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Attorneys At Law



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Maximize Your Recovery After an Auto Accident

Being in an auto accident can be overwhelming. Not only do you have to deal with injuries sustained in the accident and replacing or repairing your vehicle, you have the responsibility of figuring out who is responsible for footing the bill for damages.

Aside from immediate medical care and vehicle replacement or repair, if the accident was caused by another driver, you may be entitled to compensation for missed work/pay and ongoing therapy.

Here are a few things you should do following an accident to be sure to maximize a recovery:



✓ **DOCUMENT EVERYTHING**—As soon as you are able after an accident, record and photograph everything. Write down (or voice record) every detail you can remember about the accident and photograph (if possible) damage to the vehicle, tire-tread marks, roadway damage, and accident debris. Keep a written record of your recovery as well. These notes can supplement the police report and medical documentation.

✓ **SEEK MEDICAL ATTENTION**—Go to the doctor right away. A seemingly minor ache in your back, shoulders, or neck can get significantly worse days after an incident. You will want to have documented that you went to the doctor or ER. Be sure to keep a record of all your doctor visits, diagnoses, and treatment plans with all your other accident documentation. If you file a claim for compensation, you will need it.

✓ **GET AN ATTORNEY**—An attorney will benefit your recovery. Attorneys work with insurance companies every day. They're familiar with their techniques (e.g., lowball first offers, stalling to try to push the case beyond the statute of limitations) and know when a settlement figure is fair or not.

Electric Scooters Causing Problems in Cities

If you've been to a city or college town lately, you've probably noticed business people, tourists, and residents alike zipping around on electric scooters. One can rent a scooter at locations throughout the city using an app. It's been wildly successful, and e-scooters have become a popular transportation alternative in cities. The downside is that regulations to make such travel safe is lagging and accidents happen often.

In 2019 a Fort Lauderdale woman suffered a traumatic brain injury that left her in a permanent vegetative state after being hit by a car while using a Lime scooter. In Fort Lauderdale it is



against the law to ride scooters in the street, yet stickers on the scooter and instructions within the app instruct riders not to ride on the sidewalks.

Since e-scooters were introduced in 2017, *Consumer Reports* has reported injuries from 110 hospitals in 47 U.S. cities and found at least 1,500 riders were injured and eight riders were killed in e-scooter accidents. Pedestrians are also struck by riders or trip over scooters left on the sidewalks and are injured.

If you are hurt in an accident as a rider or pedestrian involving an e-scooter, you may be able to file an injury claim if someone else was at fault. For example, if the brakes didn't work, you could file a claim against the e-scooter company.

If you've been injured in an e-scooter accident, contact an attorney to help you navigate the user agreements and laws of the jurisdiction in which the incident occurred.

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TRUCK OVERLOAD

What Happens When Debris from Overloaded Trucks Causes Injury?



Have you ever been following a truck with a load of pipes, wood, machinery, or other items that made you feel a little nervous? Chances are you have. Imagine the damage those things could do if they weren't secured properly, or if a load were too large and fell off the truck.

Whether it's tons of pipes, pieces of garbage, or clumps of dirt and rock flying off a commercial truck, if it causes an accident or damage, the company or driver can be held liable. Both have an obligation to secure their loads for the safety of drivers and pedestrians. Federal and state law provides clear guidelines on size and weight of truck loads.

And, no, a sign on the back of a vehicle warning drivers to keep a distance and claiming that the company isn't responsible for damage caused by falling debris doesn't absolve the company of responsibility to follow regulations and secure what it is hauling.

If flying debris causes you to be in an accident or damages your vehicle, get the name of the company and truck number if possible, make note of your location and the time, take plenty of photos of the damage, and file a claim right away with your insurance company.

Aside from the danger posed to other drivers in the form of flying debris, a truck that isn't properly loaded is at risk of rolling over, jackknifing, and blowing a tire—all of which can cause traumatic injury to the driver of the vehicle and other drivers on the road.

Workplace Injury: Amputation

Workplace injuries are one of the most common causes of amputation. Those who work in factories, machine shops, construction sites, or mines are at greater risk, and according to OSHA, machinery that isn't safe is usually to blame. Companies are responsible for safeguarding dangerous equipment and for providing adequate employee training for machine operation and related safety information and procedures.

If a workplace injury results in amputation, an employee would be eligible for workers' compensation benefits, and if they are permanently disabled, they can file for a permanent disability pension, which is a part of workers' compensation.

Employers can be held liable for an injury if they breach the duty to provide proper training and a safe work environment. An Illinois construction worker recently was awarded a \$10 million settlement when his foot was so severely damaged that it had to be amputated after being hit by a truck on the job site.

BREAST CANCER

Failure to Diagnose

According to Breastcancer.org, about one in eight U.S. women will develop invasive breast cancer. In 2019, an estimated 269,000 new cases of invasive breast cancer are expected to be diagnosed in women in the U.S., along with 63,000 new cases of noninvasive (only present in milk ducts or lobules) breast cancer.

Many forms of breast cancer respond well to treatment, but the cancer must be caught early. A mammogram is suggested as a screening tool to detect tumors in the breast before the cancer has spread. If a tumor or mass is detected, it is observed further by ultrasound and biopsied to rule out cancer. If cancer is present, an oncologist will create a treatment plan.

Unfortunately, some women and men (much less common, but men do get breast cancer) will go undiagnosed, creating a potentially deadly delay in treatment. Here are some things that can factor into a missed breast cancer diagnosis:

- ⊙ Not collecting family/medical history related to breast cancer.
- ⊙ Failure to order diagnostic tests and imaging.
- ⊙ Incorrectly stating that a breast mass is benign without a biopsy.
- ⊙ Misdiagnosis of a breast lump in pregnant or lactating women.
- ⊙ Poorly executed mammogram or biopsy.
- ⊙ Misinterpretation of a mammogram or biopsy.

If you or a loved one has lost valuable time in the fight against breast cancer due to a medical error, call our office for a confidential consultation.



Mediation v. Arbitration

If you're not actively involved in law, you may be surprised to know that there is more than one method used to resolve a case—even complicated personal injury cases. Mediation and arbitration are two ways to reach a settlement that are private as well as quicker and less formal than traditional litigation.

► MEDIATION

With mediation, disputing parties come together with a neutral mediator to reach a settlement.

The mediator is presented with evidence and will advise on a settlement. The advice is not legally binding, but both parties have the option to agree to a settlement. During mediation, lawyers exchange information about the case, unless it is confidential or would give away trial strategy. Information can be given privately or jointly to provide the mediator details of a case.

Mediation is very common as an effective means of settling disputes outside of the court system. In fact, Florida requires most civil cases to go through mediation before placement on a trial calendar.

► ARBITRATION

Arbitration is similar in process to a trial. It is more formal than mediation and is typically binding. One or more arbitrators have the authority to make a legally binding decision and award. If arbitration is nonbinding, the decision and award is only final if accepted by both parties. Since the process is so similar to a trial, if a settlement is not reached, an attorney can get a sense of what would happen with a case during a real trial.

An attorney will be able to guide you through your personal injury case and recommend the best way to come to a fair settlement.



RAILROAD TRACKS: A Deadly Danger for KIDS!

A new report by Safe Kids Worldwide has found that most parents aren't worried about the possibility of their children being killed by a train, even though every five days a child is killed in a train collision. The report states that collisions at railroad crossings and trespassing are the two situations that most often lead to such tragedies.

Safe Kids and Union Pacific recommend the following safety tips to help prevent railroad-related injuries:

- Only cross train tracks at a designated crossing.
- If lights are flashing or the gate is down at a railroad crossing, wait for the train to pass completely, the gates to lift, and the lights to stop flashing before crossing the tracks. It is never okay to rush across and try to beat the train.
- Allow enough space for your vehicle to completely clear the entire railroad crossing, not just the tracks, before you attempt to cross. Trains are at least three feet wider than the tracks on either side, so even though you clear the tracks, you may still get hit by the train.
- If you are using a cell phone, headphones, or playing a game, remember *heads up, devices down* when you cross the tracks.
- Don't walk along train tracks. It might be a shortcut, but it is dangerous and not worth the risk.

For more information about protecting children from injuries, visit safekids.org.

Source: Safe Kids Worldwide newsroom



Learn How to Ride Your Motorcycle SAFELY

Is a motorcycle on your wish list? Safety may be a factor that is holding you back from learning to ride. According to the Governors Highway Safety Association, there were approximately 5,000 motorcycle fatalities in 2017. Motorcycles don't provide the safety of closed vehicles and are more difficult for other drivers to see, but there are things you can do to prevent accidents.

First, choose a bike that's the right size. You may have always dreamed of a large motorcycle, but is the size safe for you? You should be able to sit on the bike with your feet flat on the ground and easily reach the controls. The best way to get a good fit is to go to a dealer. A properly trained sales person will know how to find a bike and engine combination that



suits your height, weight, and strength.

Second, wear a helmet. If you crash without a helmet, you are 40 percent more likely to suffer a fatal head injury. Again, an experienced dealer can help you choose a helmet that is safe, comfortable, and provides the amenities you desire (yes, you can Bluetooth your smartphone so that you can listen to music and communicate with other riders who are in range).

Finally, in addition to a helmet, other appropriate gear to protect yourself includes leather boots, gloves, and clothing. There is nothing between you and the ground except what is on your body. The proper riding outfit will help prevent painful road rash if you get into an accident.



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New, Quick Tests Can Help Diagnose Concussions and TBIs

Concussions are a common and mild form of traumatic brain injury. Those who suffer multiple concussions are at higher risk for cognitive impairments and depression. Until recently, concussions were often missed because clinical diagnosis is subjective and CT scans or MRIs to better diagnose brain injury were often seen as unnecessary. In addition, waiting for results took days.

Two new tests are currently being used to quickly diagnose concussions. One is a blood test that identifies a protein that is typically elevated in those with concussions. It is currently used outside the U.S. and is awaiting FDA approval.

The other test recently earned FDA approval. It is an eye test using a device called EyeBOX, which analyzes eye movement. The device is 72 percent accurate. Oculogica, the manufacturer, hopes that the device can be utilized to quickly diagnosis concussions in youth sports.



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