

# **INJURY LAW ALERT**

*SUMMER 2008 ISSUE*

## ***SWIMMING POOL ACCIDENTS***

On a hot summer day, nothing beats a refreshing dip in your own swimming pool. Because some areas of the country have mild winters and hot summers, many people can and do use their pools almost year-round. However, the number of backyard swimming pools gives rise to a significant danger--serious personal injuries and deaths.

Every year, hundreds of children drown in swimming pools, and thousands more are treated for injuries caused by near-drowning. Pools can cause other injuries, such as paralysis resulting from a swimmer's diving into water that is too shallow, as well as injuries caused by slipping on a wet pool deck.

Pool-related injuries are not always caused by the inherent dangers that a pool presents. Many injuries are the result of dangerous or defective pool equipment. For example, the pool's gas heater could blow up, the cover on the pool's drain could catch the foot of an unsuspecting swimmer, or the pool's slide could collapse.

Other injuries are attributable to the carelessness of an owner, such as when the owner does not replace loose pool tiles which then cause someone to trip, or the owner leaves the fence gate open, allowing a child to fall in and drown. Many injuries that could be prevented occur because of lack of planning, such as when the owner of a pool does not have sufficient rescue equipment or does not take the time to learn basic lifesaving techniques.

If you or a loved one has been injured in a pool accident, you may have a legal claim for damages. However, the type of case you have and the kind of damages you can recover depend on both who the responsible party is and how the injury occurred.

For example, if a child drowns because the pool owner left the pool gate open, there may be a premises liability claim. If a child drowns as the result of careless horseplay, there may be a claim for negligence. Claims against those who make or sell a dangerous pool product are generally product liability claims. Each of these claims requires a different legal strategy to win your case. You will need an experienced lawyer to help you first to determine who is responsible for the injury and then to prove it. Call us.

## ***SWIMMING POOL SAFETY***

How can you protect people from drowning in your swimming pool? As with any safety issue, the best response is a "layered" approach:

- \* Most importantly, surround the pool with a childproof fence, which will keep children away from the pool entirely. A properly designed and installed fence cannot be climbed and should have a self-latching gate that can be locked, with a handle that is too high for small children to reach.
- \* A second layer of protection is to have a pool alarm. Pool alarms float in the water and make noise when they detect an object (such as a child) that has fallen into the pool.
- \* Pool owners should take the time to learn CPR. Even the best safety systems sometimes fail, and knowing CPR can save the lives of both young children and adult guests who fall into a pool.

## ***HANG UP AND DRIVE!***

Cell phones are perfect for emergencies and for staying in touch whenever and wherever we need to be in touch. But there is growing evidence that phones and driving don't mix. With roads more crowded than ever and drivers seemingly more aggressive by the day, any distraction can lead to an accident, and cell phones definitely are a distraction.

A recent car accident caused by a driver distracted by a cell phone resulted in a \$5.2 million settlement for the plaintiff. Debra was driving on an interstate highway when she was rear-ended by a sedan driven by an employee of International Paper Company. As a result of the collision, Debra had to have one of her arm's amputated. Testimony showed that the driver who caused the crash was speeding and using her phone. In addition, the driver ignored her company's cell-phone policy, which requires the use of hands-free headsets while driving.

A few common-sense safety rules can help us avoid accidents and save lives.

- \* If traffic is heavy, turn off your phone.
- \* Pull off the road before phoning.
- \* Use a hands-free type of phone.

- \* Save stressful, intense calls for home or office.
- \* If you must phone while driving, do so only when you can easily respond to traffic conditions.

The best advice about phoning and driving probably is the simplest: USE YOUR HEAD before you use your phone.

## ***SAFE-DEPOSIT BOXES***

For a small annual fee, most banks will rent safe-deposit boxes to their customers. What kind of documents should you consider putting in a safe-deposit box? Good candidates include any original documents that have value and that cannot easily be replaced, such as:

- \* insurance policies
- \* stock and bond certificates
- \* title documents
- \* rare coins and stamps
- \* valuable jewelry.

You should also consider making a list and a videotape of your belongings, and keeping both of them in your safe-deposit box. This makes valuing your belongings and replacing them in the event of a fire or other disaster much easier.

What kind of documents should not be put in a safe-deposit box? Anything you might need on short notice, particularly the original copies of documents relating to your estate, such as a will and a power of attorney for health care. You may put copies of these papers in your box, and most lawyers will keep the originals on your behalf.

Make sure to store the key to your box in a safe place apart from the keys you use every day, and be sure that the key does not have a tag with the name of the bank and the box number, in case it falls into the wrong hands.

## ***EXPOSURE TO TB***

In a somewhat unusual case, a jury recently returned a multimillion-dollar verdict against a bus company for exposing its passengers to tuberculosis.

One of the company's bus drivers caught TB. Although he had not been formally diagnosed, he was chronically sick and showed all of the classic symptoms of TB: chronic cough, coughing up blood, and night sweats. Despite these symptoms, the driver was allowed to continue to drive company buses long distances and, on one trip, he infected seven students in a high school band.

The students sued the bus company for negligence, and the evidence showed that the company had allowed the driver's medical certification to expire three years before the trip on which he exposed the students. The owner of the bus company also admitted that, even though he did not know that the driver had TB, someone should have done something in light of the driver's recurring health problems.

The jury agreed and awarded each of the students \$750,000 for their injuries.

## ***THANKS***

*Thank you for trusting our firm with your legal needs. If you or someone you know has been injured due to somebody else's carelessness, please call us. We want to help.*

## ***PRESCRIPTION DRUG SAFETY***

Although our doctors and our pharmacists make every effort to ensure that the drugs we are prescribed are safe, some basic information will help you to help them keep you safe.

### ***Inform Your Doctor***

When you go to the doctor, make sure that he knows all of the medicines you are taking, whether they are prescription or over-the-counter medicines. The number one medical problem associated with prescriptions is adverse drug interactions, and knowing the drugs you take can help the doctor prescribe the appropriate medicine.

Make certain that the medicine you get from the pharmacist matches what the doctor prescribed. The handwriting of doctors is often hard to read, and mistakes can happen. Determine the medicine that the doctor prescribed, and then make sure that you are, in fact, given that medicine. If the prescription names do not match, ask questions.

### *Ask Questions*

Ask how many times each day to take each pill, whether it should be taken with meals or between meals, and so on, and make sure that you understand the instructions before leaving the pharmacy. If you look at many prescription labels, you will see that doctors and pharmacists often use old-fashioned Latin abbreviations in their directions and, unless you happen to know that "p.r.n." is an abbreviation meaning "take as needed" or that "b.i.d." means "take twice each day," it is easy to become confused.

Keep your medicines away from children (childproof caps are a good idea), and keep track of the medicines you have been given. If you are taking multiple medications, a chart or a "day-by-day" pillbox might be useful to ensure that you take the pills only as often as you are supposed to. DO NOT ignore the directions for use--take medicines exactly as prescribed, no more and no less. If you believe that the medication is not working as it is supposed to, call the prescribing doctor.

Finally, if you feel that you are having an adverse or abnormal reaction to a medicine that you are taking, call your doctor or an ambulance, depending on the severity of the symptoms. There are so many medicines available today, all of which interact with one another and all of which affect different people in different ways, that an adverse or abnormal reaction may be the first sign of a serious medical problem.

## ***MAKE SURE TO INSURE***

The purpose of an insurance policy is to protect you in the event of an accident or unexpected loss. However, the policy protects you only if it is in force at the time the loss happens. Take the following steps to make sure that you are protected if disaster strikes:

- \* Pay your insurance premiums on time and in full. If you do not, your insurance company may not be required to cover your loss.
- \* Notify your insurance company immediately after suffering any loss you think may be covered by your policy. If you are injured on the job, notify your employer as soon as possible, preferably in writing. Any delay in telling the insurance company about an accident or injury may mean that it does not have to cover your claim.

\* Carefully read any letters or other information you get from your insurance company. Letters often contain deadlines that you have to meet or list information that you have to provide, and notices often tell you about changes in the coverage available under the policy.

\* If you feel that your insurance company is improperly denying you coverage, call us. Laws exist to protect policyholders from unfair treatment.

## ***DO'S AND DON'TS IN A LAWSUIT***

While no one looks forward to being involved in a personal injury lawsuit, keeping in mind some simple do's and don'ts should help to make your case as simple as possible.

\* DO keep all appointments regarding your case, especially those with your lawyer and your doctor(s).

\* DON'T keep any information about your injuries from either your lawyer or your doctor, even if you think this information is obvious.

\* DO keep accurate records of your expenses (especially your prescriptions), any time you miss from work, and all other out-of-pocket costs related to your case. Receipts are helpful.

\* DON'T forget that the defendant's insurance company is on the other side of your case. It does not represent you and it does not have your best interests in mind.

\* DO maintain contact with your lawyer, ask about anything you do not understand, and communicate your thoughts and concerns. Remember that your lawyer's paralegal can answer many questions.

\* DON'T listen to legal advice from friends, family, and other amateurs. You hired your lawyer because he or she is the expert.

\* DON'T discuss your case with strangers.

\* DO keep a positive attitude.