

INJURY LAW ALERT

WINTER 2007/2008 ISSUE

WHEN AN ANIMAL ATTACKS . . .

Every year, tens of thousands of people are injured in animal attacks. Although most victims are not seriously hurt, some are, and a number are even killed. The following information will answer some of the more frequently asked questions about such injuries.

What Should I Do?

If you have been attacked by an animal, the first thing is to seek medical care for your injuries. Almost as important is to get information about the animal and, if possible, its owner. If you have been attacked by a wild animal or an animal that you cannot identify, your doctor may insist that you get protective rabies shots, a painful experience.

If you have been attacked by an animal that belongs to someone, you may be entitled to compensation for your injuries. Make sure that you can identify, for example, the dog that attacked you. Also, get some basic information about the owner of the dog, such as his name, address, telephone number, and insurance information. Act much in the same way as you would after having a traffic accident with another driver.

Making a Claim

Making a claim for injuries caused by an animal attack is usually a matter of contacting the insurance company of the animal's owner. Although the insurer will likely try to convince you that you do not need an attorney, don't listen to that bad advice. It is in the insurance company's best interest to talk you out of getting legal help, so be sure to consult with an attorney to protect your rights. You are ALWAYS entitled to talk to a lawyer and, in the end, you will recover more money, not less, with the help of a qualified attorney.

Don't's

If you are contacted by an insurance company after an animal attacks you, DON'T do any of the following:

- * DON'T talk about or put in writing any details of the attack.
- * DON'T discuss payment for your injuries.

- * DON'T sign any release.
- * DON'T permit yourself to be photographed or tape recorded.
- * DON'T discuss who is responsible for the attack.
- * DON'T DELAY! Call our office immediately.

WHO PAYS?

If you are injured by an animal attack, who pays?

Usually, it is the insurance policy covering the owner of the animal and/or the property where the attack occurred. Most homeowner's policies will cover injuries caused by the homeowner's pets, and some homeowners even carry special animal insurance coverage.

If the pet owner is not insured, this does not mean that he is off the hook. If he is legally liable for your injuries, he is also responsible for paying your damages, although they may be more difficult to collect.

The one person who should not have to pay is the victim: Your injuries are not your fault, and you should not have to bear the cost. If you or a loved one has suffered an animal attack, contact our office immediately.

INTESTINAL DISTRESS

As more and more Americans suffer from obesity, an increasing number of them are having gastric bypass surgery. A gastric bypass is intended to reduce the amount of food ingested by the patient, thereby helping him or her lose weight. Although commonly called "stomach stapling," gastric bypass operations can take a number of forms, including gastric banding, gastroplasty, and laparoscopic gastric bypass.

Because gastric bypass surgery is now covered by many health plans, the number of operations has increased dramatically over the past several years. Unfortunately, with the increase in the

number of gastric bypasses performed, more people are suffering from complications caused by the surgery.

Complications range from the common and relatively less serious, such as gallstones, to the less common and far more serious, such as hernias, pneumonia, and blood clots. One potential complication from gastric bypass surgery is when the abdomen is accidentally perforated during the operation, which can cause infections and even death.

Although each case is different, there are some signs that you may have been the victim of malpractice in gastric bypass surgery. Excessive pain while recovering is an indication that the bypass did not go as planned. Serious side effects from a botched procedure include blood clots, embolisms, and kidney problems. If your doctor does not respond to your complaints or does not monitor your recovery, this may also indicate that he knows he made a mistake.

If you or someone you know has undergone an unsuccessful gastric bypass operation, contact us. We will look into the circumstances and help you determine if any malpractice has occurred.

FINGERPRINT YOUR CHILD

A staple of every cop show, the use of fingerprints or DNA evidence to catch criminals is well known. But did you know that there is a move afoot to gather the same information from America's children?

The availability of photographs, fingerprints, and DNA samples can make all the difference in cases where a child has been lost or even kidnapped. To ensure that this information is readily available, the National Child Identification Program has created an ID kit that allows parents to take their own child's fingerprints and even collect their DNA by means of a mouth swab. These kits are available for a small fee from the National Child Identification Program's website (www.childidprogram.com) or through distributions being made by the American Football Coaches Association throughout the country.

Don't wait until it's too late to collect this valuable information.

ACCUTANE VERDICT

Accutane, a drug used to treat severe acne, has been prescribed to more than 13 million patients worldwide. Unfortunately, it has also been linked to birth defects, suicide and depression, and inflammatory bowel disease.

A jury recently awarded \$2.6 million to a man who claimed Accutane caused his inflammatory bowel disease. The man was prescribed Accutane and took it for four months. Shortly thereafter, he began suffering from inflammatory bowel disease so severe that he had to have his colon removed.

The man argued successfully that the drug manufacturer failed to adequately warn of the serious side effects associated with the drug.

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

TAKING THE BITE OUT OF AUTO INSURANCE

Even as payments by insurance companies for property damage and injuries shrink, insurance rates continue to rise. However, there are a number of things that the savvy consumer can do to lower his rates and reduce the auto insurance bite.

It Pays to Shop

The most important thing to remember is that auto insurance is a business and, just like any business, insurance companies want you to be their customer. They spend millions of dollars each year on geckos and other advertising, so it pays to shop around. Rates for the same coverage on the same driver in the same car can vary enormously from company to company, and even an hour spent shopping by telephone or over the Internet could end up saving you hundreds of dollars in premiums each year.

Many insurers give discounts if you have more than one kind of insurance with them. For example, if you insure your home and your car with the same insurance company, that may reduce the rate that it charges for both types of coverage. However, be careful: Just because you are getting a discount does not mean that you are necessarily getting the lowest rate.

Tweak Your Coverage

You may also look into changing your coverage. Simply raising your deductible from \$500 to \$1,000 per accident can save you a lot of money. Also, if you have an old car that is of little value, consider dropping your collision coverage because chances are that, if you are in an accident, the car will be "totaled" and you will receive only a nominal amount.

Not Created Equal

Remember, not all cars cost the same to insure: The hot-rod car will usually cost more than the family sedan. If you are buying a new or used car, ask your insurer about the rates charged for the different vehicles you are considering. If you buy the car that costs the least to cover, you will save money on insurance as long as you own the vehicle.

Also, ask your insurance company about discounts that may be available. Most insurance companies offer discounts for certain equipment that makes cars safer or more difficult to steal (such as car alarms, air bags, and anti-lock brakes) or for certain kinds of drivers that they believe are less likely to have accidents (such as those who drive less than the average, older drivers, and students who get good grades in school). Some insurers will give you an additional discount if you take certain kinds of classes, such as driver's education or alcohol awareness, classes they hope will make you a better, safer driver.

The best advice of all is to BE CAREFUL when you drive. The fewer accidents you have and the fewer tickets you receive, the better your driving record and the lower your insurance rates will be.

SCAFFOLD ACCIDENTS AND INJURIES

Construction workers have one of the most dangerous occupations, with thousands of people killed on jobsites every year and many more injured. Some of the most common construction accidents involve scaffolds or other types of lifts. These accidents can be very serious and usually result either from falls due to defective scaffolding or from objects plummeting from scaffolding that injure a worker below.

Unfortunately, suits involving injured construction workers are often more difficult to handle than other kinds of injury cases. An injury or death at a construction site involves the acts of

many workers employed by different companies, each of whom is pointing at someone else as the party responsible. The question of liability can turn on whether a party is the property owner, the general contractor, the subcontractor, or someone else. Because of these complexities, it is vital to have a lawyer involved in a construction injury case ASAP.

If you or a loved one has been injured on a construction site, contact our office and let us go to work for you.

TICK, TOCK

We have all heard that "haste makes waste," but this may not be true when you have been injured. Whether your injury was caused by an animal attack, a car accident, or a defective product, you should contact our firm as soon as possible. One reason for this is that your injury starts the ticking of a legal clock, known as the "statute of limitations."

A statute of limitations is nothing more than a legal rule that limits how long you may wait before bringing a claim against another person. If you do not make your claim before the statute of limitations passes, the law may prevent you from ever doing so.

Statutes of limitations are followed strictly by our courts. If you are even a single day late, your claim may be dismissed-- "close enough" does not help with the statute of limitations.

So how long is the statute of limitations for an injury claim? The general answer is that it depends on the facts of the case and the way in which you were injured. *CALL US AS SOON AS POSSIBLE AFTER AN ACCIDENT OR INJURY* so that we can evaluate your case. We'll make sure that the statute of limitations' clock doesn't run out on you.