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POTHITAKIS LAW FIRM, P.C.

Attorney At Law



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Auto accidents

Who's really at fault?

While driver errors cause many vehicle accidents, other accidents occur because of factors outside any driver's control.

Drivers who believe they have been injured because of others' carelessness or negligence should seek counsel from an experienced auto-accident attorney.

Here is a case in point. An 18-year-old driver swerved to avoid a head-on collision with a truck that careened into his lane. He steered to the shoulder, which was six inches below the road. His car spun around and collided with a guardrail, which sliced through his car's left side and nearly severed his left leg and arm, and fractured his right leg. He underwent 34 expensive surgeries and extensive rehabilitation. His accident attorney sued the county, alleging the road's shoulder and guardrail were dangerous and failed to meet state highway standards. A jury recommended a multimillion-dollar award to cover past and future medical costs and pain and suffering.



If you need our services, please contact us at...
319-524-7500, 319-754-6400, or 866-PLF-IOWA
www.pothitakislaw.com

Insurance-company bad faith

What is insurance bad faith?

It's when an insurer of businesses, disabilities, homes, lives, or vehicles refuses to live up to what it promised to do for a person it insured.

Just as you are obligated to pay premiums, insurers are obligated to live up to the terms of their policies.

Our clients have experienced many of the tactics that insurers use to avoid dealing with clients in good faith:

- ◆ Offering an unreasonably low payment for an auto-accident claim.
- ◆ Unfairly delaying investigation of a homeowner's property-damage claim.
- ◆ Misinterpreting policy language to refuse to pay a business-loss claim.
- ◆ Denying payment of a death-benefit claim by retroactively canceling a policy.
- ◆ Unilaterally declaring that an injured or disabled worker is well enough to return to work.

If you have paid your premiums and feel an insurance company has treated you unfairly, obtain the counsel of an attorney familiar with insurance-company bad faith.



Pothitakis Law Firm, P.C. Attorney At Law

1603 Main Street
Keokuk, IA 52632
319-524-7500

320 North Third Street
Suite 100
P.O. Box 337
Burlington, IA 52601
319-754-6400

Toll-Free: 1-866-PLF-IOWA
FAX: 319-754-7211

e-mail: niko@pothitakislaw.com
Web site: www.pothitakislaw.com

OFFICE HOURS
Monday-Friday
8:30 a.m.-5:00 p.m.

PRACTICE IS PRIMARILY PERSONAL INJURY AND WORKERS' COMPENSATION

- Free consultation
- Contingency fee available
- Board member, Workers' Compensation Section of the Iowa State Board Association (2000-2002)
- Board member, Iowa Association of Workers' Compensation Lawyers, Inc. (2005-2008)
- Board of Governors, Iowa Trial Lawyers Association (2006-2007)
- Member, American Trial Lawyers Association

We take pride in the quality of our legal work.

Medical ID THEFT

Safeguard yourself against this fast-growing crime.

In 2008, more than a quarter million Americans were victims of medical identity theft, a fast-growing crime. They discover theft when they receive large, unpaid bills for out-of-state emergency-room visits or air-ambulance charters in foreign places.

A victim is hurt when an unscrupulous wrongdoer steals their Social Security number and health insurance information, such as member identification and group policy numbers.

The perpetrator sells this information to someone who needs medical treatment or who works with a clinic or health-care supplier that colludes in fraudulent billing.

Unlike ordinary identity theft, few safeguards exist to detect fraud. Unlike credit-card theft, the victim's liability may not be capped at \$50.



To protect your records:

- Secure your health insurance cards.
- Examine claims statements closely.
- Scrutinize "Explanation of Benefits" reports.
- Ask for an annual benefits summary from your health insurer.
- Check your credit reports.
- If you are a victim, file a police report.
- Consult an attorney.

Roof-crush vehicle ACCIDENTS

To minimize injuries in a collision or rollover, automakers have a legal duty to design and construct car, truck, and SUV roofs that provide structural protection to drivers and passengers. Sadly, that's not always the case.

Partial quadriplegia

A 16-year-old was a belted front-seat passenger in a 1998 Ford Explorer rollover accident. She suffered a spinal fracture and head injury that caused partial quadriplegia, memory loss, and impaired ability to organize and process thoughts. She has limited use of her arms, uses a wheelchair, and requires assistance with daily living activities. Injury to her lungs paralyzed torso muscles, so she trained herself to breathe using her diaphragm. Her past medical expenses totaled about \$1 million, and future life-care costs are estimated at \$20 million. Her attorney sued, alleging the Explorer's roof was not crashworthy and could not withstand the impact of a foreseeable rollover collision. The parties agreed to a confidential structured settlement before her suit was filed.





When jury duty is an economic burden

CREDIT REPORTS *and auto insurance*

Our firm believes that every citizen should serve as a trial juror to safeguard everyone's liberty, rights, and property. Most jurors on criminal or civil cases find their experiences rewarding and agree to serve again.

Believe it or not, your credit score can affect your auto insurance rates. What's a credit score? It's a risk rating calculated from credit reports using special mathematical formulas. Lower scores result from paying bills late, having few or no credit references, or poor credit-card practices. Even fiscally responsible consumers suffer premium increases of more than 100 percent when insurers credit-score them. For 34 years, Mattie Grainger from South Carolina insured her autos with Allstate. She had a perfect driving record, few insurance claims, and enjoyed safe-driver discounts. Yet Allstate raised her premiums, telling her she didn't qualify for a lower rate because of a low credit score. Grainger's credit score was low because she simply didn't need extensive credit. Many argue that applying credit-scoring in preparing insurance quotes or policy premiums is inherently unfair. We do, too.

During hard economic times, however, many who are summoned to jury service may face severe fiscal insecurity. If you believe jury duty will harm you financially, you can ask a judge to excuse you from service. Here are some examples:

- You are unemployed and need to look for work.
- You were recently employed and cannot take time off now.
- You will miss a mortgage payment because of lost time at work.
- Your employer, who used to pay for jury-service days, can no longer afford to.

There's a proviso: When the economy recovers, you accept the call to serve as a juror.



Sexual harassment at work...STILL ILLEGAL

Half of all sexual-harassment lawsuits are filed in companies with fewer than 200 employees. This illegal conduct usually occurs when someone with power and authority introduces an unwelcome sexual element, unrelated to an employee's work, into the relationship. Harassment may take the form of verbal comments, physical brushing or touching, e-mail abuse, a hostile work environment, retaliation, or even firing.

Please contact an attorney for assistance with sexual-harassment issues.

A case in point

A female overnight shipping-firm employee sued her employer, claiming that her male supervisor retaliated against her after she resisted his kissing her at an outside-office event. A jury awarded significant punitive damages when her attorney proved the supervisor gave her undesirable work schedules and late paychecks after the harassment.



POTHITAKIS LAW FIRM, P.C.
Attorney At Law
320 N. Third Street, Suite 100
P.O. Box 337
Burlington, IA 52601

POTHITAKIS LAW FIRM, P.C.

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The information included in this newsletter is not intended as a substitute for professional legal advice. For your specific situation, please consult the appropriate legal professional.

THANK YOU FOR YOUR **REFERRALS**

Over the past 8½ years, **Pothitakis Law Firm, P.C.**, has represented in excess of 600 individual and business entities with respect to their claims for damages as a result of injuries and negligent acts.

We take great pride in our representation of those people who place trust in us to help them in very difficult times. We believe our success is based upon our focus on workers' compensation and personal injury actions and our ability to process these cases with a singular focus. We aspire to provide the best legal service to obtain the best results possible for our clients.

By limiting our practice to these areas of law and not handling other matters, such as criminal cases, wills, and estates, etc., we believe we are able to provide excellent representation and service to our clients.

Over the past 8½ years, a good portion of our clients have been referred to us by past clients. We sincerely thank all of you for the confidence you have shown in our firm and your willingness to refer clients to us for assistance with these types of cases.

Thank you again, and we hope to continue our work and effort on behalf of our current clients as well as those who will come to us in the future.

