

# POTHITAKIS LAW FIRM, P.C.

Attorney At Law

**SUMMER  
2009**

Brought to you by  
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**PRACTICE IS PRIMARILY  
PERSONAL INJURY AND  
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- Free consultation
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- Member, American Trial  
Lawyers Association

## AUTO ACCIDENT INVESTIGATIONS

When a client is seriously injured in a vehicle collision, we will make every effort to seek additional sources of precise, detailed, and thorough information to determine responsibility for the accident. We often investigate:

- Cell-phone, personal digital assistant, and global-positioning satellite records for all involved vehicles and drivers. These may record direction, mechanical problems, operating errors, position, velocity, or improper electronic-device use.
- Digital 911 call records to locate witnesses who may have observed and reported the accident.
- Digital photographs taken by police at the scene.
- Paramedic, ground ambulance, or medical air transport reports of emergency care that may include injury specifics.
- Tow-truck or wrecker records, which also may shed light on accident details.
- Traffic cameras at dangerous intersections to determine if the monitoring system recorded the accident.



## MMI? *What's that?*

You were the victim of an auto, slip-and-fall, or other accident.

You're recovering. The pain has diminished, muscle flexibility is back, and you want to return to work. The responsible party's insurer makes a tempting offer, so you think about settling your injury claim.

That may be a mistake. Maximum Medical Improvement (MMI) is a recovery stage each injured person reaches during healing. For some, MMI means full recovery. For others, MMI plateaus at incomplete mending, meaning that no additional medical treatment or rehabilitation will restore normalcy.

An experienced personal injury attorney will recommend resolving an injury claim only after a victim's injuries and MMI are fully documented and when all past and future medical expenses, lost wages and future earnings, and other recovery needs have been calculated.

An attorney who understands an injured party's MMI can put him or her in the best legal position to obtain fair and comprehensive results from a claim.

*We take pride in the quality of our legal work.*

## BIG-BOX STORE ACCIDENTS

Although data are hard to obtain, lawsuits in the early 2000s indicated that more than 2,200 customers were being injured annually by falling heavy merchandise at just one chain of big-box home centers.

Several states have passed shopper-safety regulations for retailers who high-stack heavy merchandise, such as clothes washers and microwave ovens. These include adding safety stops to shelves, setting up netting or other protective devices, or establishing barricaded safety zones to keep customers out of areas where forklifts move heavy products from upper shelves to the floor.

### A 19-POUND BOX

A shopper at a home center was struck on the head and knocked flat by a falling 19-pound box as employees stocked upper shelves. When his attorney demonstrated that the plaintiff's negligent store injury resulted in severe pain and corrective discectomy surgery, a jury awarded a significant sum.

## NURSING HOME VIOLATIONS

In 2007, nine in ten U.S. nursing homes were cited for violating at least one federal health and safety law in each of the past three years, according to a U.S. Department of Health and Human Services report. The nation's 15,000 facilities are home to about 1.5 million elderly residents.

The most common citations were for infected bedsores, drug errors, resident malnutrition, and outright patient abuse or neglect. More than 15 percent of violations resulted in "actual harm or immediate jeopardy" to residents.

Inspectors authenticated 39 percent of the more than 37,000 complaints about nursing home conditions. Two in ten confirmed complaints involved patient neglect or abuse.

States varied widely in deficiency rates. Seventy-six percent of Rhode

Island nursing homes received complaints. One hundred percent of homes in Alaska, Idaho, Wyoming, and the District of Columbia received complaints.

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 better care or determine the bases of injuries and hold the responsible parties accountable.



## DEBUNKING CIVIL JUSTICE MYTHS

Insurance, oil, and drug companies spend millions creating and publicizing myths about how lawsuits are out of control and responsible for many of America's ills. The facts tell a different story.

### MYTH:

Schools are canceling recess because they fear playground litigation. **Wrong:** *School districts across the nation consistently blame elimination of recess on time needed to meet increased testing and teaching requirements.*

### MYTH:

People have stopped volunteering to help Little League, Boy and Girl Scouts, and other nonprofits because of lawsuits. **Wrong again:** *Congress passed the Volunteer Protection Act of 1997 to give immunity to nonprofit volunteers in the course of their charity work.*

### MYTH:

Everyone's insurance rates are skyrocketing because of lawsuits. **Incorrect:** *Your insurance premiums may be going up, but it has nothing to do with lawsuits. In 2007, insurers reported \$61.9 billion near-record profits. They still argued to restrict awards and damages to victims even though personal injury cases resolved in U.S. courts fell by 79 percent between 1985 and 2003.*

### MYTH:

Trial attorneys charge outrageous hourly fees and leave victims with practically nothing if they win cases. **Not so:** *Lawyers who represent injured clients who cannot afford legal fees provide representation on a contingency-fee basis. If there is no monetary recovery, clients owe nothing for legal services. If the plaintiff wins, attorneys charge a percentage of the money damages that are recovered.*

## AFTER-SCHOOL CHILD PICKUP

For student security and safety, many schools establish after-school pickup guidelines.

Administrators ask parents and guardians to specify names and vehicles of those who have permission to pick up a child, such as parents, car pools, relatives, baby-sitters, or neighbors.

Some schools require physical descriptions, photo IDs, and signed notes when pickup plans change. Others require signed instructions for special after-school tutoring, detention, athletics, clubs, and even emergencies.

### Unsafe pickup zone

When their six-year-old died after being accidentally run over by a parent who was backing up a minivan into a parking space, the parents sued the school. Their attorney contended that the school's parking area was not well planned and that authorities had received notices about pickup chaos when school let out. A jury granted a significant award.

## Workplace injuries

On-the-job injuries can occur at any workplace, from white-collar offices to blue-collar industries.

Negligent parties can range from managers who assign dangerous duties to untrained workers, to third parties that market equipment that is poorly designed or lacks finger-protecting guards.

A personal injury attorney can investigate causes of worker injuries and help hold those responsible for harm to account.

Common occupational-workplace injuries an attorney can handle include:

- **Burn injuries** from fires, chemicals, and electricity.
- **Diseases** resulting from chemical exposure, such as asbestos or benzene.
- **Existing employee health conditions** aggravated by employment activities.
- **Injuries** from trips and falls, amputations, broken limbs, or cuts.
- **Mental disease** resulting from work-induced stress.
- **Repetitive-movement injuries**, such as carpal tunnel syndrome.
- **Third-party liability**—injuries, such as a fall from a poorly designed ladder, for which a third party is responsible.

*For legal assistance with workplace injuries, please seek legal counsel.*



## Recreational boating accidents

In 2007, nearly 700 Americans died and just over 5,000 were injured in pleasure-boating accidents in motorcraft, sailboats, houseboats, and inflatables.

Accidents were caused by intoxicated, inexperienced, or reckless drivers; defective steering, engines, or other mechanisms; and failure of boaters or owners to maintain watercraft or obey boating regulations.

If you or a loved one has suffered severe injury from others' negligence in a boating accident, an experienced attorney can help hold responsible parties accountable.

### Impaired driver

An intoxicated speedboat driver crashed into the stern of a cabin cruiser, immediately killing its owners. The victims' family sued and reached settlement with the out-of-control, speeding boat driver after he pleaded guilty to two counts of manslaughter due to intoxication.



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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.

## **Top-ten worst U.S. insurers**

### **Insurance industry uses "Deny, Delay, Defend" strategies and puts profits over policyholders**

Following a comprehensive investigation involving thousands of insurance company legal documents and financial filings, the American Association for Justice (AAJ) ranked the top-ten worst American insurance companies for consumers.

*The Ten Worst Insurance Companies in America: How They Raise Premiums, Deny Claims, and Refuse Insurance to Those Who Need It Most* outlines highly aggressive tactics these companies use against consumers to increase profits.

Allstate tops the "worst" list.

AAJ CEO Jon Haber said, "While Allstate publicly touts its 'good hands' approach, it has instead employed a hidden 'boxing gloves' strategy against its policyholders. Allstate ducks, bobs, and weaves to avoid

paying claims to increase its profits."

According to AAJ's study, Allstate set new benchmarks for insurance company greed. In the 1990s, the insurer contracted with consulting leviathan McKinsey & Co. to design tactics to systematically force consumers to accept lowball settlement offers or face its "boxing gloves," an aggressive strategy designed to deny claims at any cost.

While Allstate ranked worst, the report also revealed a clear-cut pattern of misconduct among all ten ranked industry insurers that regularly deny paying fair and just claims, use hard-line tactics against policyholders, compensate corporate executives with extravagant salaries, and boost customer premiums while amassing excessive profits.

### **Top-ten worst U.S. insurers**

The AAJ study identified the worst companies in rank order:

- |               |                    |
|---------------|--------------------|
| 1. Allstate   | 6. WellPoint       |
| 2. Unum       | 7. Farmers         |
| 3. AIG        | 8. UnitedHealth    |
| 4. State Farm | 9. Torchmark       |
| 5. Conesco    | 10. Liberty Mutual |



To read the full AAJ report and learn how you can hold the insurance industry more accountable to your needs, go to <http://www.justice.org/docs/TenWorstInsuranceCompanies.pdf>.