

Injury Law Alert

Winter 2008/2009

When the Unthinkable Happens— Spinal Cord Injuries



Although Christopher Reeve gave national attention to the injury, most of us rarely consider the extraordinary ramifications that would occur if we were to become

the victim of a spinal cord injury.

Imagine if you suffered a “complete” (meaning both sides of the body are affected equally and both sides are rendered useless) spinal cord injury. You would have NO function, NO feeling, NO sensation, and NO movement below the site of the injury. You could also suffer bladder or bowel problems, as well as sexual dysfunction and breathing problems. Needless to say, it would dramatically change your life and the lives of your loved ones who would have to care for you.

Why is a spinal cord injury so serious? Because the spinal cord and the brain make up the central nervous system in the human body. The spinal cord is a “superhighway” of sorts, on which nerve impulses travel from the brain down

through the body. It is surrounded by a protective column of bones called “vertebrae.” You can suffer injuries to your vertebrae (such as a broken back) that are less serious than a spinal cord injury.

The degree of seriousness of a spinal cord injury usually is related

to the place on the spinal cord where the injury occurs—the higher up your back and spinal cord, the more damage you will suffer because everything below the injury will be affected. “Paraplegia” results from

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Causes

A spinal cord injury can be linked to several different causes. Some spinal cord injuries are the result of a disease or a birth defect, such as polio or spina bifida. Medical mistakes and medical malpractice can also cause spinal cord injuries. However, most spinal cord injuries are caused by a physical trauma, such as a fall or a car accident. In fact, 36% of these injuries are the result of a motor vehicle accident.

In some cases, the trauma that causes the injury is the result of someone’s negligence. For example, if a big-rig truck driver falls asleep and runs into your car and you suffer a spinal cord injury, that truck driver and his trucking company could be liable to pay you damages for your injuries. Or, if your gynecologist makes a mistake when delivering your baby and your baby is partially paralyzed, that doctor and the hospital may have to compensate you for your child’s injuries.

Ellis, Ged & Bodden, P.A.

7171 North Federal Highway • Boca Raton, FL 33487 • (561) 995-1966 • Fax: (561) 241-0812
1702 Ringling Boulevard • Sarasota, FL 34236 • (941) 955-0499 • Fax: (941) 957-4233

Advice for the Injured

No one wants to be injured in an accident, and no one wants to have to hire a lawyer to pursue a claim against the person who caused the injury. However, people are occasionally injured and have to pursue a claim. If this has happened to you, keep in mind the following tips.

Be Careful Whom You Talk To

As strange as it may sound, you have to be careful whom you talk to about your injuries. Of course, you are going to talk to family members and friends about what happened. Out of concern, many of them will offer you all kinds of advice about your medical care and legal matters. Although they are well intentioned, your family and friends are not usually doctors or lawyers, and, even if they are, their advice may not be correct. Instead of relying on advice from nonexperts, rely on a doctor and a lawyer you trust to help you make medical or legal decisions.

When speaking with your doctor, keep the focus on your condition. There is no need to hide the truth—if your doctor asks if you have a lawyer, tell him you do. However, keep in mind that it is the doctor's job to care for your body and the lawyer's job to handle your case. There is no need to volunteer more information than has been requested. Also, make sure that your doctor knows immediately about any change in your medical condition.

BE VERY CAREFUL when speaking with an insurance adjuster who works for the insurance company of the person who caused your injuries. No matter how friendly he seems or how much he says he wants to help, he works for your

opponent and is trying to pay you as little as possible. The best tactic is to tell the adjuster to call your lawyer.

Keep Good Records

If you are being treated for injuries, you will generate a lot of paperwork, much of which is relevant to your case. If you can keep your records in good order, this will help your lawyer tremendously.

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Of course, keep copies of medical records, especially your bills, from all of your doctors and other health-care providers. Records from your health insurer are also important.

If you have missed time from work and are trying to recover for your lost wages, a pay stub showing how much you would have earned can be valuable, as is a statement from your employer telling how much time you have missed from work. Income tax returns from current and prior years are also helpful, allowing a comparison between what you earned before you were injured and what you earned afterwards.

In addition to this, keep any documents that you receive from an insurance company, whether your own or that of the person who caused your injuries. If you receive anything in the mail that looks as if it is related to your case, hang onto it.

Help Your Lawyer to Help You

Finally, don't overlook the obvious. Make sure that your attorney has your current address and phone number, and let him know if they change. Your lawyer will do everything possible to give you plenty of notice about things he may need, and you will have to meet any deadlines the court might impose.

If you need to speak with your lawyer, make an appointment. This ensures that your attorney will have time to speak with you and will be prepared to discuss your case. Lawyers have other clients and other commitments, and "dropping by" without notice may waste your time.

Keeping all of these things in mind will help your case go as smoothly as possible and help to ensure that you recover everything that you deserve.

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, many people who need a good lawyer do not know where to turn. If you or someone you know has been injured and needs legal help, call us.

Travel Safely on Airlines

Because plane crashes are so spectacular, they tend to make the evening news. As a result, people often forget how safe air travel is—it's much safer than driving. However, from time to time planes do crash. While passengers in the plane can hardly prevent a crash, they can take some common-sense steps to make sure that they survive any crash that may occur.

Airline safety starts before you leave home. Dress sensibly, preferably in long pants and sturdy shoes. After a crash is no time to find out that the shorts you're wearing do not protect you from flames, or that your sandals do not protect your feet from the glass and metal, or that your clothes are insufficient to protect you from the elements after you exit a crashed plane.

When you take your seat, note the location of the nearest emergency exits in front of you and behind you. Count the number of rows to these exits, and remember the number; this will help you in case the plane fills with smoke.

Plan how you will escape from the plane in the event of a crash. While a plane is crashing is the wrong time to be formulating your escape plan. As part of the plan, think about how you will help any children traveling with you.

Finally, get out of a crashed plane as fast as you can. Leave your luggage and everything else and save yourself. If you have to use an emergency slide, slide feet-first and then clear the bottom of the slide for the next person.

Spinal Cord Injuries

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an injury to the middle of your spinal column which renders the lower part of your body paralyzed. "Quadriplegia" results in total paralysis of your body and is caused by damage to the cervical portion of the spinal cord located near your neck.

Statistics

More than 450,000 Americans live with a spinal cord injury. Statistically, young males are more likely to suffer such an injury. (In fact, over 80% of spinal cord injuries happen to males between the ages of 16 and 30.) Approximately 10,000 new spinal cord injuries occur every year. Many of these inju-

ries are caused by the negligent conduct of others. If you are the victim of a spinal cord injury, there is an 85% chance that you will be alive 10 years after the injury.

Impact

Obviously, the financial impact of a spinal cord injury can be catastrophic. In addition to medical costs that will be incurred over the lifetime of the victim, there will be lost wages, loss of enjoyment of life, emotional damage, and pain and suffering. All of these can add up to a considerable amount of money. If you or a loved one has suffered a spinal cord injury because of someone else's negligence, contact our firm immediately.

Dangerous Drugs

It seems as though every day there is a new story about some drug that causes serious side effects, even death. Although the majority of drugs are safe and effective, many are dangerous to certain users. The following medications have all been associated with certain health problems:

Acutane:

depression; suicide

Cialis, Viagra, Levitra:

blindness

Celebrex, Vioxx:

stroke; heart attack

Ephedra:

heart trouble; hypertension

Ortho Evra, Prempro:

embolism; stroke

Paxil:

addiction; violent outbursts

Rezulin (aka Prelay):

hepatitis; liver problems

Zyprexa:

diabetes; stroke

Of course, this is only a partial list, and the dangerous effects of some drugs may (as yet) be unknown. If you have reason to suspect that you or someone you love has been harmed by a medication, call us.

Top-Ten Insurance Company Hits

Insurance companies take in billions of dollars of premiums each year from hardworking policyholders and then make record profits. But when the tables get turned and it's time for an insurance company to pay you a settlement because you were injured in an auto accident, the insurance company sings a different tune.

An insurer will use any excuse to avoid paying a fair settlement, but some of the more common ones are listed below.

1. You were speeding and therefore could not avoid the accident (sung to the tune of *Hot Rod Lincoln* by Commander Cody).
2. Your car had defective equipment which caused the accident (sung to the tune of *Manic Mechanic* by ZZ Top).
3. You failed to use a turn signal (sung to the tune of *Turn! Turn! Turn!* by The Byrds).
4. You were not paying attention before the accident (sung to the tune of *Carefree Highway* by Gordon Lightfoot).
5. There were no witnesses to the accident except for the passengers in your car . . . and they don't count. (*Can I Get a Witness?* by Marvin Gaye).
6. You were not wearing a seatbelt and were injured as a result (sung to the tune of *You're So Vain* by Carly Simon).
7. You were drunk and/or high on drugs (sung to the tune of *Red Red Wine* by Neil Diamond).
8. You ran a stop sign (sung to the tune of *Stop! In the Name of Love* by The Supremes).
9. You already had your injuries before the accident occurred (sung to the tune of *Your Cheatin' Heart* by Hank Williams).
10. You did not miss any time from work due to your injuries (sung

to the tune of *Taking Care of Business* by Bachman Turner Overdrive).

Don't let an insurance company give you the "old song and dance routine" and avoid paying you what you deserve. Call us today and we'll make the insurance company sing sweet music to your ears.

A Picture Is Worth . . .

If you are injured in an accident, photograph or videotape your injuries as soon as possible. A graphic picture can be very helpful when talking to an insurance adjuster or a jury.

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.