



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

Welcome Sarah!

On May 1, 2015, **Pothitakis Law Firm** was excited to welcome **Sarah Palmer** to the practice. Sarah is a paralegal who will assist in a number of areas of the law firm's practice, including client contact and assistance.

Sarah is a lifelong resident of Burlington, Iowa, and has worked in the legal field since 2005. Sarah currently resides in the Burlington area with her husband Michael and children Kylie and Dylan.

Sarah looks forward to working with the clients of Pothitakis Law Firm, providing them with information they need and making sure that Pothitakis Law Firm furthers their cases in a prompt and successful fashion.



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RECENT SUCCESS FOR POTHITAKIS LAW FIRM

V.S. contacted **Pothitakis Law Firm** with respect to a workers' compensation injury that occurred in December of 2012. At that time, she slipped on ice in a parking lot and fell to the ground. She sustained an injury to her neck and shoulder, and ultimately underwent surgery on both her cervical spine and her right shoulder.

Despite the surgical interventions, V.S. continued to have pain and discomfort in her cervical spine and shoulder. Further, she continued to suffer from headaches. The defendants contended that the claimant's ongoing complaints were not related to the work injury and that she was able to return to work.

Pothitakis Law Firm assisted V.S. by sending her for an independent medical examination (IME) as well as having her evaluated by a vocational expert. The IME physician set forth his opinion that her ongoing complaints and limitations were related to the slip and fall on ice and that V.S. was significantly limited in terms of her ability to do certain jobs in the future.

The vocational expert hired by Pothitakis Law Firm evaluated V.S. with respect to how the injury affected her ability to work other jobs in her area. The vocational expert ultimately concluded that she would have a very difficult time finding regular work given her pain, discomfort, and limitations. The parties proceeded to a mediation in the hopes of resolving the case. Unfortunately, at mediation the parties were \$350,000 apart in their negotiations. The employer and workers' compensation insurance carrier felt that the

claimant could return to work and earn a substantial and significant income, despite the opinions of the vocational expert and the IME physician.

Another sticking point at mediation was that V.S. was unwilling to give up her right to future medical care. Having failed at mediation, Pothitakis Law Firm diligently began preparation for the hearing on the case, which was to take place within a couple of weeks.

Shortly before the hearing, the workers' compensation insurance carrier, through its attorney, contacted Pothitakis Law Firm and indicated they wanted to have additional discussions concerning settlement. Over the course of a couple of days, emails and phone calls resulted in a successful settlement of the case for a significant sum. As part of the settlement, Pothitakis Law Firm was able to secure an agreement from the workers' compensation insurance carrier that the insurance carrier would continue paying medical expenses related to the injury.

Under Iowa workers' compensation laws, there are various ways to settle a case. The case can be settled with medical care open or medical care closed. The case can be settled with benefits being paid weekly, or with a lump-sum payment. Pothitakis Law Firm evaluates all options in terms of settling a case or going to hearing to ensure that the maximum recovery can be obtained and that the maximum protection for an injured employee's future medical issues is obtained.

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

Amusement park injuries

Last year, a branch was knocked onto the path of a speeding roller coaster, derailing the car and leaving the passengers stranded for hours. In 2013, a woman was thrown to her death from a high-speed coaster. These stories of fast coasters and tragedy are headline grabbing and, fortunately, rare.

But amusement park injuries are actually quite common. Only a fraction of cases involve serious trauma and wrongful death from attractions. Most

ride injuries are less severe head, neck, and back injuries. While it isn't newsworthy, most injuries that occur at parks are cases of lacerations, broken bones, or fractures caused by slip-and-fall accidents.

If you or a family member suffered an injury at an amusement park, you may be able to collect compensation for related expenses.



Here is what an attorney will take into consideration when reviewing an amusement park accident:

Negligence: Did the park or ride operator demonstrate a lack of reasonable care that contributed to or caused an injury? Was the ride operator properly trained?

Product liability: Was an attraction inherently dangerous? This means that proper maintenance and inspection still would not have ensured safety. It is expensive and difficult to prove that a manufacturer could have used a safer design for a ride.

Premises liability: Did the owner take reasonable care of the construction, management, and maintenance of the facility and grounds?

Assumption of risk: Is the rider participating in an act that has inherent risks?

Rider noncompliance with rules: Did a rider ignore posted rules and warnings such as height, weight, and health restrictions?

What is lost earning capacity?

Lost earning capacity is one of the key components used to determine the current and future income that has and will be lost due to an injury. Past lost income is fairly easy to calculate, since paycheck stubs and tax returns can demonstrate exactly how much money one was earning at the time of an accident. Determining how much an accident will affect someone's capacity to earn in the future is just as important but a whole lot trickier.



Proving what lost earning capacity is involves a combination of financial documentation and expert testimony.

If, for example, a police officer is in an accident that is the fault of another and cannot perform his or her job, or a comparable job, now or in the future, it would be reasonable for such a person to recover the earnings that they were on track to receive but lost as a result of the accident.

Proving what that loss is involves a combination of financial documentation and expert testimony. It will hinge on a combination of medical records, financial and employment documentation, and the testimony of expert witnesses who can speak about the limitations and employability of the injured party.

A qualified attorney is essential to secure the right documentation and expert witnesses for such a case.

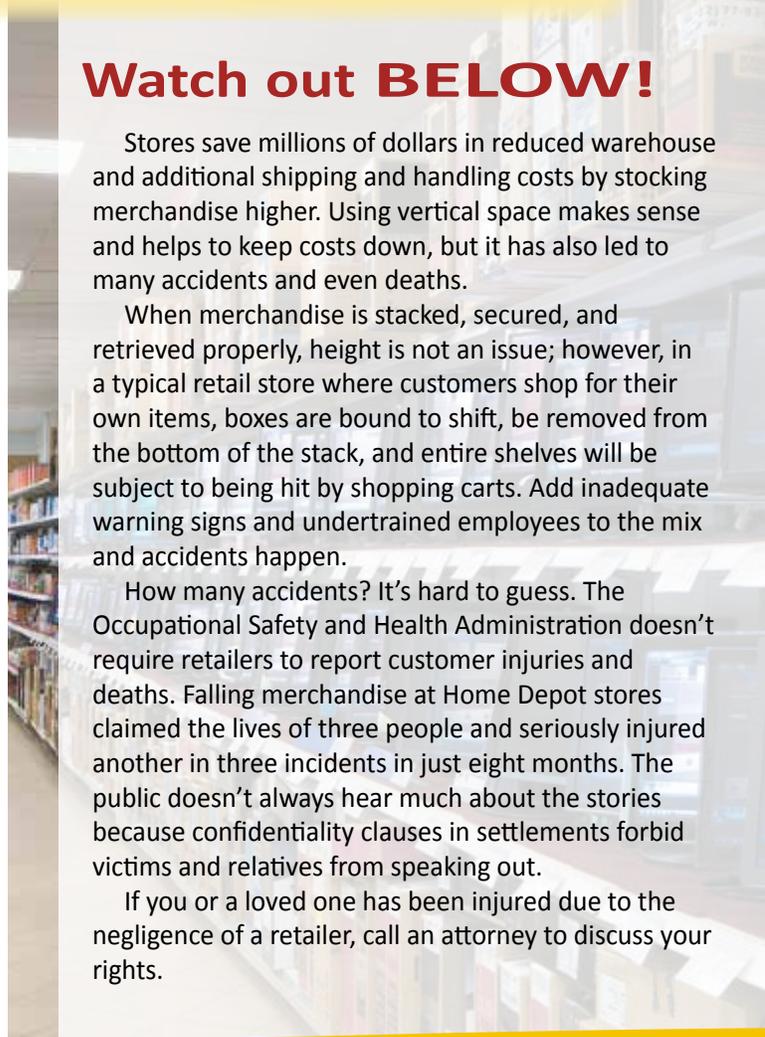
Watch out BELOW!

Stores save millions of dollars in reduced warehouse and additional shipping and handling costs by stocking merchandise higher. Using vertical space makes sense and helps to keep costs down, but it has also led to many accidents and even deaths.

When merchandise is stacked, secured, and retrieved properly, height is not an issue; however, in a typical retail store where customers shop for their own items, boxes are bound to shift, be removed from the bottom of the stack, and entire shelves will be subject to being hit by shopping carts. Add inadequate warning signs and undertrained employees to the mix and accidents happen.

How many accidents? It's hard to guess. The Occupational Safety and Health Administration doesn't require retailers to report customer injuries and deaths. Falling merchandise at Home Depot stores claimed the lives of three people and seriously injured another in three incidents in just eight months. The public doesn't always hear much about the stories because confidentiality clauses in settlements forbid victims and relatives from speaking out.

If you or a loved one has been injured due to the negligence of a retailer, call an attorney to discuss your rights.





Left, right, left!

Crosswalks and kids

Crossing the street as an adult and as a child is a different experience. Children can't accurately judge speed and distance, making crossing the street at a busy intersection—even one with a crosswalk—particularly dangerous. The National Highway Traffic Safety Administration estimates that more than 22 percent of children between five and nine years of age who were killed in traffic crashes were pedestrians.

Summer is the time when kids are more frequently playing outside, near roads. Please take some extra time to teach your kids how to safely walk on sidewalks and cross streets, and watch out for kids at play as you drive.

Tips from Safekids.org:

- Talk to your kids about how to be safe while walking. It's always best to walk on sidewalks or paths and cross at street corners using traffic signals and crosswalks.
- Teach kids at an early age to put down their devices and then look left, right, and left again when crossing the street.
- Children under 10 should cross the street with an adult. Every child is different, but developmentally, it can be hard for kids to judge speed and distance of cars until age 10.
- Remind kids to make eye contact with drivers before crossing the street and to watch out for cars that are turning or backing up.
- When driving, be especially alert in residential neighborhoods and school zones, and be on the lookout for bikers, walkers, or runners who may be distracted or may step into the street unexpectedly.

Protect a loved one from nursing home abuse

Elder abuse comes in many forms and, regardless of reputation, can happen in any nursing or assisted-living facility. According to the National Center on Elder Abuse, "Elder abuse is a term referring to any knowing, intentional, or negligent act by a caregiver, or any other person, that causes harm or a serious risk of harm to a vulnerable adult." Medical negligence would include falls, chronic bedsores, and medication errors.

Elder abuse can be physical, emotional, or sexual and includes exploitation, neglect, and abandonment. Abuse can come from family members, professionals, or complete strangers who seek out vulnerable targets to exploit. It is not clear how widespread elder abuse is because many seniors don't report abuse.

When a parent is in a nursing home, it can be easy to assume a change in behavior, hygiene, or weight—or even an occasional fall—is to be expected. But these are also characteristics of abuse and routine negligence.



Signs of elder abuse and nursing home negligence:

- ➔ Physical signs such as bruises, broken bones, abrasions, or burns could be caused by physical abuse or neglect.
- ➔ Bruising around the breasts or genitals could indicate sexual abuse.
- ➔ Bedsores, unmet medical and hygiene needs, failure to take medicine regularly, infections, dehydration, and weight loss may result from neglectful or negligent care.
- ➔ A sudden change in financial situation, including changes in legal documents and large gifts, could be a result of exploitation. Likewise, suddenly misplacing jewelry, watches, and electronics may be indications of theft.
- ➔ Withdrawal from normal activities, changes in behavior or alertness, depression, and strained caregiver relations can be a result of emotional abuse.

Call our office to speak with an attorney immediately if you suspect that a loved one is being abused or neglected in a nursing home.



New member of the Iowa Association for Justice Board of Governors

Nicholas G. Pothitakis was recently elected to the Iowa Association for Justice Board of Governors. He was elected for his district, which is 8B. The Iowa Association for Justice is a group of lawyers across the state of Iowa whose objective is to promote the administration of justice for the public good; to uphold the honor and dignity of the profession of law; and especially, to advance the cause of those who are damaged in person or property and who must seek redress therefore.

Mr. Pothitakis was nominated and elected to the position. The group holds meetings in Des Moines on a regular basis to further these objectives. Mr. Pothitakis's term runs for one year.



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 Pothitakis Law Firm P.C. sponsors the local U-12 Boys Soccer team.

The team has had a successful year that wraps up this summer.

