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

Season's Greetings

May you and those you love experience a wonderful holiday season. We hope that peace, happiness, and good health come to you and yours throughout the coming year.

Pothitakis Law Firm P.C.

Recent success for Pothitakis Law Firm

Pothitakis Law Firm represents L.R., a gentleman who sustained an injury in 2009 while working for a national building supply chain. L.R. sustained an injury to his leg. The defendant workers' compensation insurance carrier and defendant employer argued that the injury was only to the leg and did not extend beyond the leg.

L.R.'s doctors indicated that the injury was beyond the leg and included complex regional pain syndrome (CRPS). CRPS is a condition that results in excruciating pain and discomfort that emanates from the nervous system. Whether the injury was just to the leg or included CRPS was extremely important in determining the value of the award. If the injury was solely to the leg, L.R. would be entitled to benefits based upon the loss of use of the leg or the impairment rating associated with the leg. For example, if L.R. had a 10 percent impairment to his leg, he would be entitled to 10 percent of 220 weeks (the legislature's placed value on the entire leg) or 22 weeks of workers' compensation benefits. In this example and in L.R.'s case, it would amount to approximately \$10,000. If the injury were beyond the leg and included the body as a whole as a result of the CRPS, L.R. would be entitled to benefits based upon how the injury affected L.R.'s ability to work.

As a result of the injury, L.R. had limitations that affected the length of time he could stand and walk. Further, he had some limitations in terms of lifting. Despite these limitations, L.R. was able to maintain his employment based upon accommodations or

modifications to his job made by the employer. At hearing, Pothitakis Law Firm argued that L.R. was 100 percent disabled and that the only reason he was able to work anywhere was because the employer made some significant changes to a regular job to keep him working. The defendants contended that L.R. had a limited loss, as he was still working and making a significant salary despite his work-related injury.

At hearing, the Deputy Workers' Compensation Commissioner found in favor of L.R. The Deputy found that L.R. had sustained an injury beyond his leg and to his body as a whole. Further, the Deputy found that L.R. had sustained a 100 percent loss of his ability to earn money despite the fact that he was still working. This resulted in L.R. being awarded permanent total disability. The award entitles L.R. to lifetime weekly benefits.

Based upon L.R.'s age of 49 years old, L.R. has a life expectancy of almost 32 years. The value of the award on a present value basis to L.R. is approximately \$600,000.

Pothitakis Law Firm anticipates an appeal and will vigorously defend the case as far as necessary so that L.R. can receive his award. This case illustrates that injuries to extremities are not always minor injuries and not always limited to small amounts of compensation. It is important to always have claims evaluated by competent Iowa workers' compensation attorneys, as there are complexities of the law that result in significant awards to injured workers.

Pothitakis Law Firm P.C.

1603 Main Street
Keokuk, IA 52632
319-524-7500

320 North Third Street
Suite 100
P.O. Box 337
Burlington, IA 52601
319-754-6400

Toll-Free: 1-866-PLF-IOWA
FAX: 319-754-7211

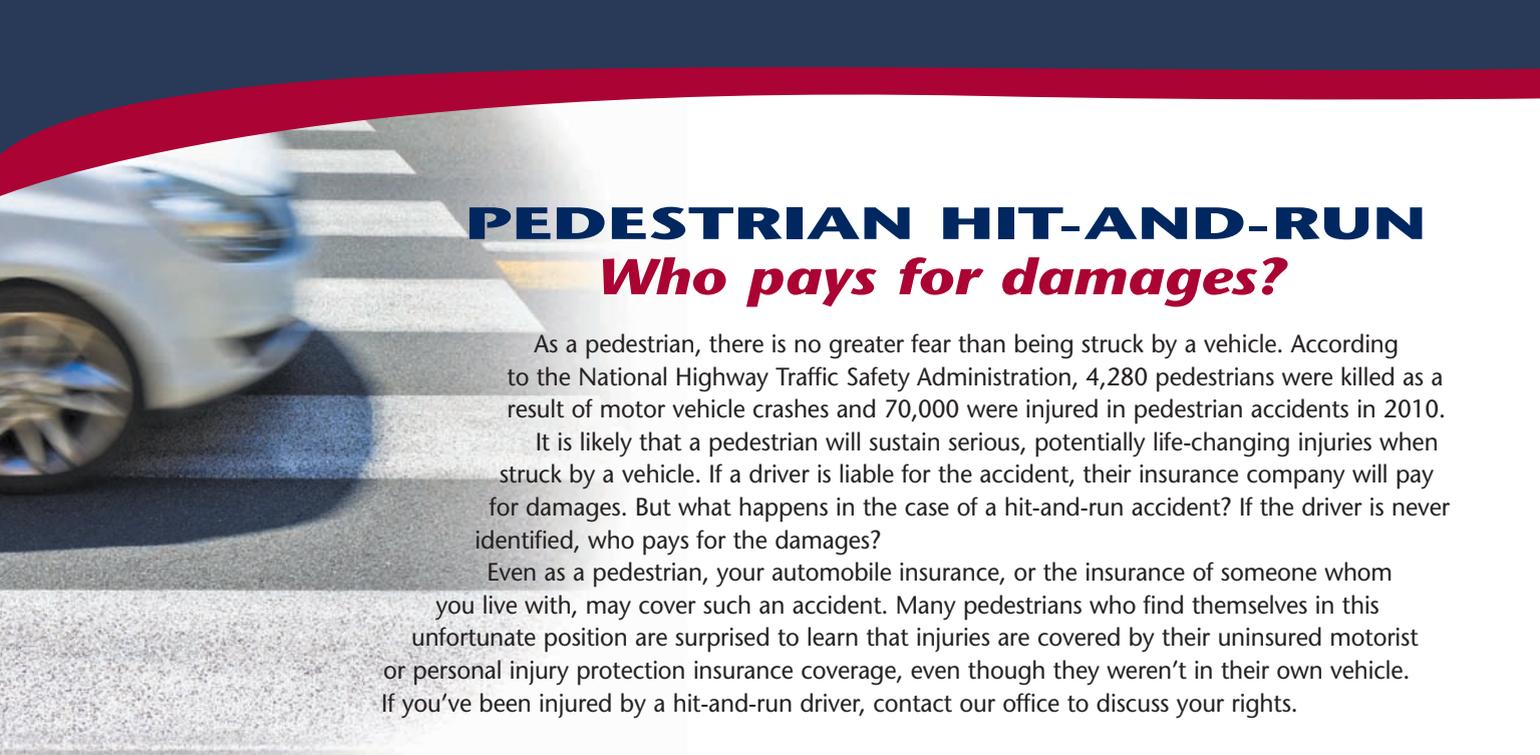
E-mail:
niko@pothitakislaw.com
Website:
www.pothitakislaw.com

OFFICE HOURS
Monday-Friday
8:30 a.m.-5:00 p.m.

PRACTICE IS PRIMARILY PERSONAL INJURY AND WORKERS' COMPENSATION

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

We take pride in the quality of our legal work.



PEDESTRIAN HIT-AND-RUN

Who pays for damages?

As a pedestrian, there is no greater fear than being struck by a vehicle. According to the National Highway Traffic Safety Administration, 4,280 pedestrians were killed as a result of motor vehicle crashes and 70,000 were injured in pedestrian accidents in 2010.

It is likely that a pedestrian will sustain serious, potentially life-changing injuries when struck by a vehicle. If a driver is liable for the accident, their insurance company will pay for damages. But what happens in the case of a hit-and-run accident? If the driver is never identified, who pays for the damages?

Even as a pedestrian, your automobile insurance, or the insurance of someone whom you live with, may cover such an accident. Many pedestrians who find themselves in this unfortunate position are surprised to learn that injuries are covered by their uninsured motorist or personal injury protection insurance coverage, even though they weren't in their own vehicle. If you've been injured by a hit-and-run driver, contact our office to discuss your rights.

DAMAGES DEFINED

You hear the word "damages" all the time with regard to personal injury law, but what exactly does it mean? To someone who's been hurt, damages are medical injury, loss of wages, medical bills, and damage to property. In the legal arena, damages refers to the monetary compensation for those things.

Compensatory

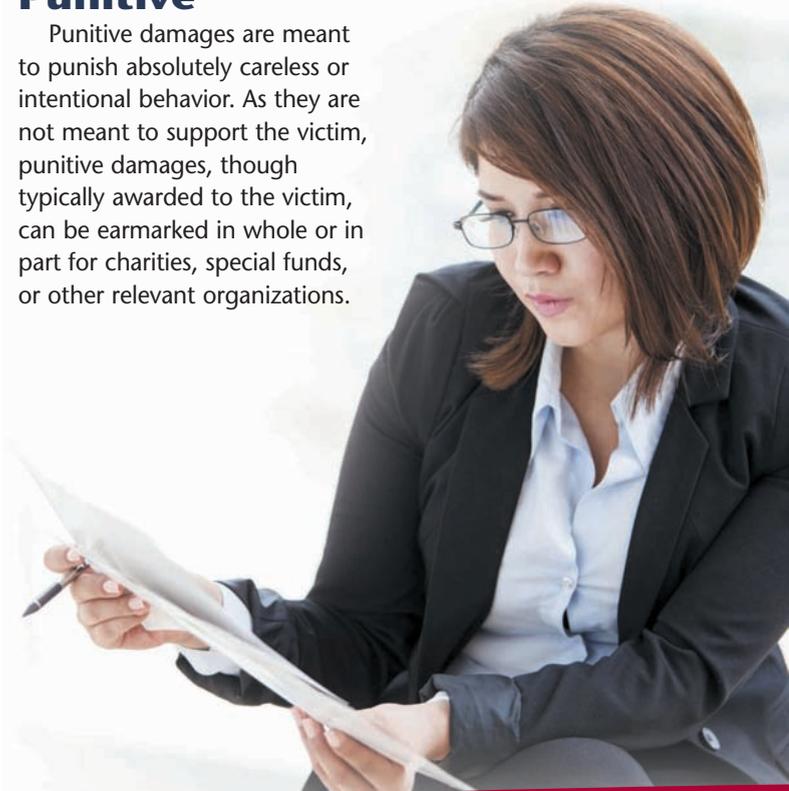
Compensatory damages are meant to, as the name suggests, compensate an injured party for their current and future losses caused by an accident or incident. The purpose is to return someone to as close to their before-accident condition as possible. Some compensatory damages are easy to calculate (medical bills), others are more challenging (loss of capacity to earn money in the future), while others are very difficult to translate into a monetary value (mental pain, loss of enjoyment).

Compensatory damages include:

- Property loss.
- Lost wages.
- Medical bills.
- Loss of income and loss of capacity to earn income.
- Bodily injury and/or disfigurement.
- Physical and mental pain.
- Loss of enjoyment.
- Loss of consortium (when a relationship is damaged by an accident).

Punitive

Punitive damages are meant to punish absolutely careless or intentional behavior. As they are not meant to support the victim, punitive damages, though typically awarded to the victim, can be earmarked in whole or in part for charities, special funds, or other relevant organizations.





SLIP AND FALL...proving fault

We've all tripped, stumbled, and fallen at some point. Luckily, in most cases we simply get up with nothing more than an embarrassing story to tell. But slip-and-fall accidents can cause much more than bruised egos; they also cause broken bones, torn ligaments, herniated discs, and spinal cord injuries that can require a significant amount of treatment and therapy. More serious injuries often result in lost wages. With every slip-and-fall case comes the question of who was at fault. *Was it the carelessness of the property owner, or the person who fell?*

In order to prove fault in a slip-and-fall accident, a victim must show that:

- The owner or employee caused the condition or hazard that resulted in the slip.
- The owner or employee was aware of the condition and did nothing.
- The owner or employee should have been aware of a hazard or condition through reasonable property management and repaired or removed it.

The first two scenarios are pretty cut and dried, but determining what is reasonable and what the owner or employee should have known in the third case can be tricky. Say someone slides on a piece of cardboard left by a stock person and falls and breaks their wrist. Was the employee stocking the shelves at the time of the accident (a visual clue that there could be packaging material), or was the cardboard left behind? Does store policy provide stockers with adequate time to perform their job and personnel to maintain safe shopping areas? These are questions that insurance adjusters and lawyers will need to have answered to prove fault in a slip-and-fall case.

Likewise, the victim will also have to answer similar questions. It is reasonable to expect that a customer will be carrying a shopping basket and scanning the shelves for specific products; however, it would likely be considered carelessness on the part of a customer if she or he slipped while trying to text and walk.

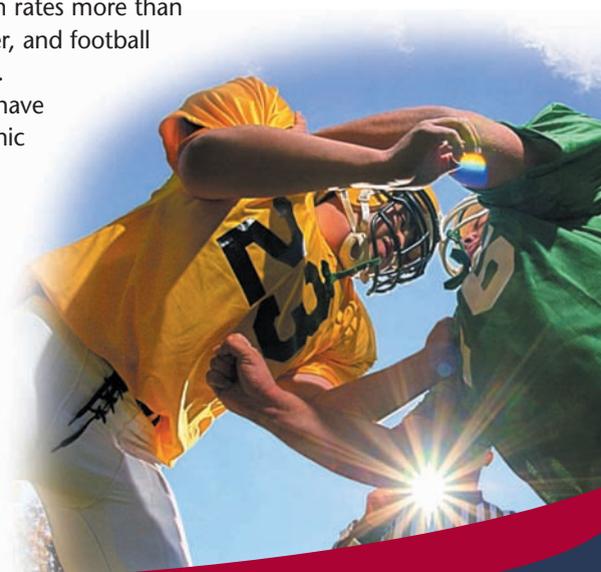
If you have been injured in a slip-and-fall accident caused by the negligence of another, call our office for a confidential consultation.

CONCUSSIONS: lasting impact

Youth and high school sports are more competitive than ever. With competitiveness comes increased risk of concussion. According to the nonprofit group Cleared to Play, concussion rates more than doubled among students ages 8–19 participating in sports like basketball, soccer, and football between 1997 and 2007, although actual participation in those sports declined.

Though not always viewed as catastrophic, concussions are being shown to have lasting impact on a person's life and well-being. Some athletes experience chronic cognitive and neurobehavioral difficulties known as post-concussion syndrome. Symptoms include chronic headaches, fatigue, trouble sleeping, dizziness, short-term memory loss, and difficulty with problem solving. Those who experience untreated concussions and multiple concussions are also at high risk for developing permanent brain injuries and disorders, such as depression and anxiety.

Athletes who return to practice or the game before they have recovered from a concussion are at risk for second-impact syndrome. Fifty percent of second-impact syndrome incidents result in death.



To learn more about the lasting impact of concussions, visit www.clearedtoplay.org.

DON'T LET THROWBACK THURSDAY OR FLASHBACK FRIDAY

If you use Facebook regularly, you've probably noticed people posting photos from their pasts on Thursdays and Fridays. These Internet memes (when many individuals imitate or participate in a common concept) are known as Throwback Thursday and Flashback Friday. It's a fun way to share memories with family and friends.

If you are in the middle of a personal injury case, you will want to forgo these seemingly harmless memes. Insurance companies and defense attorneys can twist these posts to show that a photo posted is current, based on the post date. It's a bad idea to post any photos of yourself doing before-



accident activities. The year-old photo or video of you playing paintball will look awfully suspicious if you post it while you are seriously injured. A post that proclaims "Feeling great today!" can be used to prove that you aren't as injured as you claim.

Also refrain from talking about your accident online. Do not share details about the accident, your health, or your well-being on social media. Just about anything you say could be twisted and used against you. Even if your profile is set to "private," Facebook, Twitter, and other sites are still considered public forums.

If you are in the middle of a settlement or lawsuit, you can be sure that insurance companies and defense attorneys are keeping tabs on your social media accounts.

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.
Attorney At Law
320 N. Third Street, Suite 100
P.O. Box 337
Burlington, IA 52601



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.

Nicholas Pothitakis named Super Lawyer for third year in a row!

We are proud to announce that **Nicholas Pothitakis** has been listed as a Super Lawyer in Iowa for the third year in a row! *Super Lawyers* is a prestigious peer-review publication.

According to their website, "Super Lawyers 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 selection process includes independent research, peer nominations, and peer evaluations."¹ The basic objective of Super Lawyers is to create a comprehensive and credible listing of outstanding attorneys that consumers and other attorneys can use as a resource.

The publication uses a patented, three-step selection process²:
Step one: Creation of the candidate pool
Step two: Evaluation of lawyers in the candidate pool
Step three: Peer evaluation by practice area

Their final lists contain no more than 5 percent of the lawyers in

each state. They are published annually in regional and state editions of *Super Lawyers Magazine* and are also included in inserts and special publications in many city and regional magazines and newspapers. Over 13 million readers are reached by the list in one form or another. The legitimacy of their selection process has been upheld by bar associations and courts across the country.

Niko is honored to be part of this list and would like to thank those who were instrumental in his inclusion, especially his peers who participated in the process. Moving forward, he hopes to continue practicing in such a way that his peers always think him worthy of honors such as this.

Niko practices law in Iowa and primarily practices in the areas of workers' compensation and personal injury law. If you or someone you love has been injured in Iowa, contact Pothitakis Law today.

Sources:

¹<http://www.superlawyers.com/about>

²http://www.superlawyers.com/about/selection_process.html