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POTHITAKIS
LAW FIRM P.C.

If you need our services,
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2015 Iowa Super Lawyers List

Nicholas (Niko) Pothitakis of the **Pothitakis Law Firm P.C.** has been selected to the 2015 Iowa Super Lawyers list. No more than 5 percent of the lawyers in Iowa are selected by Super Lawyers.

Super Lawyers, a Thomson Reuters business, is a rating service of outstanding lawyers from more than 70 practice areas who have attained a high degree of peer recognition and professional achievement. The annual selections are made using a patented multiphase process that includes a statewide survey of lawyers, an independent research evaluation of candidates, and peer reviews by practice areas. The result is a credible, comprehensive, and diverse listing of exceptional attorneys. The Super Lawyers lists are published nationwide in Super Lawyers magazines and in leading city and regional magazines and newspapers across the country. Super Lawyers magazines also feature editorial profiles of attorneys who embody excellence in their practice of law.



Mr. Pothitakis is a native of the state of Iowa and has been working hard over the last 20 years to help Iowans with their work injury and workers' compensation claims. Mr. Pothitakis is the principal attorney at the Pothitakis Law Firm P.C., located in both Burlington, Iowa, and Keokuk, Iowa. He is a strong advocate for injured workers in the state and was elected the 2015 president of the Iowa Association of Workers' Compensation Attorneys (IAWC). The objectives of the IAWC are to promote the administration of justice, to provide continuing legal education in the area of Iowa workers' compensation law, and to further actions to enhance the effectiveness of workers' compensation laws and their administration in the state of Iowa.

Mr. Pothitakis was honored and humbled by his selection to this exclusive list. Niko stated, "It is clear that the hard work of all members of the Pothitakis Law Firm has paid off in both success for our clients and national recognition for our firm."

The Best Lawyers in America® 2016

Nicholas Pothitakis of the **Pothitakis Law Firm P.C.** was recently selected by his peers for inclusion in *The Best Lawyers in America*® 2016 in the field of Workers' Compensation Law—Claimants. (© 2012 by Woodward/White, Inc., of Aiken, S.C.)

Since it was first published in 1983, *Best Lawyers* has become universally regarded as the definitive guide to legal excellence. Because *Best Lawyers* is based on an exhaustive peer-review survey in which more than 36,000 leading attorneys cast almost 4.4 million votes on the legal abilities of other lawyers in their practice areas, and because lawyers are not required or allowed to pay a fee to be listed, inclusion in *Best Lawyers* is considered a singular honor. *Corporate Counsel* magazine has called *Best Lawyers* "the most respected referral list of attorneys in practice."

Mr. Pothitakis is honored for the inclusion into the *Best Lawyers in America*, and is grateful to his peers for their recognition of his firm. "I am flattered to be selected by the publication for inclusion in the field of Workers' Compensation Law—Claimants," stated Mr. Pothitakis.

In the two decades that Nicholas "Niko" Pothitakis has been practicing law, he has built a successful practice assisting clients throughout the state of Iowa. The Pothitakis Law Firm P.C. has two locations; one location is in Burlington, Iowa, and the other one is in Keokuk, Iowa. As an Iowa workers' compensation attorney, Mr. Pothitakis prides himself on assisting workers who have sustained injuries in the state of Iowa.

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PRACTICE IS PRIMARILY PERSONAL INJURY AND WORKERS' COMPENSATION

- free consultation
- contingency fee available
- Vice President, Iowa Association of Workers' Compensation Lawyers, Inc. (2013-2014)
- President, Iowa Association of Workers' Compensation Lawyers, Inc. (Oct. 2014-Oct. 2015)
- Best Lawyers In America—2013 and 2014 Listing
- Super Lawyers—2013-2014
- 2013-2014 National Trial Lawyers—Top 100 Trial Lawyers
- Member, American and Iowa Associations for Justice

Signs, signs, everywhere signs— but what do they *legally* mean?

Owners or occupiers of a property, whether commercial or residential, have a duty to care for others who come onto the property. But could something as simple as a warning sign make a difference if someone gets injured on your property (or vice versa!)? Like so many things, it depends.

One of the most important aspects of a premises liability case depends on why the injured party was on the property.

INVITEES: An invitee is on a property for the financial benefit of the owner/occupier. In this case, a well-placed, readable sign can protect the owner from a lawsuit. However, if you slip and fall on an uneven threshold when you walk into a store and there is a sign just inside the door, it may be deemed ineffective, as it was placed after the hazard. If the sign is well placed, the invitee assumes the risk of the hazard.

LICENSEES: A licensee is a legal term for someone who is permitted to be on the property (mail carrier, for example) or a family member or social guest. Property owners must warn

licensees of any known dangers on the property. A sign can protect the property owner, but again it must be large enough, readable, and well placed.

TRESPASSERS: A trespasser is someone illegally on a property. They have no business on the land and have not been invited. In this case, property owners have no duty to care for them, although they may not willfully harm them. Children are often an exception. An exception (though perhaps not for an adult trespasser) would be a sign warning of a dog. An owner is responsible for his/her dog, and a sign warning of a dog's presence doesn't protect the owner if his or her dog attacks.

As always, it's best to discuss any personal injury case with our office.



Dog bites could cause PTSD in children

Being attacked by an animal can cause physical scars, but for kids, emotional scars are just as damaging. According to the journal *Contemporary Pediatrics*, posttraumatic stress disorder (PTSD) in children as a result of being bitten by dogs is common.

Most dog-bite victims are children, and injuries often occur to the shoulders and head. To get an adult perspective of what a dog attack is like for a small child, experts ask adults to visualize a bear lunging and biting into their upper body.

If your child is attacked by a dog, ask the staff of the emergency room and your child's pediatrician to provide you with a checklist of symptoms of PTSD, and the name of a qualified counselor who can help your child.

According to modernmedicine.net, signs and symptoms of PTSD include excessive anxiety, irritability, decreased school performance, sleep disturbance, reduced creativity, withdrawal, altered appetite, depression, physical complaints, pronounced startle responses, and behavioral problems. These can impede the expected social, academic, and emotional growth of a child.

If your child has been injured by a dog, call our office right away for a confidential consultation.

Power of attorney

A power of attorney is a legal document that gives a designated person the authority to make personal, business, legal, and medical decisions on your behalf if you become unable to do so. It's advisable to have both medical and financial powers of attorney. If you become unable to make decisions for yourself and you don't have a power of attorney designated, your family will likely have to go to court to establish the right to make those decisions in your stead.

A medical power of attorney allows someone to make medical decisions for you should you become physically or mentally incapacitated. This person is bound to follow your treatment and end-of-life wishes. It is important to create a living will to outline such wishes.

A financial power of attorney designates an individual who will take care of financial decision-making on your behalf. When you draft the document with your attorney, you can give your power of attorney broad power or limited power. The duties of a financial power of attorney end at the designator's death. If you wish an individual to take care of your estate finances, you must also name him or her executor in your will.

For more information on power of attorney, consult with a family law attorney.





There's an app to get a ride... *but what if there is an accident?*



Until recently, if you needed a ride somewhere but weren't on a public transportation route, and couldn't convince a friend or relative to drive you, you called a cab. Rideshare apps that connect users in need of rides with those willing to provide rides have become a competitively priced alternate source of transportation. There is no doubt that apps like Uber and Lift are a great way to get a ride, but what if you are in an accident?

The good news is that if you are a rider, you should be covered in the case of an accident. If you've considered making some extra money by becoming a driver for a rideshare service, you may want to reconsider or at least wait until better regulations come into play and insurance gaps are covered.

Rideshare drivers have personal insurance, but once the vehicle is being used for commercial use—picking up a passenger, driving the passenger, driving the vehicle back to where it started—private insurance no longer provides coverage. Instead, rideshare companies provide \$1 million excess liability policies to cover damages if an accident is their driver's fault. Typically, that million-dollar coverage is only good when a passenger is in the car and only covers damage and injuries to passengers, and other parties and their property. The driver is responsible for damage to his or her vehicle if in an accident that is their own fault. Plus, there is a gray area when drivers are driving to a rider and then returning to wherever they started from.

After an Uber driver struck and killed a 6-year-old San Francisco girl while he was between rides but available for service, Uber began extending its insurance policy to cover this gap.

Settlement liens

Just when your case finally appears to be near settlement, you find out that several liens have been placed on the money. Can someone put a lien on your anticipated settlement? Yes, they can. Chances are, your accident has caused other parties, namely insurance companies, financial loss. In order to get that money back, a court order is placed on a settlement for the amount owed.

The third parties most likely to put a lien on your settlement are insurance companies and medical providers, although any company/person that paid the plaintiff's bills can file for a lien.

Healthcare providers

If you don't have insurance, or your insurance doesn't cover your medical bills, the provider may try to recover the money by placing a lien on your settlement.

Insurance carriers

Your medical and automobile insurance companies state their rights to place a lien on any settlement or judgment from a party at fault within the policy. At first you may think that unfair; after all, isn't that what insurance is for? But, if an injured party has his or her medical bills paid by an insurance company and then again by the party at fault, they've been reimbursed twice.

Medicaid and Medicare

These programs require applicants to give any money from a third party to the state or federal government, depending on the program, in order to repay money spent on medical care.



School bus safety

With recent media reports showing bus drivers speeding through red lights and viral videos of impatient drivers illegally passing buses and nearly running over children, parents wonder about the safety of school transportation. With school back in session, here are a few things to keep in mind about school bus safety.

First, the good news: According to the National Highway Traffic Safety Administration (NHTSA), school buses are one of the safest forms of transportation in the United States. The agency says that approximately 450,000 public school buses travel about 4.3 billion miles to transport 23.5 million children to and from school and school-related activities every year. On average, there are six fatalities a year involving school transportation.

While that is a good statistic, no fatalities would be better. The majority of school bus-related fatalities happen when students are struck by the bus or other vehicle while waiting for, boarding, or getting off the bus. In many cases, unsafe school loading zones and distracted drivers are at fault.

If your child was injured in a school bus accident, please contact our office for a confidential consultation.

The results from the cases of the Pothitakis Law Firm P.C. are diverse, and the results vary considerably. The case results are not a guarantee of future results, as they are specific to facts and legal circumstances of each client's case, and for this reason should not form the basis for future expectations on a different case. These cases may not be typical, and there are many factors that determine the result of a case. The determination of the need for legal services and the choice of a lawyer are extremely important decisions and should not be based solely upon advertisements or self-proclaimed expertise. All potential claimants are urged to make their own independent investigation or evaluation of any lawyer being considered.

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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.

The NHTSA reported that 174 school-age children died in school transportation-related crashes from 2003 to 2012. Fifty-five were occupants of school transportation vehicles, and 119 were pedestrians.

It's deer season (No, not *that* deer season!)

The days are getting shorter, the weather is crisp, and fall is in the air! Leaves aren't the only things that motorists have to worry about on the roads this season; deer are also more likely to wander (or dart!) into traffic. According to the National Highway Traffic Safety Administration, deer cause approximately 1 million vehicle accidents, 200 fatalities, and over 10,000 personal injuries each year.

The incidence of deer-related car accidents is at the highest in the fall not only because the animals move closer to roads in search of food, but also because it is mating season. Drivers should be especially cautious when driving in the evening, night, and early-morning hours, when deer are hidden in the darkness and can be spooked or confused by approaching headlights.

Unfortunately, one of the primary causes of human injury and death isn't caused by hitting a deer, but by trying to avoid hitting a deer. Drivers swerve and drive off the road or into oncoming traffic. Instead of hitting the deer, the vehicle collides with another car, the guardrail, or a utility pole.

According to the Minnesota Department of Natural Resources, here is what you can do to avoid hitting a deer this season:

- **Heed the signs.** Deer-crossing signs are often posted in high-risk areas. Drive with caution, especially in the posted areas.
- **Deer don't roam alone.** Deer often run together. If one deer is near or crossing the road, expect that others will follow.
- **Danger from dusk to dawn.** Be extra attentive at dawn and after sunset. About 20 percent of these crashes occur in early morning, while more than half occur between 5 p.m. and midnight.
- **Safety begins behind the wheel.** Always wear safety belts and drive at safe, sensible speeds for road conditions.