



Dessausure Law Firm, P.A.

Tony Dessausure

# Injury Law Alert

Fall 2013

---

---

## After an Auto Accident

Many people think that common sense dictates what is to be done after an auto accident. Maybe so, but our common sense can desert us under stress. It is a good idea to keep this simple checklist in your car with your other important papers (registration, etc.).

- Get help for anyone injured.
- Call the police if someone is injured or killed, if a vehicle can't be moved, or if the accident involved a hit-and-run driver.
- Move your car, if possible, to avoid blocking traffic and to protect it from further loss or damage. But be careful—many people are injured at accident scenes each year by other drivers who are not paying attention.
- Get the other driver's name, address, telephone number, license plate number, driver's license number, and insurance information. Give the other driver the same information.
- Record the insurance company name and the policy number *exactly* as they appear on the other driver's proof-of-insurance card. Similar company names can cause confusion.

### Keep This Checklist in Your Car

- Don't sign anything except a ticket, citation, or report issued by the police.
- Notify your insurance company promptly. It will want the names and addresses of witnesses and injured persons.
- Never sign any document that gives up a legal right.

- Contact us to find out about your right to recover for your injuries.

If you have been in an accident and have questions about whether you need a lawyer or whether you have a right to monetary damages, call us. Decisions that must be made after an accident are very important. We can advise you and, if appropriate, deal with the insurance company or other parties on your behalf.

---

---

## Here's What Our Firm Can Do for You

1. Evaluate any bodily injury claim to determine the amount of money to which you are entitled.
2. Help you with the property damage portion of your claim.
3. Resolve complex issues and negotiate an overall settlement.
4. Deal with your doctors, obtain your medical records, reports, and billing statements, and notify medical care providers as to who to bill.
5. Have an investigator interview witnesses, take statements, and photograph the accident scene and your vehicle.
6. File a lawsuit, if necessary.

Dessausure Law Firm, P.A.

1928 Barnwell Street • Columbia, SC 29201

Tel.: (803) 771-0042 • Fax: (803) 771-4233 • Toll Free (866) 994-0042

---

---

# Severe Injuries Can Occur at Childbirth



Pregnancy and childbirth have inherent risks and can result in complications and injuries to the mother and the child.

All injuries suffered during birth are devastating, but some are the result of mistakes made by health-care providers. You may have a legal claim for damages for yourself and your child if a doctor or other health-care provider:

- fails to adequately monitor the mother's or child's condition;
- fails to choose appropriate procedures and treatment;
- fails to adequately diagnose and treat risks and complications;
- fails to consult specialists when necessary; or
- fails to obtain your informed consent prior to medical treatment.

Birth injuries reportedly occur in 27 of 1,000 live births. One major cause of birth injuries is oxygen deprivation, which commonly happens when the umbilical cord is compressed or twisted during birth. Another cause is trauma that may occur when a baby moves into an unusual position during the birthing process. Common birth injuries include brachial plexus palsy, cerebral palsy, Erb's palsy, Klumpke's palsy, skin irritation, temporary paralysis, brain damage, and fractured collar bones.

Physicians and health-care providers have a duty to act as a "reasonably prudent" person

would act under similar circumstances, and they commit malpractice when they are negligent in their treatment, or when they have otherwise departed from accepted standards of medical care. If that negligence injures you or your child, you may have a legal claim.

When a doctor commits malpractice, you can recover damages not only for physical injuries but also for economic damages, such as medical expenses, loss of income, and loss of value of services provided. Other kinds of noneconomic damages may be available, such as money awarded to compensate you or your child for physical or mental pain and suffering, disfigurement, or physical impairment. Of course, the amount of damages varies depending on the severity of the injury and on the circumstances of each case.

A qualified lawyer can determine whether you have a claim for medical malpractice by hiring medical experts, by studying the medical records, and by determining whether your physician or health-care provider deviated from the applicable standard of care. Act quickly! If you are the victim of malpractice occurring during the

birth of a child, you must file your claim in a timely fashion (usually within two years, although it may be longer for your child) or else lose your right to do so. Because birth injury cases are complex, it is important to contact our firm AS SOON AS POSSIBLE to receive the legal advice necessary to protect your rights.

---

---

## They Said It

The following exchanges actually took place in courtrooms across the country.

Q: Doctor, as a result of your examination of the plaintiff, is the young lady pregnant?

A: The young lady is pregnant—but not as a result of my examination.

Q: When was the last time you saw the deceased?

A: At his funeral.

Q: Did he make any comments to you at that time?

## We Appreciate You!

*Thank you for choosing our firm for your legal needs. We hope that you will continue to count on us when you need legal help. We are just a phone call away.*

*We also appreciate the trust that you have placed in us by referring your friends, family, and associates to us for legal services. Thanks!*

---

---

## Mortgage Tips

The fallout from the financial crisis will be felt all over the world for years to come. This crisis highlights how important it is for homeowners and would-be homeowners to manage their mortgages intelligently. Consider the following tips:

- When thinking about buying a house, determine how much you can afford to pay. Remember to include costs like property taxes, insurance, HOA dues, and a fund for repairs.
- When looking for a mortgage, stick to your budget, and borrow only what you can afford to pay.
- Shop around, and find the best interest rate. Also pay attention to fees; with rates low, many lenders make their profit from these fees.
- Once you have a mortgage, make your payments on time.
- Start a “rainy day fund” so you can make your mortgage payments even in tough times.
- Keep all other required payments current, including taxes and insurance.
- If you receive a letter from your lender, read it carefully, and make sure you understand what is required. It may tell you your loan has been sold and that payments need to be made to a new company.
- Beware of mortgage-related scams. Remember: If it looks too good to be true, it probably is.
- If you are struggling to make your payments, contact your lender immediately. They may be able to help.

## Transcription Error

Many people die because of mistakes made in writing down their medical information. As a recent case shows, people are not willing to accept these errors anymore.

The case involved a diabetic who needed insulin. The care facility to which she was discharged tried to get her records, but they were not available, so the facility relied on a discharge summary dictated by her doctor at a hospital.

In this summary, the doctor instructed that she be given 8 units of insulin, but the medical transcription service (that turned his orders

into a written document) wrote “80 units.” The patient was then given an incorrect dosage of 10 times the amount of insulin she needed, and she died.

The jury deliberated only an hour. It returned a verdict of \$140 million, twice what the plaintiff had asked for. As the population ages, the medical community will have to figure out a way to communicate better. The woman in this case died because of a typo, and the frequency of similar problems will only increase unless something is done now.

## Clothes Dryers Can Cause Fires

It may surprise you to learn that one of the most dangerous home appliances you own may be your clothes dryer. It is estimated that dryers are responsible for over 15,000 fires every year—fires that cause millions of dollars in property damage and over 300 injuries and 10 deaths each year!

### What Makes Dryers So Dangerous?

The primary cause of dryer fires is the failure to clean the lint trap regularly. In order to work, dryers use a tremendous amount of heat, and a build-up of lint provides perfect tinder for a potential fire. People sometimes allow dryer vents to become blocked, which permits excessive heat to build up inside the dryer. Also, people dry items (such as plastic shoes or rugs with foam backing) made of materials that can melt or catch fire if heated in a dryer.

In order to operate your dryer safely, be sure to clean the lint filter after each load. Periodically check the vent to make sure it is clear, and do not dry either flammable materials or any clothes that have been soaked in flammable substances such as alcohol, gasoline, and spot removers. Follow the instructions that come with the dryer and, if you suspect your dryer has an electrical problem, have it repaired before use. These simple steps will not only make your dryer last longer, but will ensure that you are not the victim of a dryer fire.

---

---

# Car Repair Scams



Whether because of a collision or simply because of chance, from time to time every car will need to be repaired. For those of us who do not know anything about car repair, a trip to the repair shop can provide an occasion for unscrupulous mechanics to bilk us out of our money. Although most mechanics are honest, the few who are not have a number of tricks that they use.

Some scams are fairly obvious—lying about the need for a certain repair, agreeing to charge a certain amount and then actually charging more, or misrepresenting that a repair has been done when it has not. However, other car repair scams are more ingenious, such as:

- Putting your car on a lift and disassembling it before getting your permission to repair it. This may leave you stuck with the option of either authorizing the repair or paying to have your own car put back together, and even then it may not work.
- Showing you dirty oil contaminated with metal filings, and then telling you that this shows that you need a new transmission. Transmissions often contain dirty oil with metal shavings, and this does not necessarily mean that you need to have the transmission replaced—an expensive repair.
- Replacing a part with a rebuilt part but then charging you for a new part.

Be sure to protect yourself. Get all estimates for repair work in writing, and insist that the mechanic get your specific authorization before doing any work for which he is going to charge. If necessary, get a second opinion. Finally, always ask either for the return of any parts that have been replaced or for the box from which your new part came. If you follow these simple steps, you will make it more difficult for a scam artist to work his tricks.

## Quotable

*“Supposing is good, but finding out is better.”*

*Mark Twain*

*Actual resolution of legal issues depends upon many factors, including variations of facts and state laws. This newsletter is not intended to provide legal advice on specific subjects, but rather to provide insight into legal developments and issues. The reader should always consult with legal counsel before taking action on matters covered by this newsletter.*