt, cinnamon, and nutmeg. Add alternately with the milk. Do not overmix. Fold in the nuts and raisins.
- 3 Fill the greased muffin tins 2/3 full. If desired, sprinkle with cinnamon sugar before putting in the oven. Bake at 400 degrees for 25 minutes. These freeze well and are delicious any time of day! ■

Give Thanks!



*From the entire BenGlassLaw team,
thank you for being a part of our family.*

*Thanksgiving is a great time to reflect on everything
that's going well, even if the world seems to be getting
crazier by the minute.*

*In an age of "outrage culture" and endless fear-
mongering from the media, it's easy to miss the forest
for the trees. In the grand scheme of things, we live in
a safe and prosperous society. We eradicate diseases
and create mind-blowing technologies. We embrace
freedom and create strong environments for our
children to get properly educated and lead healthy lives.
We all know it's not perfect, but when compared to
civilizations of the past, we are a beacon on a hill.*

*In between watching football and drowning in turkey
and gravy, take some time this holiday to share with
friends and family how much they mean to you and
how much you appreciate their roles in your life.
Lord knows that there's plenty of time to talk while
the Redskins are playing...*

Happy Thanksgiving from our family to yours!

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Sovereign Immunity: "The King Can Do No Wrong"

students who are working through a state school program, bus drivers, secret service agents... the list goes on. If someone works for the government either directly or indirectly, there is a good chance they are blanketed in some way by federal, state, or local immunity. It even applies to certain charities.

This can lead to a lot of frustration and hardship for Virginia residents. Often people are forced to pay out of pocket for damages that someone else caused, all because they have the impenetrable shield of being a government worker.

In our view, if someone harmed you or your property, they should be on the hook (liable) and you should be able to take them to court to recover your losses. It feels fundamentally unamerican that an individual or a group can be "above the law" and cause damages with no consequence.

With all of the craziness going on in the world, this isn't a topic you hear brought up often, but it's one that has a big impact on people's lives! If you have a potential case which may involve suing an institution that is immune, give us a call. We can tell you whether you're getting into a fight you can't win. ■

Reminder About Our Firm's Communication Policy

Our promise to you is that while we are working on your case, we don't take inbound phone calls, faxes or emails. Ben Glass takes no inbound unscheduled phone calls whatsoever. It makes him much more productive and helps get your case resolved faster. You can always call the office at 703-544-7876, and schedule an in-person or phone appointment, usually within 24-48 hours. This is a lot better than the endless game of "phone tag" played by most businesses today. Remember, too, that email is "quick," but is checked no more than twice a day. Replies are then scheduled into the calendar. So if it's really important, don't email—call the office instead.

This publication is intended to educate the general public about personal injury, ERISA disability, criminal law, and small business issues. It is not intended to be legal advice. Every case is different. The information in this newsletter may be freely copied and distributed as long as the newsletter is copied in its entirety.

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Virginia Doctor Sentenced to 40 Years for Illegally Prescribing 500,000 OPIOID PILLS

Dr. Joel Smithers operated out of Martinsville, VA, which is a small rural community of about 13,000 near Danville on the southern border of the state. In only 19 months, Smithers prescribed 500,000 pills to practically anyone who would walk in. Ben and Andrew talk about toxic parents at youth games, dealing with mistakes, making decisions with confidence, and the big referee shortage in the area.

One of his patients from West Virginia died after he prescribed her oxycodone and oxymorphone, but Smithers would also prescribe other Schedule II drugs like fentanyl and hydromorphone.

As the outcry over the national opioid epidemic increases, the federal government has been targeting operations that flooded rural markets with ungodly amounts of pills. Smithers' operation distributed about 399 pills per resident of Martinsville, which was one of the highest per capita distribution rates in the country.

The minimum sentence for Dr. Smithers was 20 years, but the judge gave him 40 given the severity of the damage. Nationwide, about 130 Americans die every day from opioid overdoses. Those who got to sit behind a desk and exasperate the problem via prescription pads are finally facing justice for it.

Source: <https://www.cnn.com/2019/10/02/us/virginia-doctor-opioids-sentencing/index.html> ■



INSIDE THE MIND OF BEN GLASS

Attorney,
Entrepreneur,
Father of Nine,
and Five-Time
Marathon Runner



WHAT WOULD BEN SAY

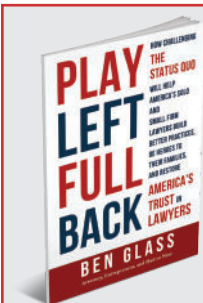
I was right about this college

stuff. Parents and students are vastly overthinking this college choice thing. What matters more? The school you go to or who YOU are when you go to school? There are parents sitting in prison right now because they got this answer wrong and bribed school officials into letting their kiddos in. In his new book, *The Formula—The Universal Laws of Success*, Albert-Laszlo Barabasi and his team researched what it is that makes people successful in America. One of his interests was this college choice issue: does it really matter, in the long-run, what college you go to? (Or, in his question at page 47 of the book: “should we mortgage our future to guarantee the best education for our children?” Answer: NO. The only reliable predictors of success are *performance and ambition*. Barabasi compared the income levels of students who graduated from elite Ivy League schools with students who were qualified to get into the elite schools (similar SAT scores and high school grades) but who, for a variety of reasons, ended up at “less prestigious” schools. Conclusion: the school one attended made no difference. It was the discipline that one exhibited in high school to get higher grades and SAT scores that predicted success. If you live in Virginia you should think about that before writing that BIG check to an out of state university!

I'm right about America. You should send your teenager out to Barnes and Noble to grab a copy of the October 31 issue of *Forbes* magazine—it's the issue that list the 400 richest people in America. Study this list. Success leaves clues. While politicians (most of whom have never actually created anything of value) attack the rich, I'm imploring you to study them. Here are some items of note: Bill Gates started working at 16; Mark Zuckerberg started Facebook at 19; Larry Ellison worked his teenage summers as a lifeguard; Warren Buffett started his first business at age 7; Elon Musk taught himself to code as a kid and sold his first video game for \$500. This list is filled with self-made billionaires. There is no place else in the world where you have the freedom to work hard, learn “how to learn” and create your own world. There are politicians working hard to demonize American success (see next bullet point) but they will never win that battle because it's in our DNA (and the DNA of just about every immigrant to this country that I've ever met) that that we don't wait for anyone to give us anything. We can and do earn it... and when we do, we will be richly rewarded.

I'm right about the naysayers.

Last month I attended a conference of entrepreneurs and business owners out in Denver. Talk about a highly successful but highly humble group. This is it. (Check out NoBSInnerCircle.com). You know what no one talked about at all out in the hall? (1) Politics; (2) Bad stuff out there in the world; (3) The latest cat video on YouTube... if you want to build a life that is NOT dependent on what the government does then I beg of you to stop paying attention to things that just do not matter to your life. FOCUS. There's enough to be done to get your own life and your own relationships straight without wasting your only irreplaceable asset (time) on this nonsense. Those that live in negativity are only trying to bring you down to their level. They are unwilling to do the hard work necessary to create a life worth living. (By the way, I am really good at helping people think this way—many of my clients thank me just as much for the “life coaching advice” I give them as for the excellent legal services we deliver. If you ever need some assistance in “clear thinking,” please feel free to reach out to me. I also run a small business mastermind group that meets monthly (and I buy the lunch).) As my friend, Dan Kennedy writes in his latest book, ***Almost Alchemy***, there is no such thing as a “bad economy.” Every economy is good for some people and not so good for others. It's what you make of the circumstances that matter. ■



Play Left Fullback

My New Book is Now Available for Pre-Order on Amazon. In early 2020, I'll be releasing my new book, *Play Left Fullback*. While this is primarily a business book written for the solo and small firm market, it is more autobiographical than my past books and contains a lot of common sense about life. If you preorder it on Amazon, then email me (ben@benglasslaw.com), I'll send you a signed copy of the author's pre-publication edition. Only 200 of these were printed and we have a handful left at this time.



November is for Giving Thanks

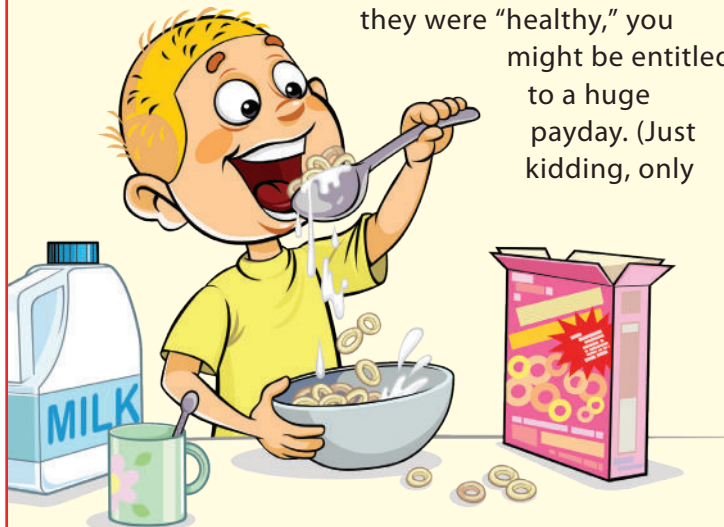
I know we are all busy, especially if you live in Northern Virginia. Seems like there is always something that life is throwing at us as a challenge. As we close in on the end of the year, take a quiet moment to think about and make a list of the people who have helped you in some way this year. It can be big or small stuff. Then, go the store and buy some stationary or even just paper and envelopes. Go to the post office and buy some stamps. Then handwrite a note to those who

have had an impact on your life this year. Not email. Write. Real paper. Real pen. Real stamp. Not many people take the time to write and mail real letters and notes anymore. I promise your little surprise will make their day. Then, when you get a letter of gratitude yourself, put it into your gratitude folder. I have kept for for many years. I often joke with my family that they can find it and bring it out to show people at my funeral! More importantly for you, though, is that saving the small notes of thanks that people send you can uplift you when you have one of those “blue” days. I promise you that its just not that hard to get started on these little things that can have a huge impact on someone’s life. Go for it. Live Life Big. ■

CRAZY LAWSUIT OF THE MONTH

Attention Parents, apparently if you bought Raisin Bran, Smart Start, or some of the other Kellogg’s brand breakfast cereals thinking they were “healthy,” you might be entitled

to a huge payday. (Just kidding, only



the lawyers in these silly types of class actions get paydays...you get coupons.) The Kellogg Company is going to pay up to \$20 million to resolve the lawsuit brought by Stephen Hadley, in 2016. Stephen was aggrieved that using phrases like “lightly sweetened” and “wholesome goodness” were so deceptive that he was fooled while shopping.

Here’s a big tip for Stephen: when shopping, buy stuff from the perimeter of the store, not the aisles. Generally, all of the processed food is in the aisles while the real food is on the perimeter. I think that many lawsuits serve a very important function in our society. Suing cereal companies over their labelling, not so much.

There you go: tip of the day! Oh and join a CrossFit gym near you. I like Halo Fitness Experience in Burke.

This publication is intended to educate the general public about personal injury, medical malpractice, and small business issues. It is not intended to be legal advice. Every case is different. The information in this insert may be freely copied and distributed as long as the insert is copied in its entirety.