



BENJAMIN J. TRICHILO

Counsel
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Bio

Ben Trichilo joined McCandlish Lillard in 2011, bringing with him more than 35 years of trial and appellate experience, including personal injury, workers' compensation, professional malpractice, premises liability, business litigation, and Defense Base Act cases. Ben has handled auto accidents, slip and fall injuries, sports injuries, closed head injuries, brain injuries, eye injuries, neck and back injuries, career ending injuries, sexual assaults, bike trail accidents, truck accidents, accidents involving deficient truck mirrors, dram shop cases, shareholder disputes, and non-compete agreements. If you have a personal injury, workers compensation, or litigation issue, then Ben has the knowledge and experience acquired over more than 40 years of litigation practice to help resolve your case favorably, and will welcome the opportunity to assist you. Successful litigation requires the ability to solve problems: through negotiation where possible, and through litigation when necessary. But there is one simple guiding principle: *handle each case as if it is your own.*

Ben is a frequent seminar speaker, and continues more than two decades of

service as a litigation mediator for the Fairfax County Circuit Court.

TIPS FOR INJURED WORKERS IN VIRGINIA

- Report your injury promptly.
- The mere fact that your injury occurred at work does not mean that it will be covered.
- Do not give a recorded statement until you obtain legal advice. The employer/insurer knows the rules. You do not.

TIPS FOR EMPLOYERS IN VIRGINIA

- Consider insurance coverage for yourself and other owners. In most cases it is very affordable.
- Even if you do not regularly employ three or more employees, consider obtaining WC coverage. That policy will pay the cost of defending claims.
- If you have safety rules, then they should be known and enforced.

There is no substitute for knowledge, and irreparable harm can occur when we assume to know what we do not.

Practice Areas

- Business, Corporate and Commercial Litigation
- Litigation
- Personal Injury / Workers' Compensation
- Personal Injury Litigation
- Workers' Compensation for Employers
- Workers' Compensation for Injured Workers

Education

- B.S., cum laude, Georgetown University Business School, 1971
- J.D., University of Virginia School of Law, 1974
- Law Clerk for the Honorable Richard H. Poff, Supreme Court of Virginia, 1974-1976

Admissions

- Virginia
- District of Columbia
- United States Supreme Court
- United States Court of Appeals for the Fourth Circuit
- United States District Court for the District of Columbia
- United States District Court for the Eastern District of Virginia

Honors

- America's Top 100 Civil Litigators
- The Best Lawyers in America
- "Virginia Super Lawyers®", inclusion in The Washington D.C. Area's Best Lawyers
- Fellowship in Litigation Counsel of America
- AV® Preeminent™ Peer Review Rated, the highest rating from Martindale-Hubbell®.
- "Top Lawyers" in the Washington metropolitan area by *Washingtonian* Magazine
- Virginia Workers' Compensation Inn of Court
- Virginia's Legal Elite

Activities

- Virginia Trial Lawyers Association
- Fellow, Litigation Counsel of America
- Virginia Association of Defense Attorneys (Director 1993-97)
- Defense Research Institute
- Northern Virginia Defense Attorneys (President 1984-85)
- Virginia State Bar; Virginia and Fairfax Bar Associations
- Neutral Case Evaluator, Fairfax Circuit Court (1993 to present)
- Board Member, Diversity Law Institute
- Board Member, Brain Injury Services (2018 to present)

Presentations

- “As Judges See It: Top Mistakes Attorneys Make in Civil Litigation,” moderated panel consisting of Hon. Lisa M. Baird, Prince William County JDR Court; Hon. Richard B. Potter, Prince William Circuit Court (Ret.); Hon. Lon E. Farris, Chief Judge, Prince William Circuit Court (Ret.); Hon. Douglas L. Fleming, Jr., Loudoun County Circuit Court; Hon. Lorraine Nordlund, Fairfax County Circuit Court (Ret.); Hon. Janine M. Saxe, Fairfax County JDR Court; Hon. John M. Tran, Fairfax County Circuit Court. National Business Institute (October 12, 2017)
- “Trends and Top Mistakes Attorneys Make.” National Business Institute (September 29, 2016).
- “As Judges See It: Top Mistakes Attorneys Make in Civil Litigation,” moderated panel consisting of Hon. Michael F. Devine, Fairfax County Circuit Court; Hon. Lon E. Farris, Prince William County Circuit Court; Hon. Daniel S. Fiore, II, Arlington County Circuit Court; and Hon. William T. Newman, Jr., Arlington County Circuit Court. National Business Institute (October 11, 2013).
- “Litigating the Uninsured & Underinsured Motorist Claim.” National Business Institute (August 28, 2013).
- “Advanced Workers’ Compensation,” participated as a speaker on a panel addressing litigation techniques; Medicare Secondary Payor Updates; disability in causal relationship issues; utilization of the second injury fund; and ethical obligations. National Business Institute (February 06, 2013).
- “[What Civil Court Judges Want You to Know](#),” moderated panel consisting of Hon. William T. Newman, Jr., Arlington Circuit Court; Hon. Lon E. Farris, Prince William County Circuit Court; Hon. Jonathan C. Thacher, Fairfax County Circuit Court; and Jan L. Brodie, Fairfax County Circuit Court. National Business Institute (October 19, 2012).
- “Handling the Workers’ Compensation Case from Start to Finish.” National Business Institute (October 7, 2010)
- “10 Things Every Attorney Needs to Know About Workers’ Compensation.” VADA Annual Seminar (October 29, 2009)
- “Witness Preparation: What’s Essential, What’s Effective, What’s Ethical.” Virginia CLE (August 12, 2009)

- “Results-Oriented Hearing Strategies.” National Business Institute (October 15, 2008)
- “The Essentials of Law Office Management.” National Business Institute (October 12, 2007)
- “Workers’ Compensation Update.” Lorman Education Services (December 1, 2006)
- “Workers’ Compensation Case Preparation Techniques.” National Business Institute (August 15, 2006)
- “Insurance Policy Coverage.” VADA Spring Seminar (May 13, 2004).
- “Appellate Practice Seminar.” Fairfax Bar Association (April 24, 2003).
- “Fundamentals of Workers’ Compensation.” Council on Education in Management (December 18, 2002).
- “Timely Issues in Virginia Workers’ Compensation Practice.” Virginia Continuing Legal Education Committee (May 16, 2002).
- “Ethics Seminar.” Virginia State Bar (May 18, 2000).
- “Current Developments in Workers’ Compensation.” Council on Education in Management (December 7, 1998).
- “Case Handling Strategies.” Council on Education in Management (July 25, 1998).

Publications

- “Practice Pointer: Exclusion of Testimony of Attending Physician,” The Journal of the Virginia Trial Lawyers Association, Fall/Winter 2005/2006.
- “Workers’ Compensation Update: Expansion of the Estoppel Doctrine Where Voluntary Payments Are Made by the Insurer”, The Journal of Civil Litigation, Volume VII, No.1 (1995).
- “The Applicability of the Workers’ Compensation Bar after Cinnamon v. IBM,” The Journal of Civil Litigation, Volume II, No.3 (1990).
- “Subdivision Exactions: Virginia Constitutional Restrictions”, University of Richmond Law Review, Fall 1976.

News

- News Release: [Seven Attorneys Selected as 2020 Super Lawyers](#)

- Article: “[Ball broke through protective screen, struck plaintiff’s face.](#)” (*Virginia Lawyers Weekly*, January 25, 2016), reporting \$195,000.00 settlement for client
- Article: “[Million Dollar Settlements of 2014.](#)” (*Virginia Lawyers Weekly*, February 9, 2015)
- Article: “[Driver Killed Instantly in Head-on Collision with Dump Truck.](#)” (*Virginia Lawyers Weekly*, June 9, 2014), reporting \$3.8 M settlement for client
- News Release: [McCandlish Lillard Lawyers Receive Media Recognition \(Jan. 15, 2014\)](#)
- Article: “[Confusing Lane Markings Alleged to Have Caused Wreck.](#)” (*Virginia Lawyers Weekly*, September 24, 2007), reporting successful defense of three wrongful death cases
- Case Report: “[Negative Comments to Security Clearance Investigator Back \\$200K Defamation Verdict.](#)” (*Virginia Lawyers Weekly*, January 29, 2007), reporting favorable verdict for client
- Case Report: “[Jury Returns \\$25K More Than Amount Asked for in Car Wreck Case.](#)” (*Virginia Lawyers Weekly*, January 15, 2007), reporting \$150,000 verdict for client
- Case Report: “[Overturned Vehicle-Failure to Warn.](#)” (*Virginia Lawyers Weekly*, October 27, 2000), reporting \$964,000 verdict for client
- Article: “[Gradual Injury Not Covered by Workers’ Compensation.](#)” (*Virginia Lawyers Weekly*, November 20, 1989), reporting precedential decision governing standard of compensability of work place injuries

Notable Cases

Supreme Court of Virginia

- *Eberhart v. Fairfax County*, 283 Va. 190, 721 S.E. 2d 524 (2012).
- *Mulford v. Walnut Hill Farm Group, LLC*, 282 Va. 98, 712 S.E. 2d 468 (2011).
- *Ford Motor Co. v. Benitez*, 273 Va. 242, 639 S.E.2d 203 (2007).
- *GEICO v. Moore*, 266 Va. 155, 580 S.E.2d 823 (2003).
- *Pro Football, Inc. v. Uhlenhake*, 265 Va. 155, 580 S.E. 2d 288 (2003).
- *Amoco Foam Products v. Johnson*, 257 Va. 29, 510 S.E.2d 443 (1999).

- Falls Church Construction Co. v. Laidler, 254 Va. 474, 493 S.E.2d 521 (1997).
- Craddock Moving & Storage Co. v. Settles, 247 Va. 165, 440 S.E.2d 613 (1994).
- Doe v. Dewhirst, 240 Va. 266, 396 S.E.2d 840 (1990).
- Morris v. Morris, 238 Va. 578, 385 S.E.2d 858 (1989).
- Cinnamon v. IBM, 238 Va. 471, 384 S.E.2d 618 (1989).
- Southwood Builders, Inc. v. Peerless Ins. Co., 235 Va. 164, 366 S.E.2d 104 (1988).
- Klingbeil Management Group Co. v. Vito, 233 Va. 445, 357 S.E.2d 200 (1987).
- Williamson v. Old Brogue Inc., 232 Va. 350, 350 S.E.2d 621 (1986).
- Gudnason v. Life Ins. Co., 231 Va. 197, 343 S.E.2d 54 (1986).
- Daniel Constr. Co. v. Baker, 229 Va. 453, 331 S.E.2d 396 (1985).
- WMATA v. Harrison, 228 Va. 598, 324 S.E.2d 654 (1985).
- John Driggs Co. v. Somers, 228 Va. 729, 324 S.E.2d 694 (1985).
- Sargent Electric Co. v. Woodall, 228 Va. 419, 323 S.E.2d 102 (1984).
- Transportation, Inc. v. Falls Church, 219 Va. 1004, 254 S.E.2d 62 (1979).

United States Court of Appeals for the Fourth Circuit

- Ward v. Knight, 81 Fed Appx. 460 (2003).
- Webb v. Blackie's House of Beef, Inc., 811 F.2d 840 (1987).
- Tony Guiffre Distributing Co. v. WMATA, 740 F. 2d 295 (1984)

United States District Court for the Eastern District of Virginia

- Carter v. Arlington Public School Systems, 82 F. Supp. 2d 561 (2000).
- Estate of Krasnow v. Texaco, Inc., 773 F. Supp. 806 (1991).
- Webb v. Regua Ltd. Partnership, 624 F. Supp. 471 (1985).
- Richardson v. Econo-Travel Motor Hotel Corp., 553 F. Supp. 320 (1982).

District of Columbia Court of Appeals

- Marboah v. Ackerman, 877 A.2d 1053 (2005)

Virginia Court of Appeals

- Blakey v. University of Virginia Health System, Record No. 0837-14-4 (February 18, 2015); 2015 Va. App. LEXIS 52.
- Seminario v. Fairfax County, Record No. 0362-14-4 (December 9, 2014); 2014 Va. App. LEXIS 397.
- United Airlines, Inc. v. Smolak, Record No. 0556-13-4 (November 19, 2013); 2013 Va. App. LEXIS 337.
- Vasquez v. Randstad North America, Record No. 2284-12-4 (July 2, 2013); 2013 Va. App. LEXIS 193.
- Chemical Producers and Distributors Association, Inc. v. Perry, Record No. 1716-08-4; (June 9, 2009); 2009 Va. App. LEXIS 259.
- The Estate of Alejandro Ho v. Information Technology Solutions, Record No. 2742-05-4; (October 17, 2006); 2006 Va. App. LEXIS 460.
- Peck v. R. G. Mgmt. Services, Record No. 1401-06-4 (October 10, 2006), 2006 Va. App. LEXIS 448.
- King George Custom Homes, Inc. v. Hernandez, Record No. 3135-05-4 (July 05, 2006), 2006 Va. App. LEXIS 299.
- Genesys Conferencing, Inc. v. Harper, Record No. 1307-05-04 (November 1, 2005); 2005 Va. App. LEXIS 289.
- Allmond v. Homeplace & Royal Ins. Co., Record No. 0441-04-4 (June 22, 2004); 2004 Va. App. LEXIS 289.
- Henderson v. H.F. Copies, Inc., Record No. 3177-03-04 (April 6, 2004); 2004 Va. App. LEXIS 159.
- MWAA v. Lusby, 41 Va. App. 300, 585 S.E.2d 318 (2003).
- MWAA v. Bispo, Record No. 0905-03-4 (August 19, 2003); 2003 Va. App. LEXIS 442.
- MWAA v. Bailey, Record No. 2790-01-4 (August 13, 2002); 2002 Va. App. LEXIS 463.
- Pro Football, Inc. v. Uhlenhake, 37 Va. App. 407, 558 S.E.2d 571 (2002).
- William Hazel Cos. v. Creswell, Record No. 2477-99-2 (May23, 2000); 2000 Va. App. LEXIS 395.
- Manes v. TCB Constr., Inc., Record No. 0019-99-3 (June 22, 1999); 1999 Va. App. LEXIS 374.

- Patrick v. Tenneco Packaging, Record No. 0201-99-3 (June 15, 1999); 1999 Va. App. LEXIS 354.
- White v. C.J. Coakley Co., Record No. 2346-98-2 (May 4, 1999); 1999 Va. App. LEXIS 261.
- Hunan Imperial Restaurant v. Lam, Record No. 1990-98-4 (January 26, 1999); 1999 Va. App. LEXIS 46.
- Casper v. Commercial Interior Constr., Record No. 3012-97-2 (May 12, 1998); 1998 Va. App. LEXIS 285.
- Carpet Palace v. Salehi, 26 Va. App. 357,494 S.E.2d 870 (1998).
- Amoco Foam Products v. Johnson, Record No. 00324-97-4 (December 30, 1997); 1997 Va. App. LEXIS 765.
- ARC Electric v. Godwin, Record No. 2037-97-2 (December 23, 1997); 1997 Va. App. LEXIS 780.
- LMI Ins. Co. v. Foley, Record No. 2670-96-4 (July 29, 1997); 1997 Va. App. LEXIS 503.
- Alexandria Kitchen & Bath v. Hare, Record No. 2259-96-3 (July 29, 1997); 1997 Va. App. LEXIS 512.
- Prince William County Service Authority v. Harper, 25 Va. App. 166, 487 S.E.2d 246 (1997).
- Electrodyne Inc. v. Harrison, Record No. 2374-96-4 (February 18, 1997); 1997 Va. App. LEXIS 377.
- Vulcan Materials Co. v. Crawford, Record No. 1886-96-2 (February 18, 1997); 1997 Va. App. LEXIS 108.
- Kenny's Constr. v. Richards, Record No. 1627-96-3 (December 17, 1996); 1996 Va. App. LEXIS 763.
- Falls Church Constr. Co. v. Laidler, Record No. 1628-96-3 (December 3, 1996); 1996 Va. App. LEXIS 761.
- Manes v. TCB Constr., Record No. 0862-96-2 (September 24, 1996); 1996 Va. App. LEXIS 610.
- Canova Electric Constr. v. LMI Ins. Co., 22 Va. App. 432, 470 S.E.2d 591 (1996).
- Wiggins v. Fairfax Park Ltd. Partnership, 22 Va. App. 432, 470 S.E.2d 591 (1996).
- VDO Yazaki Co. v. Snyder, 21 Va. App. 605, 466 S.E.2d 750 (1996).

- *Arlington Renaissance Hotel v. Ramirez*, Record No. 0176-95-4 (October 24, 1995); 1995 Va. App. LEXIS 778.
- *Blackwell v. April Const. Co.*, Record No. 1842-94-4 (June 06, 1995); 1995 Va. App. LEXIS 500.
- *Thomas v. R&T Const. Co.*, Record No. 1515-94-4 (May 02, 1995); 1995 Va. App. LEXIS 402.
- *Novacon v. Sturdivant*, Record No. 1448-94-4 (March 21, 1995); 1995 Va. App. LEXIS 266.
- *Centreville Automobile v. Vanover*, Record No. 1439-94-4 (February 28, 1995); 1995 Va. App. LEXIS 199.
- *Tucker v. WMATA*, Record No. 0937-94-4 (February 21, 1995); 1995 Va. App. LEXIS 188.
- *Drywall Systems v. Dykes*, Record No. 0689-94-4 (September 06, 1994); 1994 Va. App. LEXIS 576.
- *Southland Corp. v. Senter*, Record No. 0697-93-4 (February 08, 1994); 1994 Va. App. LEXIS 58.
- *East Coast Associates, Inc. v. Maddox*, Record No. 2195-92-4 (July 20, 1993); 1993 Va. App. LEXIS 276.
- *Craddock Moving & Storage Co. v. Settles*, 16 Va. App. 1, 427 S.E.2d 428 (1993).
- *Specialty Auto Body v. Cook*, 14 Va. App. 327, 416 S.E.2d 233 (1992).
- *Allegheny Airlines, Inc. v. Merrilat*, 14 Va. App. 341, 416 S.E.2d 35 (1992).
- *Metropolitan Cleaning Corp. v. Crawley*, 14 Va. App. 261, 416 S.E.2d 35 (1992).
- *WMATA v. Pender*, 14 Va. App. 100, 415 S.E.2d 239 (1992).
- *Metropolitan Cleaning Corp., Inc. v. Crawley*, 12 Va. App. 1167, 408 S.E.2d 570 (1991).
- *Bartholow Drywall Co. v. Hill*, 12 Va. App. 790, 407 S.E.2d 1 (1991).
- *Trammel Crow Co. v. Redmond*, 12 Va. App. 610, 405 S.E.2d 632 (1991).
- *Richard E. Brown v. Caporaletti*, 12 Va. App. 242, 402 S.E.2d 709 (1991).
- *Seneca Falls Greenhouse & Nursery v. Layton*, 9 Va. App. 482, 389 S.E.2d 184 (1990).
- *First Federal Saving & Loan Assoc. v. Gryder*, 9 Va. App. 60, 383 S.E.2d 755 (1989).

- National Linen Service v. McGuinn, 8 Va. App. 267, 380 S.E.2d 31 (1989).
- Judge v. Whitmer, 6 Va. App. 152, 366 S.E.2d 713 (1988).
- Barnett v. D.L. Bromwell, Inc., 6 Va. App. 30, 366 S.E.2d 271 (1988).
- National Linen Service v. McGuinn, 5 Va. App. 265, 362 S.E.2d 187 (1987).
- Barnett v. D.L. Bromwell, Inc., 4 Va. App. 552, 358 S.E.2d 767 (1987).
- Southwest Architectural Products, Inc. v. Smith, 4 Va. App. 474, 358 S.E.2d 745 (1987).
- National Linen Service v. McGuinn, 3 Va. App. 73, 348 S.E.2d 42 (1986).
- Audobon Tree Service v. Childress, 2 Va. App. 35, 341 S.E.2d 211 (1986).
- Commonwealth Dept. of Highways v. Williams, 1 Va. App. 281, 338 S.E.2d 660 (1986).
- Southland Corp. v. Parson, 1 Va. App. 281, 338 S.E.2d 162 (1985).
- WMATA v. Medley, 1 Va. App. 113, 335 S.E.2d 845 (1985).

Virginia Circuit Court

- Benko v. Mid-Atlantic Sports Ventures, Inc., Law No. 20986, Circuit Court of Loudoun County; 2000 Va. Cir. LEXIS 337 (July 11, 2000).
- Hooper v. DPC Corp., Law No. 11842 Circuit Court of Fairfax County; 1993 Va. Cir. LEXIS 850 (July 06, 1993).