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Attorneys At Law



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Season's Greetings!

We'd like to take this time to extend our very best wishes to you and your loved ones. We hope your home will be filled with joy, warmth, and goodwill during this holiday season. May you and your family enjoy peace, happiness, and good health throughout the coming year.

¡Felices Fiestas!

Queremos tomar este tiempo para ofrecerle nuestros mejores deseos a usted y sus seres queridos. Esperamos que su hogar esté lleno de gozo, cordialidad y buena voluntad durante esta temporada de fiestas. Que usted y su familia gozen de paz, felicidad y buena salud durante el nuevo año.

Nos Voeux Pour Les Fêtes!

Nous voulons profiter de cette occasion pour faire parvenir nos voeux les meilleurs tant à vous qu' à votre famille. Nous souhaitons que votre foyer soit plein de joie, de chaleur et de bien-être à l'occasion de la saison des fêtes. Puisse votre famille et vous-même jouir de Paix, de Bonheur et de Bonne Santé tout au cours de la Nouvelle Année.



Child injuries

All parents make special efforts to protect their children from harm. We buckle them in car seats and monitor them at play. We safety-proof our homes and select age-appropriate toys, riding vehicles, and games.

However, when children are at school, they can get all kinds of scrapes and bumps, most of which are minor. However, if a child is seriously hurt, most parents feel a more than casual sense of responsibility to find out what and why it happened—and to prevent such injuries from recurring.

Here are questions that an attorney might ask of teachers and administrators to learn about a child's injury:

- What kind of precautions did the school take to protect children from injury during classes and activities?
- How quickly did administrators and staff recognize that an injury had occurred?
- How fast did school personnel come to the child's assistance?
- Was first aid provided?
- Did a school nurse or other professional administer medical treatment?
- Was the child hurt during an age-appropriate activity?
- Were other children involved in the injury? How?
- Where and how did the injury occur? At recess? In gym class? On the stairs? In a science lab? On playground equipment?
- Were there witnesses?
- How quickly were the parents notified?

Please contact an attorney for additional information about parents' rights.

FOR YOUR SAFETY Recalled product roundup

Here are some recently recalled products you may have in your home or at work:

- ✓ **Graco Children's Products, Inc.**, has recalled one million Duo Tandem and 143,000 MetroLite strollers. Both models can fail to latch and unexpectedly collapse, injuring children in the strollers and those pushing them.
- ✓ **Belkin Corporation** is asking consumers to return 10,300 Li-Polymer battery packs sold with Bluetooth Global Positioning System (GPS) Navigation Systems. Batteries can overheat, rupture, catch fire, or explode and harm users.
- ✓ **Dorel Juvenile Group** noted a warning about 250,000 Safety 1st Tubside Bath Seats. When used with nontraditional or sunken bathtubs, the bath seats can break, tip over, and injure children.
- ✓ **LG Electronics, Inc.**, and **Sears, Roebuck and Co.** have called back 20,000 LG and Kenmore Elite® Trio™ Three-Door Refrigerators with condenser fan motors that can short-circuit, catch fire, and burn consumers.
- ✓ **Nautilus, Inc.**, is voluntarily recalling 10,000 Nautilus NT 1020 Exercise Benches, which have bench-seat welds that may separate from the frame, collapse, and injure exercisers.

Mail fraud

A recent survey revealed that two-thirds of Americans had lost confidence in the way their personal information was being handled in the marketplace.

Each person can take a number of important steps to decrease the likelihood of identity theft and manage his or her personal financial and other information by better protecting their mail. Here's how:

- Secure the mailbox with a lock.
- Remove mail promptly.
- Mail payments or other important items at a post office or public mailbox, not in your own mailbox.
- Switch to electronic bill-paying when possible.
- Stop mail when going away for more than a day.
- Shred all mail and other documents that contain information anyone could use to defraud you.
- Report mail theft to postal authorities.



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Taking medications

After a physician prescribes a medication and a pharmacist fills that prescription, it's up to you to comply with instructions to make sure the drug works safely and effectively.

Here are several medication-safety guidelines:

- ✓ Tell all prescribing practitioners and pharmacists the medications you take, including over-the-counter products, vitamins, supplements, herbals, and birth-control pills.
- ✓ To keep up-to-date records and anticipate emergencies, list all medications, noting drug names, prescribing physicians, filling pharmacists, dosages, and how and when to take them.
- ✓ Try to fill all prescriptions at one pharmacy.
- ✓ Never share medicines with others.
- ✓ Read instructions and warning labels.
- ✓ Keep drugs in original containers, away from children or pets.
- ✓ Never mix different pills in one container.
- ✓ Know what to do for side effects or cross-medication reactions.
- ✓ Discard outdated medicines.

Medication errors

Even though patients may do their best to take medications safely and effectively, errors may occur. Doctors sometimes prescribe incorrect medications. Office or hospital staff may administer the wrong drug. Pharmacists can misfill prescriptions. In many cases, errors may be small and have little effect.

However, when patients suffer injury because of medication errors, they can seek assistance through our civil justice system. A patient suffered two cardiac arrests and restricted work activity after a nurse negligently injected an incorrect medication during an operation. The hospital settled after the patient sued, alleging the hospital was responsible for the nurse's wrongful administration of the drug.

Disability insurance

According to the Health Insurance Association of America, one in three of us between the ages of 35 and 65 is likely to suffer a disabling incident lasting at least 90 days sometime during our careers. What disabling events can put a career off track? Problem pregnancies, broken arms, and anxiety conditions, to name just a few.



Because most employer-issued disability insurance policies provide only a percentage of salary and put caps on benefits, many people purchase private disability insurance policies to fill the income gap.

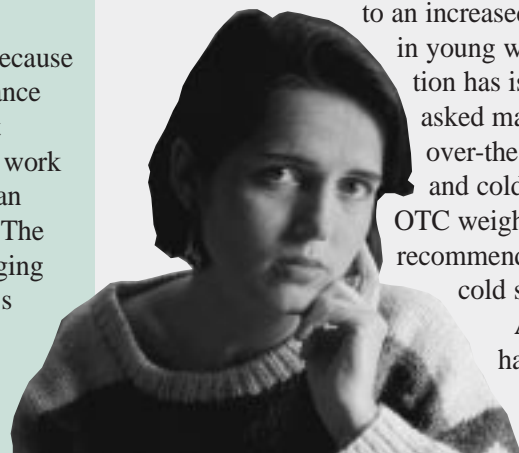
Bad faith

When insurers arbitrarily terminate promised payments on policies clients have been paying premiums on for years, our civil justice system can provide plaintiffs with recourse.

A venture capitalist who paid premiums on a guaranteed renewable disability insurance policy for many years became disabled. Although the insurer paid benefits for a year, underwriters subsequently determined that a "lack of objective medical evidence" showed its client's chronic fatigue syndrome was not authentic and stopped payments. The insured man asked for ways he could prove his disability, even offering to take any medical tests the insurer requested. The insurer declined. The venture capitalist sued his insurer and its holding company for breach of contract, bad faith, and lost benefits. After hearing all evidence, a jury awarded the plaintiff damages against the insurer and significant punitive damages against the holding company.

Cold and flu season... ...and phenylpropanolamine

As this winter's cold season arrives, consumers should be particularly aware of the potentially serious side effects of cold medications that contain phenylpropanolamine (PPA).



A 2000 Yale University School of Medicine study showed that PPAs lead to an increased risk of hemorrhagic stroke, particularly in young women. The Food and Drug Administration has issued PPA public-health advisories and asked manufacturers to discontinue using them in over-the-counter (OTC) and prescription cough and cold medications as a decongestant, and in OTC weight-loss products. A pharmacist can recommend remedies that do not contain PPA to cold sufferers.

Anyone suspecting that they or a relative has been harmed by PPA should consult an attorney.

Old injury—new accident

On occasion, clients call us with this kind of question: “I was in an accident yesterday and hurt my neck. I already suffer neck pain from an accident several years ago. Can I even report this new injury to the insurance company and my doctor?”

Many live with injuries and illnesses ranging from healed broken bones to long-term arthritis pain. But when they suffer new injuries in auto or other accidents that worsen their preexisting conditions, they should report them. For one thing, the medical profession recognizes that new accidents can worsen many orthopedic and neurological injuries. For another, legal cases in most states acknowledge that an at-fault driver may be held accountable for exacerbating an older injury and that such injuries are compensable.

However, proving an accident worsened an existing injury may be challenging, and various state laws figure into assigning accountability to drivers who may be at fault. If you suspect an injury has been aggravated by an accident, seek legal counsel.

Lesiones previas—accidente nuevo

De vez en cuando recibimos llamadas de clientes con esta pregunta: “Estuve en un accidente ayer y me lastimé el cuello. Ya sufría de dolor de cuello por un accidente que tuve años atrás. ¿Puedo reportar estas heridas nuevas al seguro y a mi doctor?”

Muchas personas viven con daños y enfermedades desde huesos fracturados que se han sanado hasta dolor de artritis de largo plazo. Pero cuando sufren nuevas heridas en accidentes de auto o de otra manera que empeoran una condición preexistente, las deben reportar. Por una parte, la profesión médica reconoce que accidentes nuevos pueden empeorar muchas lesiones ortopédicas y neurológicas. Por otra, la mayoría de los estados reconocen, en casos legales, que un conductor con culpa es responsable de exacerbación de lesiones viejas y que tales lesiones son compensables.

Sin embargo, comprobar que un accidente empeoró una herida existente, es desafiante y hay varias leyes estatales que figuran en como asignar responsabilidad a conductores que pueden ser culpables. Si usted sospecha que una lesión ha sido agravada por un accidente, pida consejo legal.

Anesthesia

Patients undergoing surgery should fully understand the benefits and risks of anesthesia. Unlike being asleep, an anesthetized patient is under the effect of very potent and potentially poisonous medications.

To protect patients, anesthesiologists should carefully assess a patient’s health, detailed medical history, anesthesia records, medication allergies and sensitivities, and the timing of their most recent meal.

Patients should ask any questions that will help them feel they are receiving the highest standard of care from an anesthesiologist.

Faulty equipment

A patient, who can no longer walk, work, or take care of her family, sued the manufacturer of anesthesia machinery used in her hysterectomy. Her attorney demonstrated, based on documentation, that the manufacturer knew the equipment produced carbon monoxide but failed to warn physicians using it. The court found the defendant breached its duty of care and ordered a substantial award, which included past and future pain and suffering and loss of consortium with a child.

If you are arrested

Being arrested is frightening and distressing. Here are several ways to help protect your legal rights under the law:

- Be polite to law-enforcement officers. Do not resist. Never disrespect them. That can only worsen your case.
- Ask for legal counsel each time you speak with different law-enforcement officers.
- Make no oral statements, no matter how much pressure anyone puts on you, until your lawyer approves.
- Never sign typed statements or documents until your lawyer reviews and approves them.
- Call your attorney as soon as you can. Many legal defenses succeed because a defendant notified his or her lawyer right away. Lawyers’ experience with arrests and ability to investigate criminal cases quickly and thoroughly are important to maintaining one’s rights and seeking fair legal outcomes.

Americans on the move Moving van rental

Millions of Americans rent small and large trucks every year. They hire small vans to pick up patio sets at home centers, and 25-foot trucks to move household furniture to other states.

No matter what size their rental, drivers expect vans and trucks to be safe and reliable. Truck rental companies generally strive to properly maintain equipment, routinely inspecting tires, brakes, steering, engine and transmission, mirrors, turn signals, and lights.

An unsafe rental

When a rental truck is *unsafe*, those injured have recourse under our civil justice system. A driver, stopped at an intersection and struck from behind by a rental truck, suffered neck and back injuries. His attorney sued the truck’s driver, claiming negligent operation, and the rental company, alleging negligent failure to properly maintain brakes. A jury awarded significant compensatory damages, and the parties reached a confidential settlement during the punitive-damages phase of the trial.