



SPRING 2009



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UM INSURANCE

By Jason D. Weisser and Hank van Wieringen

Over the last few months, we have noticed the effects of the recent economic crunch on those injured in motor vehicle accidents in the state of Florida. An increasing amount of at-fault drivers in Florida are failing to obtain bodily injury coverage to compensate people whom they have injured in motor vehicle accidents.

Unfortunately, Florida is one of only three states left in the country that does not require drivers to carry bodily injury liability insurance, which provides insurance for at-fault drivers from liability for damages resulting from injuries to others. The law in Florida *does not* require drivers to carry insurance coverage that pays for medical expenses, lost wages, and, if there is a permanent injury, pain and suffering. Ironically, Florida law *does* require drivers to carry property-damage insurance to cover damages that at-fault drivers cause to other persons' cars or other property, just not for injury to the persons themselves. This results in the sad fact that many people injured in car accidents in the state of Florida do not have an insured party to compensate them for such injuries.

This is why UM coverage, which stands for uninsured or underinsured motorist coverage, is so invaluable. UM coverage protects you and usually the passengers in your vehicle at the time of the accident for injuries sustained

as a result of an accident caused by another driver's negligence. In essence, your UM insurance provides coverage for every other driver on the road in the event that they do not have coverage or insufficient coverage to compensate you for your injuries.

Additionally, UM coverage protects you even if you are a passenger in another's vehicle or if you are a pedestrian at the time of the accident. It also provides coverage when an accident is caused by a hit-and-run driver or if the identity of the other driver is unknown. Your UM coverage is purchased from

your own auto insurance company and provides you coverage in the event that the person that hit you does not have any bodily injury coverage, or does not have sufficient amounts of bodily injury coverage to compensate you for the injuries you have sustained in an accident.

Additionally, UM coverage can be stacked, which means the limits of your policy can be multiplied by the number of cars that you are insuring on that policy. This is why it is so important to carry sufficient amounts of UM coverage.

Our firm cannot stress enough the importance of purchasing UM coverage. While there is certainly a premium to pay for



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We believe no one deserves to have insult added to injury.

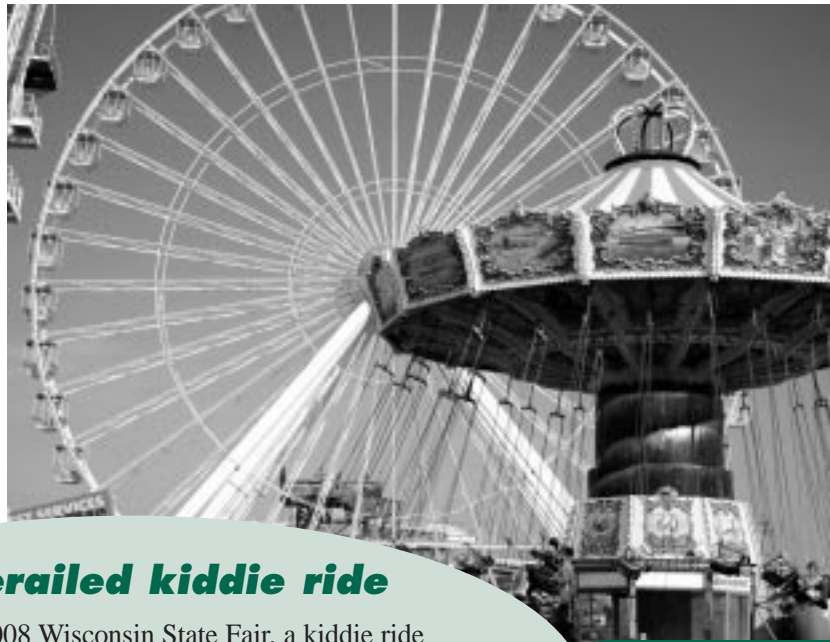
Theme-park injuries

Parents and kids love the excitement of the rides, the food, and the noise of theme parks.

As parks add attractions to compete for thrills and uniqueness, visitors suffer 7,000 injuries every year. Inflatable-slide rides collapse and injure toddlers. Slow kiddie-ride cars derail and harm youngsters. High-acceleration roller coasters and free-fall drop towers subject adult riders to back and neck harm.

Injuries may come from a combination of inappropriate rider behavior, inadequate operator training, poor maintenance, ride malfunctions, and design defects.

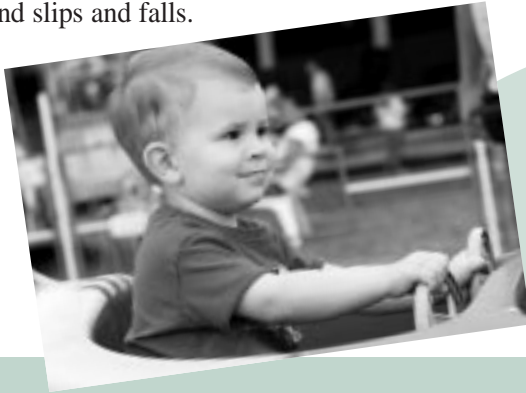
Park guests are also potentially subject to injuries resulting from personal assaults, negligent security, and slips and falls.



A derailed kiddie ride

At the 2008 Wisconsin State Fair, a kiddie ride malfunctioned, injuring a five-year-old girl. The accident happened when the girl's car derailed and crashed into a fence, leaving her with a bruised knee and injuries to her neck, back, and elbow. The girl was treated at a local hospital; her injuries were not serious.

If you have been injured at an amusement park, please contact legal counsel.



NEGLIGENCE

Under the law, negligence is inattention that causes a person harm.

Negligence can take two forms: *action*, such as a mason carelessly dropping a heavy brick off a scaffold; or *failure to act*, when a business owner disregards repairing a broken step on a stairway in a dimly lit corridor.

A crushed foot

As directed, an auto-repair patron moved his car to a numbered parking spot. As he left his car, a dealership employee driving another vehicle failed to see him and ran over his foot. His crushed foot developed into a complex injury, damaging the peroneal nerve and causing constant pain, color and temperature changes, and loss of hair on his foot.

A former highly paid stockbroker, the injured man attempted to work for more than a year, but medications and burning pain forced him to stop. His attorney then sued the dealership, alleging its employee negligently failed to keep a proper lookout. The parties reached a significant settlement prior to trial.



When insurers won't pay MEDICAL BILLS

According to the law, insurance companies have a good-faith responsibility to deal fairly with customers.

This means coverage providers and their agents must actively seek ways to pay all fair benefits promised to policyholders, not to disallow them.

Sometimes, when policyholders need them most, insurers redefine their obligations and services to avoid paying promised benefits. Common tactics include denying claims or dragging them out so long that insureds simply get tired of fighting and give up.



Her insurer said "No"

A 32-year-old doctoral student suffered career-ending brain injuries in a head-on collision with a negligent driver. When the other driver's insurance failed to cover all her medical expenses, she filed an underinsured-motorist claim with her own auto insurance plan, which entitled her to \$1.5 million in benefits. Her insurer refused to pay for several years, claiming she had no head injury. Her attorney sued the insurer and its agent, alleging bad faith, breach of contract, and violations of a state unfair trade practices statute. A jury awarded her significant compensatory and punitive damages, plus attorney fees and prejudgment interest.

FOR YOUR SAFETY

Recalled product roundup

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

- ✓ **TWIE, also known as Tradewinds International Enterprises, Inc.**, has recalled 152,000 “Sky Champion” Wireless Indoor Helicopters. Onboard rechargeable batteries can catch fire and burn consumers
- ✓ **Babies “R” Us, Burlington Coat Factory/Baby Depot, Meijer Distribution, Inc., Nebraska Furniture Mart, ShopKo, Target Stores, and Wal-Mart** have voluntarily recalled 600,000 Simplicity Brand Drop Side Cribs with sides that can detach and trap or suffocate infants.
- ✓ **Worldwise, Inc.**, has called back 223,000 SlyDog™ Retractable Dog Leashes that have metal collar clasps which can bend or break, causing the leash to recoil suddenly and forcefully, and harm users.
- ✓ **Wolf Appliance, Inc.**, has recalled 24,000 Wolf Appliance Gas Ranges. Delayed gas ignition in the 18-inch oven can cause a burst of flames when the range door is opened and burn users.
- ✓ **Razor USA, LLC**, asks buyers to return 103,000 Razor® PowerWing™ Three-Wheeled Scooters, which have sharp edges on foot-platform undersides that can cut children.
- ✓ **Giftco, Inc.**, recalled 36,000 Harry Potter Bookends. The paint contains excessive levels of lead, violating the federal lead-paint standard.

ID THEFT

The Federal Trade Commission’s (FTC) 2006 Identity Theft Survey Report showed that 8.3 million adults were victims of some form of identity theft in 2005.

According to the FTC’s Consumer Response Center, five common ways that wrongdoers steal unsuspecting victims’ legal, financial, and personal information are:



If you believe you have been a victim of fraud through ID theft, seek legal counsel.

- 1 Dumpster diving**—rummaging through trash containers for bills or other personal papers.
- 2 Skimming**—stealing credit/debit card numbers using special electronic storage devices while processing actual transactions.
- 3 Phishing**—imitating real financial institutions or companies by sending fraudulent e-mails or pop-ups to computers.
- 4 Changing addresses**—using postal forms to divert mail to unlawful addresses.
- 5 Theft**—stealing purses, wallets, and mail—even employee records.

AS WE SEE IT

Some politicians or media commentators complain one-sidedly about our civil justice system and trial attorneys. Often, they phrase the issues as they appear in the left-hand box of the chart below.

We have had the benefit of helping people who have been harmed by others’ carelessness, such as people injured by drunk and reckless drivers, negligent property owners, or by the actions of uncaring corporations.

We think the way we view our civil justice system and trial attorneys is more accurately stated in the right-hand box.

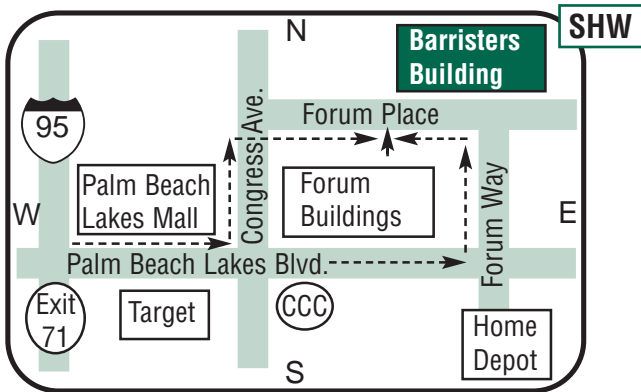


HOW SOME PEOPLE SEE IT.

Insurance companies vs. trial lawyers
 Pharmaceutical manufacturers vs. trial lawyers
 Car makers vs. trial lawyers
 Doctors vs. trial lawyers
 Nursing homes vs. trial lawyers
 Manufacturers vs. trial lawyers
 Railroads vs. trial lawyers
 Corporations vs. trial lawyers
 Small businesses vs. trial lawyers

HOW WE SEE IT.

HMOs vs. patients needing care
 Drug makers vs. patients requiring safe medications
 Car makers vs. driver and passenger safety
 Physicians vs. health insurers
 Nursing homes vs. elderly residents and their families
 Manufacturers vs. injured consumers
 Railroads vs. drivers injured at crossings
 Unsafe products vs. harmed consumers
 Small businesses vs. injured employees



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UM INSURANCE

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this coverage, having it in the time of a serious motor vehicle accident can make a difference between a major hardship and financial stability. Every lawyer and investigator in our office has had the unfortunate occasion to have met with a potential client concerning a serious accident and had to tell the client the bad news that there was insufficient coverage to compensate them for the injuries they sustained.

We recommend that you review your personal automobile insurance policy to determine whether you currently carry UM coverage and, if so, whether you have a sufficient amount of coverage in the event of a serious accident with significant injuries. If not, call your agent and get a quote for UM coverage to be added to your policy. You can also inquire about getting an umbrella policy to provide coverage for losses over and above your current limits, provided you make sure that it includes UM coverage as well. You may find that the price you pay may be a "small price to pay" in the event of a major automobile accident in the future and will give you and your family peace of mind every time you get in the car.

Nursing home NEGLIGENCE

Residential care for elderly nursing home residents may not be delivered as pledged.

Should a safety or injury issue arise, it may be hard to determine causes of problems. Staffs are reticent to talk, and the elderly may be unwilling or unable to explain what happened.

Responsible adults who suspect that nursing home care is insufficient or has resulted in an injury should get medical care for the loved one, notify residence management of concerns, and seek legal counsel. Attorneys familiar with nursing homes can help elderly loved ones receive a high level of care, or determine the bases of injuries and hold the responsible parties accountable.

GANGRENE

A 75-year-old nursing home resident died after developing painful gangrene and undergoing an above-the-knee amputation. Her daughter sued the facility, alleging negligence for staff reductions and failure to provide adequate treatment. A jury awarded a significant amount for pain and suffering.



Stop-sign accidents

According to Insurance Institute for Highway Safety 1999-2000 research estimates, nearly 700,000 vehicle accidents occurred at stop signs. About a third involved personal injuries.

Drivers who failed to stop at stop signs or who stopped at stop signs but failed to see oncoming traffic accounted for approximately 70 percent of all automobile accidents.

Broadsided

After being broadsided by another vehicle that ran a stop sign, a driver suffered multiple serious injuries that required her being placed in a drug-induced coma for several months, followed by six months of rehabilitation and physical therapy. Unable to ever work again, she enlisted the services of an attorney who filed suit against the responsible driver. A jury awarded significant damages.