

DOLPHINS 38 BILLS 10

# HENNE STARTS WITH WIN

New quarterback leads Dolphins to first victory of season **SPORTS, PAGE 1**



## Nelson emerges as seniors' champion

Senator fights to keep Medicare provisions

By William E. Gibson  
WASHINGTON CORRESPONDENT

Florida Sen. Bill Nelson is trying to become the political champion of senior citizens on health reform as he and fellow Democrats struggle to prevent a backlash from older voters.

Nelson persuaded the Senate Finance Committee last week to shelter senior citizens from a tax hike designed to help pay for reforms. And he added a measure to the committee bill to allow patients in many Medicare Advantage plans to retain low-cost coverage, plus fringes such as vision, dental care and health-club memberships.

Much like his mentor Claude Pepper, Nelson is being hailed for protecting the elderly but faces the scorn of budget hawks who say Congress protects the old at the expense of the young.

This role serves Nelson back home, where many senior citizens are seething about legislation they fear will take away precious benefits, especially under plans run by health maintenance organizations.

"They are fabulous plans. We seniors just love them, and we're scared stiff that we are going to lose them," said Arnold Ruskin, 74, of Margate, who is second-guessing his vote for President

# LOOKING TO SUE? SITE WANTS YOU



Deanna Dent, Sun Sentinel

Vincent Celentano, president of whocanisue.com, says the referral service is expected to earn \$10 million in 2010. The Boca Raton company employs 22 people, and 250 law firms are signed up as clients. Whocanisue also advertises in Texas, California, New York and Pennsylvania.

"The name was catchy. I was upset I didn't think of it."

**Mitch Polay**, Fort Lauderdale lawyer who has used the whocanisue.com referral service for a month

But whocanisue.com's tactics draw criticism from some lawyers

By Missy Diaz  
STAFF WRITER

Have you been bitten by a vicious dog? Been the victim of a surgical mishap? A sexual assault on a cruise ship? There's a lawyer waiting for your call.

Boca Raton-based whocanisue.com has scores of billboards and bus-shelter signs dominating the tri-county landscape, showing a lawyer slipping on a banana peel. The service matches website visitors with lawyers in a quick-and-easy form that takes just minutes to complete.

Choose your complaint from a drop-down menu — nursing home abuse, for example — and then a sub-category, such as bed sores, dehydration or falls and fractures. Plug in your ZIP code and in the click of a mouse, a page or more of lawyers appears.

But there's controversy over this seemingly quick way to sue for a quick buck.

The site has drawn the ire of many in the legal

How to choose an attorney

ASK THESE QUESTIONS:

**How many cases** like mine have you handled?

**How many cases** like mine have you taken to trial?

**Do you litigate** your own cases or will you have another lawyer do it?

**How long** has the attorney been practicing and how many cases has he/she tried?

**What percentage** of cases has the lawyer and/or firm settled?

**Ask to see** some of the firm's verdicts.

Sources: Attorneys Gary Lesser and F. Gregory Barnhart

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# Critics say referral service degrades law profession

community, including the vice chairman of a Florida Bar advertising-ethics committee. Critics say whocanisue and other online referral services degrade the legal profession and often steer the public to lawyers who operate under a business model of "bring in as many cases as you can and settle them."

Others, including those who advertise there, say it's just another way to attract clients.

"I'm getting probably twice as many phone calls," said Martin Saenz, a Miami labor and employment lawyer who has been advertising on the site for just more than a month. "Of course, not all of them have a case. A lot of time is spent going through cases, but I get clients. Old-school lawyers have to keep up with technology."

Mitch Polay, a Fort Lauderdale personal injury and criminal attorney, says colleagues recommended the site, and in the month he's been using it, his phone hasn't stopped ringing.

"The name was catchy," Polay said. "I was upset I didn't think of it."

Whocanisue's tactics are "egregious" and "directly appealing to people who want to be litigious, to seek out a claim," said West Palm Beach personal injury attorney Gary Lesser, managing partner of a 10-lawyer firm started by his grandfather.

"There are real people who are hurt, who need lawyers," he said. "Whocanisue.com is part of an



Mark Randall, Sun Sentinel

Whocanisue.com has advertised on billboards throughout South Florida, including this one on Southern Boulevard.

emerging trend. They are not a law firm, but a referral agency."

Lesser is vice chairman of the Florida Bar's advertising committee, which governs lawyer advertising by reviewing and monitoring ads. Lawyers are supposed to submit their ads in advance, Lesser said, but with 87,000 Bar members it's impossible to know how many lawyers are not doing so.

Complicating matters is that the Bar only regulates lawyers, not referral services such as whocanisue.com, which skirts the rules for lawyer ads. If a lawyer who advertises on it breaks a Bar rule, such as promising a client a specific outcome such as a monetary judgment, the lawyer can face discipline. Sanctions range from a fine to a reprimand to suspension, though the latter is seldom used and reserved for repeat offenders, according to Lesser.

Even some law firms

Barnhart says that it isn't "direct advertising" and that they don't even include phone numbers. The whocanisue marketing strategy, he said, is "a disgrace."

"We're not advertising for whiplash cases or bad backs or slip-and-falls," Barnhart said. "We handle large cases. Those people who slip and fall in Publix, God bless them. If [a firm] has to hire some guy who looks like a fireman to keep the phones ringing, that's fine" for them.

Whocanisue was launched in October 2008 by Curtis Wolfe, 46, a former in-house counsel at a large Miami firm. He's well aware that his site's name might offend some.

"It's definitely meant to be edgy," he said. "We wanted to provoke people. Most lawyer advertis-

ing is unremarkable and not memorable. I would sit at home and see these ads asking if you're injured blah, blah, blah. There was no branding involved. We have a brand."

The company's office on West Palmetto Park Road in Boca Raton has 22 employees, the majority in sales. Two hundred and fifty law firms are signed up as clients and about 25,000 people visit the site each month. Whocanisue.com also advertises in Texas, California, New York and Pennsylvania.

"At this rate we are projecting to do \$10 million-plus in 2010," said president Vincent Celestano, who helped finance the multimillion-dollar startup, which includes irrelevant television spots featuring buxom nurses and a pack of lawyers chasing

an ambulance.

Despite the parody, Wolfe says, his site actually is the "anti-ambulance-chasing lawyers."

"Come to our site, then find the attorney of your choosing when you're ready," he said.

Injuries top the list of queries, followed by loan modifications and foreclosures and then employment issues.

Wolfe says the site makes it very clear: "Whocanisue doesn't represent you. You're represented by whoever you hire as an attorney."

Lesser said he and many other lawyers are dismayed at its appeal.

"We get together and say: 'It has come to this?'"

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## Term limit question haunts Bloomberg

THE NEW YORK TIMES

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