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A professional corporation emphasizing cases involving personal injury and wrongful death claims.

PERSONAL INJURY PRACTICE

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SUMMER 2013

Medical follow-up after a crash

When should you see a physician if you've been in a car crash? Right away, if the pain doesn't subside, or days or weeks later when you begin to experience persistent pain or limited range of motion? Technically, all three, but you are doing yourself and any claim that may need to be filed an extreme disservice if you don't seek medical attention right away.

If there is a delay in treatment or lack of follow-up care, an insurance company will argue that a claimant isn't really as seriously injured as they claim. If someone doesn't seek treatment or follow-up care and an injury lasts longer or is more expensive as a result, they—not the person who caused the accident in the first place—are typically held responsible.

If you or a loved one is injured in an accident, it is extremely important to seek medical attention and follow the treatment plan. If you've been injured in an accident, call our office today for a free case evaluation.



How accident reports and citations affect a claim

You may think you are being nice to keep the police out of an accident if it seems small, but when no charges are filed, it can have a negative effect on your case if someone ends up with injuries. Insurance companies will use a police report to help settle disputes. A police report that details what happened can certainly work in your favor if the other driver failed to use "ordinary care," resulting in injury to person or property.

Why, if a case goes to trial, are accident reports and citations inadmissible?

It can actually be for your protection. A police report could contain errors and is based on the judgment of an officer who didn't see the accident. Unless an officer witnesses an accident, his or her opinion as to who caused the accident is typically not admissible in court. Likewise, a citation stemming from the accident isn't admissible evidence to prove negligence. The reasoning is that the determination by the officer is typically based on hearsay and not hard evidence.



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Attorneys helping people.

ATTORNEYS SAVE YOU MONEY

Most people think only about the bill, but there are a number of ways in which attorneys save you money. You read that right, an attorney can save you money.

Representing yourself in a personal injury claim may seem like a great way to save some money, especially if your case seems clear, but it's not. Ask yourself these questions:

- How well do you know the law?
- Are you familiar with defense tactics and strategies?
- Would you know a truly fair settlement?
- Do you know the best resources for expert witnesses?
- For that matter, do you know if you would benefit from an expert witness?

For the same reasons that you wouldn't diagnose and treat a disease using books and the Internet, you shouldn't try to be your own counsel. In personal injury cases, consultation is almost always free.

There is simply nothing to gain by not utilizing a qualified attorney.

Birth injuries

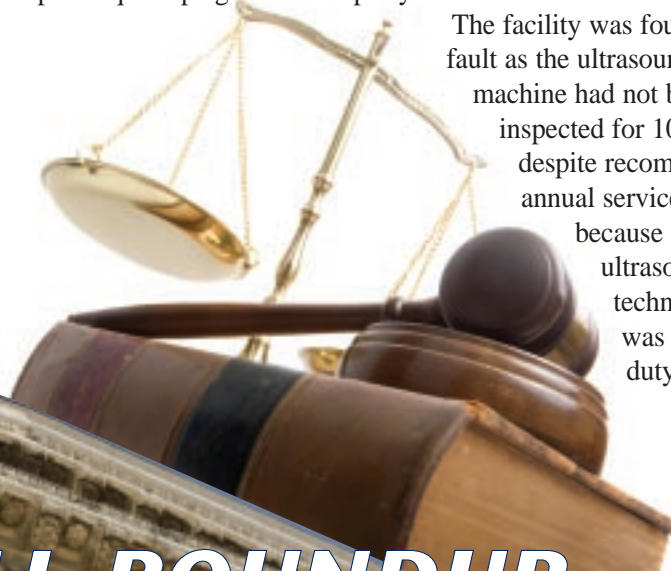
Going to the hospital to give birth should be a joyous occasion. But for soon-to-be parents, an injury caused by the medical staff responsible for the safety of the infant can change the course of their lives.

It's not just negligence on the part of the medical staff that can cause birth injuries, but the quality, condition, and age of the medical and diagnostic equipment at their disposal.

A Pennsylvania mother and her 3-year-old daughter, who suffered severe birth injuries, were recently awarded \$78 million. The woman arrived at the hospital bleeding, nearly full term. An ultrasound determined that the baby died in utero, presumably from placenta abruption; however, the mother insisted that she felt the baby kicking and moving. Over an hour later a heartbeat was detected and the baby was delivered via C-section. Because of the delay, the child has spastic quadriplegic cerebral palsy.

It's not just negligence on the part of the medical staff that can cause birth injuries, but the quality, condition, and age of the medical and diagnostic equipment at their disposal.

The facility was found at fault as the ultrasound machine had not been inspected for 10 years, despite recommended annual service, and because an ultrasound technician was not on duty.



SUMMER RECALL ROUNDUP

Master Forge gas grills sold at Lowe's

If improperly installed, the hose connecting the gas tank and regulator to the burner control can touch the burner box and cause the hose to melt and rupture when the grill is lit. Consumers should stop using the grill and call or go online for instruction.

888-584-3628, www.94227info.com

Banana Boat UltraMist Sport SPF 30 and SPF 50

Spray-on Banana Boat sunscreen voluntarily pulled 23 Banana Boat continuous sprays from retailers last year because they can catch fire if exposed to a flame or spark before drying on the skin. Consumers who have any of the products purchased between January 2010 and September 2012 should dispose of them and call or e-mail for refund information.

800-723-3786, e-mail SUNCARE@customerfollowup.info

Wilson & Fisher garden swings sold at Big Lots

The wooden swing's seat can break while in use, posing a fall hazard. Consumers should stop using the swing, detach the bench seat, and return it to Big Lots for a refund.

(866) 244-5687, www.biglots.com, click "recalls"

Children's water bottle sold at H&M

The water bottle spout can break off, posing a choking hazard. Consumers should stop using the water bottle and return it to H&M for a refund.

(855) 466-7467, www.hm.com



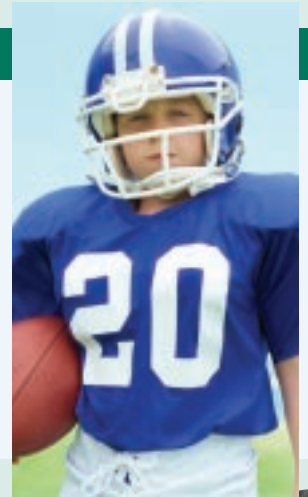
The right protection

Are concussions becoming a dangerous norm in football? Hearing stories of teens and adults suffering concussions in high school, college, and professional football is nothing new. But last fall, the media reported extensively on a game in which five players sustained concussions in a single game—in the Peeewe League.

As a new season approaches, take some time to make sure your kids have the proper protective equipment to reduce the risk of concussion. Be sure that used helmets and pads are in good shape and fit well. The helmet is the most important piece of equipment that your child will wear. No matter how good the condition, if it doesn't fit properly, it won't provide adequate protection.

PROPER HELMET FIT

- Measure the circumference of a child's head right above the eyebrows. Sizing among manufacturers varies, so this number is important.
- When the helmet is on, it should not move easily and should fit tight without being uncomfortable.
- The helmet should rest directly against the temple and the jaw, and the chin strap should fit snugly.
- When pushed on the top, the wearer should feel pressure on the crown of the head but not on the forehead.



No matter how good the condition, if the helmet doesn't fit properly, it won't provide adequate protection.

TAILGATING DRIVERS

There is nothing quite as annoying as a driver riding your bumper. Tailgaters cause a lot of accidents and are the number-one cause of road rage. Tailgating is aggressive driving and is illegal. According to Smartmotorist.com, most rear-end collisions are caused by one vehicle following another too closely.

Get out of the way

Your life, and the lives of your passengers and others on the road, is too precious to get stubborn with a driver who is already showing irresponsible behavior.

Don't tap the brakes

Sure, you know you aren't really using the brakes, but tapping the pedal to activate brake lights could cause an accident behind you if the tailgating driver panics and loses control of their vehicle.

Follow the two-second rule (or more!)

One car length for every 10 miles per hour is suggested, but this can be difficult to judge. For noncommercial motorists, the two-second rule is a good way to gauge distance. When a vehicle in front of you passes a sign, you should be able to count two full seconds before your vehicle reaches the sign. Double the time in cases of rain, maybe even more when conditions are snowy, foggy, or icy.



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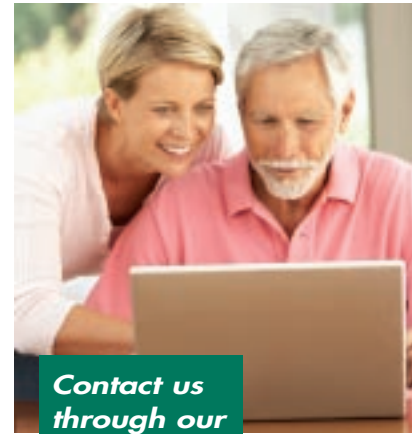


Distracted walking

You can barely turn on the TV without hearing about the dangers of distracted driving, namely from interacting with a smartphone—and for good reason. The National Safety Council said in 2010 that cell phone use was a factor in 24 percent of auto accidents. But can we *walk* and use our phones?

Apparently not. Using the phone or a handheld device for texting, gaming, surfing the net, or talking has taken a toll on safety on the sidewalks as well. According to the Consumer Product Safety Commission, more than 1,150 walkers distracted by handheld electronics were treated in emergency rooms in 2010 in the United States.

Talkers and texters oblivious to their surroundings have tumbled off piers, off of train platforms, into water fountains, into each other, and even into traffic. Some states and localities are creating legislation to thwart distracted walkers, while others are mounting public service campaigns to remind citizens to pay attention to their environment.



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through our
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TOP 5 THINGS TO DO *if you are in a* **BICYCLE ACCIDENT**

They say once you learn to ride a bike, you never forget... but do you know what to do if you are in an accident? Chances are, you don't. *Here is a list of five things to do if possible if you are struck while on your bike:*

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1. Take photos of the scene.

If you or a witness has a camera, take photos of the scene from every angle you can think of.

2. Talk to the police only.

If a driver tries to talk you out of calling the police, explain to them that you need to call the police to make a report to protect yourself. Do not discuss the accident with the driver, and do not talk with the driver's insurance company under any circumstances.

3. Get information from the driver and witnesses.

Get the driver's name, phone number, and insurance information. Ask for names and numbers of witnesses who can't remain on the scene until the police arrive.

4. Go to the doctor or ER.

If you are experiencing pain, see a physician right away.

5. Get an estimate for property damage.

Take your bike to a shop that will put a number value on the damage. Don't fix the damage and, likewise, keep broken helmets, ripped and bloodied clothing, torn shoes, or any other piece of property that could be considered evidence to the severity of the accident.

If a driver tries to talk you out of calling the police, explain to them that you need to call the police to make a report to protect yourself.

