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2017 Super Lawyers List



For the fifth year in a row, Nicholas (Niko) Pothitakis of the Pothitakis Law Firm P.C. has been selected to the Iowa Super Lawyers list. Mr. Pothitakis was named to the list for 2017 in the field of Iowa Workers' Compensation Attorneys.

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.

Mr. Pothitakis and his firm have been working hard over the last 25 years to help people with their work-related injuries and Iowa workers' compensation claims. His firm has offices in Burlington and Keokuk, but handles cases in all corners of the state.

Mr. Pothitakis was happy about his selection to this exclusive list. Niko stated, "Our law office fights every day for the rights of injured workers. It is an honor to be picked as one of the top lawyers in the state of Iowa for workers' compensation cases."

Could Your Fitbit Be a Witness?

Fitness trackers, like the Fitbit, can keep a record of your heartbeat and activity level while worn. For those who want to track their steps, sleep, and activity level, these devices offer a convenient way to do so. Should the need arise, the information might also help support your testimony in the legal arena, but collected data could also be used against you.

For example, a Canadian law firm used information collected from a Fitbit to help prove an injury claim by showing a sudden decrease in the client's level of activity after an accident. While someone's level of activity is debatable,

the claimant was a fitness instructor; it would be unlikely she was inactive before the accident.

On the flip side, a Fitbit or similar monitoring device can be used against you. A Florida woman was wearing a Fitbit when she claimed to be asleep, awakened, and sexually assaulted. Police found her Fitbit at the scene, received permission to access the account, and discovered that the woman was awake and walking around when she claimed to be asleep.

Technology is constantly changing, and it is always interesting to see how it finds its way into the legal arena.

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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

HEADS UP

Concussions and Student Athletes



More than 38 million boys and girls, ages 5–18, participate in organized sports across the country. Playing a sport is a fun way to socialize and reinforce values such as teamwork and perseverance, but it also means potential injuries.

Concussions are one of the most commonly reported injuries in children and adolescents who participate in sports and recreational activities. It is caused by a blow to the head or body that causes the brain to slam against the interior of the skull. Even seemingly mild bumps to the head can cause a concussion.

When schools and athletic associations don't have or follow concussion-management plans, players can sustain life-altering injuries. In 2014, a former Illinois high school football player filed a class-action lawsuit against the Illinois High School Association, claiming that he suffers serious memory loss and migraines due to the many concussions he incurred as a high school football player. The suit, though later dropped, sought to reform policy and did not seek damages.

To help raise awareness of concussions and proper concussion protocol, the CDC has developed the Heads Up: Concussion in Youth Sports campaign. It includes practical, easy-to-use information for coaches, sports administrators, athletes, and parents. For more information, visit cdc.gov/ConcussionInYouthSports.

Signs of a Concussion Include:

- One pupil larger than the other.
- Drowsiness or inability to wake up.
- A headache that gets worse and does not go away.
- Slurred speech, weakness, numbness, or decreased coordination.
- Repeated vomiting, nausea, convulsions, or seizures (shaking or twitching).
- Unusual behavior, increased confusion, restlessness, or agitation.
- Loss of consciousness (passed out/knocked out).

Source: CDC Newsroom

JUMP! Trampoline and Jump Park Injuries on the RISE



If you're a kid (or a kid at heart), the idea of wall-to-wall trampolines is a dream come true. Trampoline and jump parks are popping up all over the country, providing entertainment and exercise. Corresponding with the increased number of jump facilities, the number of injuries is also on the rise. According to a recent CNN report, almost 100,000 people visit emergency rooms each year with trampoline-related injuries. Most injuries still occur at home, but between 2010 and 2014, injuries at trampoline parks rose from 581 to 6,932.

Before you can jump, you must sign a waiver that releases the facility and its employees from liability for injury. But are you signing away all your rights? The short answer is that it depends.

While a liability release is still valid, the court will want to know how you were injured. Did you twist your ankle while jumping? If the answer is yes, a judge will likely rule that you assumed responsibility for the dangers of jumping when you signed the waiver to participate. On the other hand, if you sustained an injury when a trampoline broke or because the staff wasn't properly managing jumping areas (if there were too many people bouncing or aggressive bouncers, for example), a judge may say that the facility owners/managers—or the trampoline manufacturer—were negligent. In this case, a claimant may still be able to recover for their injuries.



Keep Your Kids Safe on the Road

According to the National Highway Traffic Safety Administration (NHTSA), a child under 13 is involved in a car crash every 33 seconds. These crashes are a leading cause of death for children in the United States. To raise awareness, the NHTSA sponsors Child Passenger Safety Week each year during a week in September, culminating with Seat Check Saturday.

Here are guidelines for choosing a seat that fits your child:

Rear-facing car seat, birth–approximately 3 years

Keep your child rear-facing as long as possible. Your child should remain in a rear-facing car seat until he or she reaches the top height or weight limit allowed by your car seat's

manufacturer. Once your child outgrows the rear-facing car seat, they are ready to travel in a forward-facing car seat with a harness and tether.

Forward-facing car seat, approximately 4–7 years

Keep your child in a forward-facing car seat with a harness and tether until he or she reaches the top height or weight limit allowed by your car seat's manufacturer. Once your child outgrows the forward-facing car seat with a harness, it's time to travel in a booster seat, but still in the back seat.



Booster seat, approximately 8–12 years

Keep your child in a booster seat until he or she is big enough to fit in a seatbelt properly. For a seatbelt to fit properly, the lap belt must be positioned snugly across the upper thighs, not the stomach. The shoulder

belt should fit snugly across the shoulder and chest and not cross the neck or face. Remember, your child should still ride in the back seat because it's safer there.

Seat belt, 8–12 years

When your child is ready to use a seatbelt without a booster, be sure that the belt fits properly. The lap belt should fit snugly across the upper thighs, and the shoulder belt should fit snugly across the shoulder and chest. The back seat is the safest spot for kids to ride.

Source: safercar.gov

Commuter Rail Accidents

Recent commuter rail accidents in New Jersey and Brooklyn, which caused hundreds of injuries and killed three, were caused by human error. This leaves commuters wondering what happens to them if they are injured in a train wreck. Who pays for medical expenses and other losses?

Those injured in a train accident can recover for their injuries. There is a \$200 million cap per commuter-train accident on the liability of railroads, authorities, operators, and carriers. While this seems like an ample amount of money, in a catastrophic accident with dozens of severe injuries and deaths, this cap can, and has been, exceeded. This means that some of the injured, and family members of those killed, were not fully compensated for their losses.

Railroad employees who are injured are typically covered by the Federal Employers Liability Act, which does not have a liability cap.

CONSTRUCTION ZONE *Roadway Safety Signage and Protocol*

Construction zones may not be open to public traffic but still require roadways and safety rules to control the flow of traffic and create a safe environment for workers. Like public roads, construction sites must have roadways with safety rules and signage. When they don't, injuries—and deaths—can occur. The National Institute for Occupational Safety and Health reported an average of 669 deaths in construction zones each year between 2007 and 2012, 69 percent from construction vehicles striking workers.

According to safety standards developed by the Occupational Safety and Health Administration, when establishing a construction zone, companies are responsible for ensuring the safety of workers by providing:

- **Traffic control:** Traffic patterns should be established by construction project managers and should be communicated with approved signs, cones, barrels, and barriers. Drivers and pedestrians must be able to see and understand the proper routes.
- **Work-zone protections:** Various concrete, water, sand, and collapsible barriers; crash cushions; and truck-mounted attenuators should be used to keep outside traffic away from construction work zones.
- **Lights:** Lighting for workers on foot and for equipment operators should be at least 5 foot-candles or greater (foot-candles are a measure of light intensity). Where available lighting is not sufficient, flares or chemical lighting should be used. Glare should be controlled or eliminated.
- **Safe vehicles:** Seatbelts and rollover protection should be used on equipment and vehicles as the manufacturer recommends.

Source: osha.gov

Pothitakis Law Firm Presents on Behalf of the Iowa Federation of Labor (AFL-CIO) on Iowa Workers' Compensation Laws

Niko Pothitakis was asked to participate and present at a program that was held on August 19, 2017, at the Keokuk, Iowa, Labor Temple. Approximately 20 union members from across the state, as far as Council Bluffs and as close as Keokuk, attended the seminar to obtain education as it relates to Iowa workers' compensation claims.

Matthew Glasson from the University of Iowa Labor Center helped to organize the one-day event. Mr. Glasson regularly presents these programs for the benefit of union members across the state of Iowa. He invited Mr. Pothitakis to assist in the program and to provide information and education to the members concerning Iowa workers' compensation claims. Mr. Pothitakis spoke on ways that employees can maximize their Iowa workers' compensation claims and also on things to avoid to prevent the denial of their workers' compensation claims.



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.

Upper-Extremity Injuries Result in Significant Award

In 2016, Pothitakis Law Firm was hired by H.J. to represent him with a claim against a manufacturing company as it related to his right upper extremity. The complaint was based upon repetitive activities undertaken by H.J. at his place of employment over the course of several years.

Ultimately, H.J. underwent surgery on his wrists, elbow, and shoulder. Fortunately, he was able to return to work without restrictions. In fact, his pay had increased at the time of the hearing compared to at the time of his injury. Pothitakis Law Firm made a significant demand for medical expenses as well as benefits for H.J.'s time off work and permanency benefits. The defendants took the position that the condition was not caused by work and that H.J. should not be entitled to any benefits.

After the hearing, a decision was entered by the judge awarding H.J. approximately \$150,000, which included medical benefits. Having been denied benefits from the start, H.J. and Pothitakis Law Firm are extremely satisfied with the result.

This case illustrates the fact that some injuries occur gradually over time. Those injuries are compensable just as injuries that are considered traumatic or which happen from one work incident.