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Trial Lawyers Care

America's generous response to the September 11 terrorist attacks was an outpouring of spiritual, economic, and physical concern. Millions offered prayers, money, food, and even their blood.

America's trial lawyers did their part, too. The Association of Trial Lawyers of America (ATLA), of which we are a member, and its state trial lawyers association affiliates...

- ★ Asked for a civil lawsuit moratorium, putting relief for affected families first.
- ★ Petitioned Congressional legislators to give top priority to helping the 6,000 families harmed by the terrorism to receive needed care.
- ★ Supported Congress's September 11th Victim Compensation Fund bill, which helps injured victims and families of deceased victims recover full economic damages, and damages for real suffering.
- ★ Launched Trial Lawyers Care, a program that offers free legal services from ATLA trial lawyers to the victims and families who choose to make claims from the fund.

We commend everyone in our local community for the generous outpouring of support and affection for those who were harmed on September 11.

God bless America.



FIRE SAFETY



In the U.S., fire departments respond to more than 400,000 residential fires annually. Home fires and burns are the number-three cause of injuries to children under age 14. Parents can help protect their families with simple precautions.

- Install and test smoke and heat-detecting alarms.
- Store 911 as an emergency autodial on all household phones.
- Handle and store ignition and flammable materials carefully.
- Teach children about fire safety.
- Plan fire escape routes from each room, and an outside meeting place.
- Avoid smoking in bed.
- Purchase home owner's or renter's casualty and fire insurance.

A RENTER'S CASE

After a fire broke out in a city-owned and -maintained dwelling unit, and a grandmother, two nieces, and two grandchildren died, relatives filed suit, alleging negligence. Although the city claimed it had met local ordinance fire-detector regulations, the family won a jury verdict that awarded members damages and expense reimbursement based on violations of federal guidelines for public housing.

Serving you and your family in times of need.



WORKERS' COMPENSATION

Workers' Compensation acts are state-regulated insurance programs that help workers who are injured on the job or suffer diseases related to their occupations. Benefits customarily include weekly compensation to disabled workers; fair hospital, surgical, and medical expenses; and payment of death and burial expenses. Getting a worker back on the job is the goal of most programs.

On occasion, employers and their workers' compensation insurance company disagree on employees' injury claims. When that happens, it's usually best to try to answer questions and resolve disputed issues informally. If that fails, workers have the right to seek legal assistance and to seek resolution proceedings, which may include reviews, appeals, and even arbitration. Because Workers' Compensation is expensive for employers, they naturally monitor claims carefully. Employees often may need an attorney's assistance to obtain fair treatment after a work-related injury.

An employer terminates benefits

A utility company employee was hurt on the job and received workers' compensation benefits following surgery to repair a shoulder injury. After a year and a half, his employer determined the employee had reached his maximum medical benefits and terminated them. The employer simultaneously notified the employee's *private* disability insurance carrier that the claim was settled, but also added that it suspected the employee was working elsewhere. The private carrier terminated the contract; the employee ran out of money and declared bankruptcy. The employee sued the utility, alleging bad faith in refusing to pay benefits due on a legitimate workers' compensation claim and for intentionally inflicting emotional distress. A jury agreed, and awarded the employee both compensatory and punitive damages.

SUSPICIOUS MAIL

It's always a good idea to remember these key United States Postal Service suggestions about suspicious letters and packages.

WHAT MAIL SHOULD YOU SUSPECT?

- Unexpected mail from unknown sources.
- Pieces addressed to names not at the address.
- Mail with no return address.
- Addresses handwritten in block lettering.
- Lumpy or lopsided mail.
- Heavily taped packaging.
- Anything marked "Personal" or "Confidential."
- Mail with too much postage.



WHAT SHOULD YOU DO WITH SUSPICIOUS MAIL?

- Avoid handling it.
- Never shake, bump, or smell it.
- Wash hands after touching.
- Notify law enforcement.

What is *loss of consortium*?

When victims suffer injuries, they can lose many important things. Seriously injured people may suffer financial difficulty from losing their ability to work or walk readily, or to get a good night's sleep. Those less seriously injured may forfeit a day-or-two's pay or may have to pay for accident reports out of their own pockets.

Often, it's not only the injured person who loses something. The rest of the injured person's family is deprived of vital noneconomic valuables, such as affection of a spouse, companionship or parental guidance of children, or the camaraderie of brothers and sisters.

Loss of consortium is a term that our legal system uses to recognize and compensate those who have suffered losses due to the negligence of others. For instance, parents sometimes sue doctors for loss of consortium with their baby if negligence was involved in the infant's death. Another example might be a wife suing an employer should her husband lose his ability to have sexual relations following an accident that can be attributable to a business's disregard for safety.



Auto breakdown?

If you run out of gas or your car breaks down on a highway, you can take several steps to make sure your wait for help is a safe one.

Preparation and prevention

- ✓ Take out a membership in a roadside assistance program. Many new cars come with them.
- ✓ Purchase a cell phone for emergencies.
- ✓ Keep your car in good operating condition.
- ✓ Carry safety triangles or flares.
- ✓ Keep the spare tire in good condition.
- ✓ Know your route and don't risk getting lost.

Breaking down

- ✓ Guide the car to as safe a location as possible, and as far off the road as you can.
- ✓ Raise the car's hood and place a handkerchief in the driver's window to signal a breakdown.
- ✓ If safety is a concern, stay in the car, lock the doors, and call for help.
- ✓ If people offer assistance, have them call law enforcement. Never accept a ride.
- ✓ Take cab fare and pay-phone change.

A fatal accident

Even though a driver pulled far onto a shoulder when he ran out of gas, he was killed when his van was struck by a tractor-trailer that wandered off the road. The deceased's wife and children filed suit and received a postverdict settlement after their attorney demonstrated that the truck driver had falsified his driving logs and was driving while fatigued.

Know your heart risk factors

How much do you know about heart disease? Pick the true or false next to each answer.

- True** **False** Being more than 30 pounds overweight puts you at greater risk for heart attack
- True** **False** One year after you quit smoking, your risk of a heart attack will be no greater than if you had never smoked.
- True** **False** Burning at least 2,300 calories per week through exercise can help prevent heart disease.
- True** **False** Eating a diet high in animal fat increases your risk of getting heart disease.
- True** **False** Having your family physician check your blood pressure periodically will help you keep it under control.

All answers are *true*. However, even if you take good care of your heart, you can still run into problems. When a patient suffered a fatal heart attack a week after having an EKG, his survivors sued for medical negligence. They won a verdict when their attorney proved that the doctor and the medical center failed to disclose that testing showed the patient had had cardiovascular problems and a mild heart attack.



You always need a witness

If a tree falls in a forest and there's no one there to hear it, does it make any sound? Do you remember this old conundrum?

When it comes to personal injuries, such as a slip and fall or an auto accident, it's always best if there is an observer to affirm that the event took place and to bear witness to its details.

If you're upset or in discomfort following an injury, the last thing you're probably interested in is finding someone who will say they saw or heard what happened. But think of this: Should you need to sue to receive compensation for medical bills and pain and suffering, a witness's testimony may be the most important single verification of the injury that you have going for you. When a case is before a jury, the other side's lawyer will look for witnesses to say the accident happened in a way that differs from your recollection. The opposing lawyer may look for details that may even suggest you were at fault for what happened. Talk about blaming the victim!

So here's what to do. Try your best to get the names, addresses, and telephone numbers of any witnesses to any accident in which you are involved.

You always need a witness.





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Auto accident? Remember 1-2-3-4-5

If you have the misfortune of being involved in an auto accident, remember these five steps:

1. Remain calm and still if you are injured. Wait for medical help.
2. Don't make any admissions or statements about your own involvement in the incident. Anything you say can be used in a jury trial, should it come to that.
3. Get the names, addresses, driver's license numbers, car tag numbers, names of insurance carriers, and policy numbers of others involved in the accident. If you can, obtain information from witnesses.
4. Call the police. When law enforcement officers ask for a statement, be clear and concise. Don't volunteer details that don't matter or may work against you. Write down officers' names and badge numbers.
5. Call your insurance agent as soon as you can, report the accident, and provide him or her with all the information you collected. You'll be advised not to talk to the other people's insurance representatives.

Hazardous medical products

The following medications and products initially offered relief to people suffering from medical conditions and diseases. However, their side effects may seriously harm users' health.

- Accutane®** (*Roche U.S. Pharmaceuticals*) Acne medication that may cause birth defects.
- Baycol®** (*Bayer Corporation*) Cholesterol-lowering medication that may attack skeletal muscle tissue.
- Benzene** Fuel additive linked to leukemia.
- Celebrex®** (*Pfizer Inc.*) Painkiller that may cause blood clots and stroke.
- Ephedra** Botanical dietary supplement that may lead to stroke.
- Fen-Phen** (*American Home Products Corporation*) Diet drugs that can harm heart valves.
- OxyContin®** (*Purdue Pharma L.P.*) Painkiller as addictive as heroin.
- PPA** (Phenylpropanolamine) Ingredient in over-the-counter diet and cold medications that may lead to stroke.
- Propulsid®** (*Janssen Pharmaceutica*) Gastric reflux medication that may cause irregular heartbeat.
- Protegen Vaginal Slings** (*Boston Scientific Group*) Bladder leakage-stopping implant that may harm adjacent tissue.
- Rezulin®** (*Warner Lambert*) Diabetes medication that may cause a myriad of bad side effects.
- St. Jude Heart Valves** (*Saint Jude Medical*) Heart-valve implant with leak history.
- Sulzer Hip Implants** (*Sulzer Medica*) Replacement hardware that may be contaminated with machine oil.

If you or anyone in your family suffered injuries from these medical products, contact your physician immediately. You may also want to talk to an attorney to help you protect your rights.