



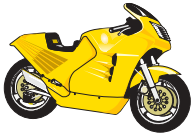
Dessausure Law Firm, P.A.

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# Injury Law Alert

Winter 2012/2013

## Keep the Thrills, Avoid the Spills



The vision of driving down a country road, atop a large motorcycle, with the wind blowing through your hair is an attractive one for many people, and the number of motorcycles on America's highways is growing. Although motorcycles share the road with cars and trucks, and although they are subject to the same traffic laws as are other vehicles, the fact is that collisions involving motorcycles are different from, and often more serious than, automobile accidents.

### The Stats

In almost half of all collisions involving motorcycles, the fault for the collision lay with the driver of the other vehicle, who failed to yield the right-of-way to the motorcycle. The small size of motorcycles also makes them more vulnerable to road hazards that even a small car could pass over safely. Because motorcycles are more nimble than cars, motorcyclists sometimes attempt unsafe maneu-

vers that drivers of cars wouldn't consider.

Not only has the number of motorcycle accidents risen as a proportion of all vehicular accidents, but motorcyclists are also much more likely to be injured or killed in a collision than is someone riding in a car or truck. According to the National Transportation Safety Board, a motorcycle rider is 18

times more likely to die in a collision than is someone in a car, and far more likely to suffer serious injuries. Some 80% of motorcycle collisions result in serious injury or death, and the fact that the motorcyclist might not have been at fault is of little comfort.

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## Motorcycle Accident Checklist

- Call the police and an ambulance, if necessary.
- Get the names, addresses, and insurance information of the parties involved and the contact information of any witnesses.
- Write down the make, model, year, and license number of the vehicles involved.
- Take pictures of the damage to your motorcycle before it is repaired.
- Do not make any statement about the accident to anyone but the police.
- Do not apologize or admit fault.
- Do not argue with the other driver.
- *Call our office to discuss your case.*

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# Tips to Help Avoid Medical Errors

Preventable medical errors, which are caused when a health-care provider either chooses an inappropriate treatment or chooses the appropriate treatment but executes it incorrectly, are conservatively estimated to injure 1.5 million people every year and to cost \$19.5 billion in additional treatment. In addition, errors related to medications harm 1.5 million people a year and cost another \$3.5 billion to treat.

So what can you do to reduce the chances that you will be the victim of such an error?

## Communicate

The most important thing you can do is to communicate with your health-care provider and to take an active role in your own health care. Ask questions. Try to determine how familiar your doctor is with the treatment recommended or the medicine prescribed.

Make sure you know how to take your prescription drugs, including how often and whether with or without food or water, and what the possible side effects are. Do not make any assumptions, and if you don't understand what you are told, ask again.

It is also important to remember that communication is a two-way street. Describe in detail all of your symptoms to your health-care provider.

Be sure to tell him or her everything you may be taking—not just your other prescription drugs, but also over-the-counter medicines, vitamins, supplements, and even illegal drugs. Doctors need to have all the information to ensure that the treatment or drug prescribed is the right one for you.

## Double Check

There is also nothing wrong with acting as a backstop for your medical provider. For example, when the doctor writes out a prescription, make sure you can read it. We have all heard the jokes about doctors' bad handwriting, so be proactive: If you cannot read the prescription, the pharmacist may not be able to, either.

Before you leave, review the treatment plan the doctor has given

you. Studies show doctors tend to assume that patients understand a lot more of what they have been told than they actually do, and the time to clear up any confusion is before you go home.

## Get Active

Take an active role in coordinating your health care. Put someone (usually your family physician) in

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# Personal Injury Q&A

Q: What is a personal injury (PI) claim?

A: Any kind of legal claim against someone for causing physical or mental injury to someone else is a PI claim. PI claims commonly result from automobile collisions, slip-and-falls, defective products, or medical malpractice.

Q: What compensation can I receive if I have a PI claim?

A: Although it depends on the facts, if you have been injured, you can usually recover for your medical bills, lost wages, pain and suffering, mental anguish, property damage, and any permanent injury you have suffered. In some cases, other people (such as your spouse or family) may also be entitled to recover.

Q: When is another person liable for my injuries?

A: Again, the answer depends on the facts, but another person is

most commonly liable if your injuries were the foreseeable result of that person's negligence—which generally means that person's carelessness toward you. Sometimes another person can be liable for your injuries even if he or she was not careless. These cases are called "strict liability cases."

Q: How long does it take to make a PI claim?

A: Making a successful PI claim depends on a lot of factors, including the complexity of the case and the reasonableness of everyone involved. Some PI claims settle very quickly, while others have to go to trial or even to appeal, although this is relatively rare.

Q: Is my PI case a good one?

A: Only a PI lawyer can answer that question. If you believe that you have a PI claim, you should contact our office as soon as possible.

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# Fire Danger Zones

Having our house burn down is a nightmare we all want to avoid. Know these danger areas to maximize your chances of avoiding this disaster.

**Cooktop or stove:** About 40% of fires start in the kitchen. Never leave cooking food unattended, and keep towels and pot holders a safe distance away. Clean them regularly to prevent a buildup of flammable material and grease fires.

**Wiring:** Shorts caused by bad wiring are another common source of fires. Make sure your wiring is installed by a licensed professional, and be aware of warning signs like frequent blown fuses and shocks when touching a switch.

**Dryer:** Lint buildup inside the dryer and ducts can catch fire. To prevent buildup, clean your lint trap every time you use the dryer,

and regularly clear out any lint that makes its way into the ducts.

**Fireplace:** A fire is nice on a cold day, but it can give off sparks. Also, buildup on the chimney walls can catch fire. Keep the screen closed when using the fireplace, and have the chimney swept regularly.

**Candles:** Candlelight can be romantic, but it can also be dangerous. If you use candles, keep them away from curtains, lamp shades, and other flammable materials, and never leave them unattended.

**Grills:** Gas grills can leak, and all grills give off a lot of heat. Inspect your gas grill regularly to make sure it is not leaking, do not keep it in an enclosed area (like a porch or garage), and make sure all grills are at least 10 feet away from walls and are not under an overhead obstruction.

# Umbrella Insurance

As insurance prices continue to rise, many people are looking for more and better insurance coverage for less money, and “umbrella policies” are often a good option for increasing coverage. Umbrella policies act as a backup for your primary insurance and can provide a cost-effective way of increasing your insurance coverage.

Most of us carry several kinds of liability insurance policies: car insurance, homeowner’s insurance, renter’s insurance, etc. All of these different policies do essentially the same thing: They cover us for the different careless acts we might commit. However, the coverage available under these different policies varies, and their cost is often very expensive compared with the coverage they provide.

Umbrella policies begin where other insurance ends. They provide additional coverage—coverage that is available only after the underlying liability policy has been exhausted. Umbrella policies are often surprisingly inexpensive, given that they can provide additional coverage in amounts up to \$1 million or more. The reason umbrella policies are relatively inexpensive is that they are asked to cover only the largest of claims. Because of this, the number of claims brought against umbrella policies is lower than the number of claims brought against “regular” policies.

As with any kind of insurance, the coverage offered by umbrella policies and the rates charged for them can vary greatly. Consider the possibility of buying an umbrella policy. You may find that it is right for you.

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# Medical Errors

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charge of your overall care. This is especially important if you have multiple health-care issues, which may affect one another in ways that are not fully understood.

If more than one provider is involved, make sure that they all have the same understanding of your treatment plan. If surgery is involved, it is very important that your doctor and your surgeon are “on the same page” about your condition and the procedure to be performed.

Finally, visiting the doctor or hospital can be stressful. It is a good idea to ask a family member or trusted friend to be there with you as your advocate at your appointments, someone who can help you make sure all these things happen and even take notes on all that has been discussed.

Most of the time doctors, nurses, and pharmacists provide excellent medical care. However, all humans make mistakes. These commonsense tips can help you avoid those kinds of medical errors and prevent you from becoming a statistic.

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## Motorcycle Accidents

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### Traumatic Brain Injuries

A common kind of serious injury associated with motorcycle accidents is head injury. Traumatic brain injuries, such as the closed-head injuries that result when an impact causes the brain to hit the inside of the skull, cause over one-third of the injury deaths in the United States. Since motorcyclists are often thrown off of their bikes in a collision, such injuries are 10 times more common in motorcycle accidents than in other vehicle accidents.

### Safety First

Studies have shown that the number one way to prevent these serious injuries is the most obvious one—WEAR A HELMET! Motorcyclists should make sure that the helmet they choose has been ap-

proved by the Department of Transportation. If it has, it will have a sticker on it saying “DOT.” Heavy riding boots, gloves, vests, and long pants can also help protect riders if they do crash.

Motorcyclists need to take extra care when riding. They should drive safely (as should all drivers), and they should wear the appropriate protective gear. Motorcyclists also need to understand the special problems that their vehicles present for others on the road, and they should ride especially defensively.

However, motorcycle safety is a two-way street. Drivers of other vehicles need to “drive aware” and keep a careful eye out for motorcycles. Motorcycle riders have the right to use the same roads that car drivers do, and this right should be respected. Other vehicles should give motorcycles a wide berth—a small tap from a car bumper could be fatal to a motorcyclist.

## Thanks for the Referrals

*Despite this modern age of marketing and advertising, the best source of our new business is word of mouth. We are grateful that many of our clients and friends feel confident in recommending our firm.*

*Unfortunately, when people need a good lawyer, they often do not know where to turn. If you or someone you know has been injured and needs legal help, call us.*

*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.*