

**FALL
2009**

Brought to you by
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Frivolous lawsuits For whom?

Politicians, television commentators, and magazine writers sometimes ask why trial lawyers file “junk” auto accident, medical malpractice, or product liability lawsuits.

Lawsuits are never “frivolous” to people who are seriously injured. Just ask victims of an auto accident how inconsequential their injuries and suffering seem and if their lawyer’s services were frivolous.

Were the extensive medical and rehabilitation bills that someone incurred after slipping and falling on a wet floor in a supermarket trivial?

Talk to the mother of a child disabled during childbirth because of a hospital’s negligence about how insignificant her baby’s lifelong care costs and her own emotional pain are.

Injury lawsuits and our strong civil justice system help deserving individuals obtain justice and hold wrongdoers accountable. Since 1994, our firm has worked hard to make sure all our injured clients have a fair chance—fighting to ensure they are not only treated fairly, but are also rightly and fully compensated.



Referrals

Thanks to all of you who have recommended our firm to your relatives, friends, and neighbors. We appreciate your vote of confidence and pledge to care for these “VIPs” as well as we care for you. Our firm relies on your kind referrals!



Slip-and-fall injuries

When someone slips, falls, and suffers injury because of another’s negligence, an attorney familiar with premises liability accidents can help. Victims can obtain compensation for medical bills, lost wages, pain and suffering, and other damages.

Because proving liability in a slip-and-fall accident is not always easy, it is important to have an experienced personal injury attorney on your side. With 15 years’ experience in handling slip-and-fall claims, we understand the needs of our clients and have recovered tens of millions of dollars in compensation they were rightfully entitled to.

Dangerous stairs

A concierge worsened her existing back condition when she fell down a hotel stairway that lacked a handrail. Her lawyer showed a jury that the employee, an outdoor-sports enthusiast, was not only unable to enjoy jogging or water skiing, but also required daily morphine injections to control pain. A jury’s verdict included a significant monetary judgment, plus a pain-and-suffering award.

We take your family’s safety and security personally.

SECRET COURT AGREEMENTS

Negligent corporations that produce dangerous and hazardous products use court-secrecy agreements to avoid accountability and hide potential public-safety issues.

Victims of dangerous products are often forced to sign court-secrecy agreements to settle product liability cases. These agreements have hidden the ongoing dangers of prescription drugs, hazardous toys, deadly tires, and collapsing baby cribs.

Dangerous tires

Upon learning of the tread-separation dangers of Firestone tires, Johnny Bradley changed his truck's tires to the Cooper brand. While being driven cross-country to a new military assignment, Bradley's vehicle left the road and rolled over four times when a Cooper tire tread separated. Bradley's wife, Timica, who was driving, was killed instantly, but the family's baby survived. While recovering from injuries, Bradley was unable to attend Timica's funeral. In the course of litigating Bradley's case, his attorney uncovered documented evidence of Cooper tire-design defects. These documents, which could have saved Timica's life, were kept confidential through protective orders in more than 200 previous lawsuits against Cooper. Before the end of the federal trial, Cooper Tires settled with Bradley but demanded that almost all litigation documents be kept confidential under a broad protective order.

How injuries can affect us deeply

In representing people who have suffered physical injuries or psychological harm, a key practice goal is to employ our civil justice system to "make them whole again." That may seem hard to understand, until you think about how your own life might change if you were to be injured.

Would you be the same parent, for instance, if you were disabled in an auto accident? Probably not, because your condition might limit your

ability to drive your children to school, or wash their clothes, or even hug them.

Would you be the same physical person after a slip-and-fall? Perhaps not, if your spinal injury prevented you from working out at the gym or even walking around the block.

How about your ambitions and dreams? How might loss of independence, for example, increase your financial worries, or darken your normally optimistic outlook that things always work out for the best?

Our legal system provides justice to those injured by the misconduct of others and deters future misconduct by holding wrongdoers accountable. Our civil justice system makes a difference by making us feel "whole again."

Emergency rooms



Most patients receive prompt and effective medical diagnoses and care in our nation's emergency rooms; however, there are concerns. The American College of Emergency Physicians reports that treatment delays may occur because of...

- triage, treating the most serious cases in priority order;
- keeping a patient in an emergency area until a hospital bed becomes available;
- a shortage of on-call physicians;
- local large-scale epidemics or disasters.

Motorcycle trauma

A motorcyclist who was in a serious accident was airlifted to a medical center, where he began vomiting heavily. He died in the emergency room after physicians delayed ordering nurses to drain several liters of fluid from his stomach. His family's attorney demonstrated that the patient died because physicians failed to resolve a fatal stomach-fluid buildup in a timely manner. A jury granted the plaintiff's family a significant award for their loss.



Recalled product roundup

Here are some recently recalled products you may have in your home or at work:

- ✓ **Nautilus Inc.** has recalled 78,000 Bowflex® Ultimate 2 Home Gyms with horizontal seat rails that, when not manually latched, can fall unexpectedly and injure users or bystanders.
- ✓ **Old Navy, LLC**, asked buyers to return 35,500 (in the United States) and 5,400 (in Canada) Stuffed Animal and Creature Toys that have two button eyes that can detach and choke young children.
- ✓ **Dorel Juvenile Group USA** recalled 100,000 Safety 1st SmartLight Stair Gates. Hinges holding stair gates in place can break and pose a fall hazard to children if the gate is placed near stairs.
- ✓ **Intermatic Inc.** asks consumers to return 200,000 Intermatic DT17 Heavy Duty Digital Timers that have faulty ground connections, which can give electrical shocks to users.
- ✓ **Nordica USA** recalled 4,500 pairs of XBi ALU Skis. Binding plates can crack or break, causing injuries to skiers.

“What’s my case worth?”

As you can probably guess, no two personal injury cases are alike. Attorneys can’t respond to “What’s my case worth?” until they do a lot of case homework. Here are some factors we weigh:

1. Nature of injuries
2. Injury treatment needs
3. Treatment cost and amount already paid
4. Future medical treatment costs
5. Types of treatment, from surgery to rehabilitation
6. Where the suit will go to court
7. If you were partially at fault
8. Your prognosis
9. Preexisting medical conditions
10. Wage, benefit, and vacation losses
11. Future wage-earning limitations
12. Third-party insurance coverages
13. Emotional- and mental-stress value
14. Loss of spousal consortium
15. Property-damage deductibles
16. Similar verdicts in local courts
17. Defendant’s insurer
18. Judge assigned to case
19. Defendant’s counsel

Answers to these questions help build mutual trust between a client and attorney. With mutual trust and credibility, we can strive to earn injury victims fair outcomes.

Toxic-injury questions and answers

Q: What’s a toxic injury?

A: An individual is said to suffer a toxic injury if his or her body functions have been disturbed by exposure to dangerous substances, devices, or energy forms.

Q: Dangerous exposure? To what kinds of things?

A: There are many, including asbestos, chemicals, cosmetics, electromagnetic energy, hazardous waste, medical devices and products, pesticides, pharmaceuticals, radiation, and tobacco.

Q: What are toxic-injury symptoms?

A: Warning signs are hard to narrow: mild cold or flu symptoms; unusual skin problems; alarming tight-chest sensations and difficulty breathing; dizziness; convulsions; coma; and even death.

Q: Where do these toxins come from?

A: Just about everywhere. From air and water in the environment, building materials, cosmetics, cleaning products, food, fuels, landfills, manufactured materials, pharmaceuticals, textiles, and many, many others.

Q: What should someone do if he or she suspects toxic injury?

A: Consult an attorney experienced in investigating causes and recovering compensation.



ADDRESS SERVICE REQUESTED

Keeping you informed

To enable us to better stay in touch with you, our valued clients, we would like to start sending our newsletters and other informative communications to you electronically. We ask that you please take a minute to send your name and correct e-mail address to us at ktesta@richardconsole.com so you can be added to our e-mail list. We would ask that you also send us the names and e-mail addresses of any friends or family members whom you feel may benefit from this information.

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BIG-TRUCK INJURY ACCIDENTS **AUTO ACCIDENTS**
Time is of the essence

Big commercial vehicles get into more than 500,000 traffic accidents annually...and accident numbers have been increasing. More than 5,000 Americans die in car-truck accidents each year.

The industry lobbies for relaxing truck-safety rules and regulations to maintain acceptable profits.

Most big-truck accidents result from driver fatigue, trailer overload, speeding or other driving violations, or negligent truck maintenance.

If you or a loved one has been injured in an accident involving a commercial vehicle, contact our office today toll-free at **866-778-5500** for further information and to discuss your legal options. Our team is ready to help you and is dedicated to protecting your rights.

A slow-moving semi

A college employee died in a collision when she drove into the back of a semi traveling at a speed far below the legal minimum. Her estate's attorney sued the driver of the tractor-trailer and his employer, alleging the employer was liable for the driver's failure to maintain the proper speed. The parties settled before trial.

Anyone who is involved in an automobile accident should obtain medical care right away.

It is also wise to seek an experienced attorney's advice quickly as well. Here are two good reasons:

1 Serious injuries can take time to develop. Signing a medical release immediately after a potential injury may prevent a victim from obtaining compensation for a medical condition that shows up weeks or months later. An attorney can refer a victim to capable physicians or specialists for diagnosis and care, which cannot always be obtained in an emergency room.

2 When several people—drivers, passengers, and even pedestrians—are involved in a serious auto accident, injury compensation can reach insurance policy payment limits quickly. In some cases, victims who believed that medical, rehabilitation, and other bills would qualify failed to receive payment because insurance dollars simply ran out.



Hospitalized children

We need to take special care to ensure that children who are hospitalized for treatment stay healthy. Here are several reasons why:

■ An American Academy of Pediatrics study showed that 11 of every 100 hospitalized children suffer adverse reactions from erroneously administered medications. Voluntary hospital reporting methods indicate only 4 of every 100 hospitalized children suffer drug reactions.

■ The study found 2,300 adverse-reaction events among 960 randomly obtained charts from 12 children's hospitals.

■ Many of these adverse drug reactions lead to frightening, but temporary, pediatric patient conditions such as nausea, rashes or hives, and itching.

■ The study claimed that 22 percent of all pediatric adverse drug incidents could have been prevented through better systems and controls.

