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## Pothitakis named to Super Lawyers and Best Lawyers



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#### OFFICE HOURS

Monday-Friday  
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#### NATIONALLY RECOGNIZED WORKERS' COMPENSATION AND PERSONAL INJURY ATTORNEY

- 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—2014, 2015, and 2016 Listing
- Super Lawyers—2013, 2014, 2015
- 2013, 2014, 2015 National Trial Lawyers—Top 100 Trial Lawyers
- Member, American and Iowa Associations for Justice

### SUPER LAWYERS.....

On July 7, 2016, Mr. Pothitakis was notified of his selection to the **2016 Great Plains Super Lawyers** list. Super Lawyers, part of Thomson Reuters, is a rating service of outstanding lawyers from more than 70 practice areas who have obtained a high degree of peer recognition for 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 review by practice area. The Super Lawyers lists are published nationwide in Super Lawyers magazines and in leading city regional magazines and newspapers across the country.

### BEST LAWYERS.....

On August 15, 2016, **Nicholas Pothitakis** was named to **Best Lawyers in America** in the practice area of Workers' Compensation Law—Claimants. The list for Best Lawyers is compiled based upon an exhaustive peer-review evaluation. Over 83,000 leading attorneys globally are eligible to vote, and Best Lawyers has received over 13 million votes to date on the legal abilities of other lawyers based upon their specific practice areas around the world. For the 2017 edition of Best Lawyers in America, 7.3 million votes were analyzed. Mr. Pothitakis has been named to the list for his expertise in assisting injured workers for the fifth year in a row.

Mr. Pothitakis is excited about his inclusion in both Best Lawyers in America and Super Lawyers, noting, "Our firm has focused for the past 15 years on representing people injured in work-related accidents as well as auto accidents. Our focus has allowed us to become experts in the field, which helps us to obtain success for our clients."

## When does trolling on the Internet turn into social media defamation?

Trolls! Read the comment section of your favorite online publications or your social media feed and you'll see a ton of off-color, downright nasty comments that are intended to ruffle feathers and hurt feelings. If you are easily offended, you might as well stop reading inflammatory comments written by people hiding behind a user name, because there isn't a thing you can do about it—unless a comment or post is made about a specific individual or business, and is defamatory.



When a person makes a comment about a person or business that is harmful and false, it is considered to be defamatory. If someone, for example, goes to a restaurant and has a lousy experience and writes a public review, it is perfectly legal. If they write a bad review but didn't have a bad experience, or exaggerate a bad experience to make it sound horrendous, that is defamation.

But what about someone who says something personal about you? If someone comments on Facebook that they always thought you were mean, it is their opinion and is not illegal. If they say that you cheat on your spouse and steal from your employer, as long as those things aren't true, it is illegal. Statements like that can split up families and ruin businesses.

***A good rule of thumb is if you wouldn't say it in real life, don't say it online.***

## Car-seat safety

It seems like there is always a car seat that is being recalled for safety reasons, but car seats are coming under fire for a completely different reason: Flame-retardant chemicals in the seats are toxic.

Reports by the Ecology Center, in Michigan, say that substances such as bromine, chlorine, and chlorinated tris, used to meet flammability requirements, can cause serious health problems. In fact, the latter has been banned in the manufacture of children's pajamas because it is a carcinogen.

According to a media release, fifteen 2014-model car seats were tested for specific flame-retardant chemicals. The seats were also tested for bromine (associated with brominated flame retardants), chlorine (indicating the presence of chlorinated flame retardants when detected in a certain range of concentration), lead, and other heavy metals. These substances have been linked to thyroid problems, learning and memory impairment, decreased fertility, behavioral changes, and cancer. Heat and UV-ray exposure in cars can accelerate the release of these chemicals from products into the vehicle environment.

"Car seats save lives. It's absolutely essential that parents put their children in them while driving, regardless of the rating a particular seat received at HealthyStuff.org," said Jeff Gearhart, the Ecology Center's research director. "However, our research shows that some car seats contain more harmful chemicals than others." The best-rated companies in the study included Britax and Clek.



***Substances used in the manufacture of car seats have been linked to thyroid problems, learning and memory impairment, decreased fertility, behavioral changes, and cancer.***



## Hunting accidents

Hunting is a much-loved pastime in this country, but it presents a lot of opportunity for injury. Luckily, most hunters are particularly diligent about their gear and about safety. Nonetheless, according to the International Hunter Education Association (IHEA), every year hundreds of accidents occur.

### Product liability

When you purchase a gun and ammunition, you depend on the manufacturer to provide a product that is in perfect operating order. If a gun or crossbow misfires, it can take a limb or a life. Likewise, defective tree stands have caused serious injury and death. Whether it is a production error or a design flaw, if you are injured—or a loved one killed—because of a manufacturing or design defect, you have a right to be compensated for losses related to the error.

### Premises liability

If you are hunting with permission, whether for free or on lease, on private or public grounds and are injured due to poorly maintained property, trails, or buildings, you can recover for injuries caused by negligence on the part of the property owner/manager.

### Hunter negligence

In order to recover damages from an accident or wrongful death caused by a hunter, one must prove that he or she was negligent. This could mean that they were unlicensed, not following legal restrictions, or that the hunter failed to safely use their firearm, or to act in a reasonable and safe manner. These accidents are typically covered by the other hunter's homeowner's policy. If you are a hunter, you should make a call to your insurance agent and make sure you are covered in case of an accident.

## HUNTER SAFETY TIPS *from IHEA*

1. Treat every gun as if it were loaded.
2. Be in control of your muzzle at all times; don't pull a gun toward you by the muzzle.
3. Keep the barrel and action free of obstructions.
4. Verify your target before pulling the trigger.
5. Disarm guns and store securely with safety engaged when not in use.
6. Never point guns at items that you don't intend to shoot.
7. Never climb or jump with a loaded gun.
8. Don't shoot at hard, flat surfaces or water.
9. Stow guns and ammunition away from children and unsafe adults.
10. Don't drink alcohol before or during shooting activities.

Source: IHEA

## Divorce and retirement

There are so many emotions when separating your personal and financial affairs that it's easy to forget about the future. Figuring out who gets what now is important, but knowing whether you are entitled to share in a retirement plan that you and a spouse developed while married is equally important.

If you live in a state that has community property laws, you will be entitled to half of the money saved in an employer-sponsored pension or defined contribution plan, or personal retirement plan, during your marriage. If you live in an equitable distribution state, a judge will take into consideration the length of marriage, a spouse's ability to earn in the future, and each spouse's contribution to the fund (in the case of personal retirement accounts). Whether or not a judge counts contributions to a retirement account made before the marriage also depends on state laws, but most do not.

In any case, if you are entitled to a portion of your spouse's pension or defined contribution plan, those funds may be collected through a qualified domestic relations order (QDRO). Personal plans, such as an individual retirement account, are considered marital property but do not require a QDRO to split.

The division of retirement assets is complicated and can have serious tax consequences. Please speak with a divorce attorney to ensure that assets are divided correctly and fairly.

## Fall driving hazards

Winter isn't the only season that throws tricky driving conditions our way; fall also offers up its own seasonal road hazards. Cooler weather, falling leaves, and deer dashing onto the road can cause deadly fall accidents.

**Cold weather:** Just because it isn't winter doesn't mean temperatures can't dip to freezing, especially after the sun sets. Drivers should be cautious of black ice and bridges, which ice before roads.

**Leaves:** Leaves are slippery when wet and present a skid hazard to drivers and motorcyclists. Leaves can also mask other dangers, such as potholes.

**Deer:** According to the National Highway Traffic Safety Administration, deer cause approximately one million vehicle accidents, 200 fatalities, and over 10,000 personal injuries each year. Deer-related car accidents peak in the fall because animals move closer to roads in search of food and a mate.

Have a safe fall, and call our office immediately if you or a loved one is injured in a car accident.

## Recent success for Pothitakis Law Firm

The claimant, H.S., sustained an injury while performing work for a large national retailer. H.S. sustained an injury to his left knee and underwent multiple surgeries. The initial fight was whether a knee replacement that was recommended would be authorized.

**Pothitakis Law Firm** was successful in obtaining authorization by the insurance company for the knee replacement. While recovering from the multiple knee surgeries, H.S. began having back problems. He had been limping on his bad knee for a couple of years when his back pain became excruciating. The insurance company took the position that the back pain had nothing to do with the left knee injury and that benefits would not be provided for the low-back condition. Pothitakis Law Firm investigated the matter further and talked to H.S.'s doctors about the relationship between his left knee injury and his low back. Pothitakis Law Firm was able to obtain opinions from his doctors that his altered gait (limping) resulted in his low-back pain. Pothitakis Law Firm was also able to obtain an opinion from the doctors that the claimant's low-back pain would now be permanent because of the length of time he had limped on his left leg.

The importance of including the low-back condition in the claim is based upon the complexities of the workers' compensation system and limitations as it relates to leg injuries. Under Iowa Workers' Compensation laws, one of the benefits that an injured employee is able to receive is permanent partial disability benefits. If the injury is to a hand, arm, foot, or leg, the amount that a person receives is based upon the loss of use of that body part. This is typically calculated based upon an *(continued below)*

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.

**POTHITAKIS LAW FIRM P.C.**  
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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.*

## Recent success for Pothitakis Law Firm *(continued from top)*

impairment rating from the AMA Guides to the Evaluation of Permanent Impairment, 5th Edition. This calculation results in a very limited amount of money and has no relationship to how the injury affects the person's ability to work.

If the permanent injury is beyond the hand, arm, foot, or leg, the calculation of benefits is then based on how the injury affects the person's ability to earn a living. For H.S., it was imperative to connect his back condition to his leg injury, as he was significantly limited in terms of returning to his prior employment because of both his leg and back condition. If the injury had been limited to the claimant's leg, he would be entitled to approximately \$35,000 in total for his permanency benefits. Based upon the work of the Pothitakis Law Firm, we were able to obtain medical evidence supporting an injury beyond the leg, resulting in benefits in excess of \$200,000.

When analyzing a workers' compensation case, it is very important for a law firm to explore all possible avenues to enhance the value of a claim. If one simply had concluded this were a leg injury, the recovery for the claimant would have been minimal.

## New hire for Pothitakis Law Firm

**Deb Smutzer** recently joined the staff of **Pothitakis Law Firm** in the summer of 2016. Burlington is her hometown and she brings 20+ years of insurance, banking, and factory experience to the job.

