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Nicholas Pothitakis Selected for Best Lawyers' 25th Edition

The **Pothitakis Law Firm, P.C.** is proud to announce that Iowa workers' compensation attorney **Nicholas Pothitakis** has been selected by his peers for inclusion in the 25th edition of *The Best Lawyers in America*. He is included under the *Best Lawyers* category of "Best Lawyers for Workers' Compensation Law—Claimants in Burlington, Iowa."



Mr. Pothitakis was first selected for inclusion in this prestigious peer-review publication in 2013 and has been included every year since. The 25th edition features attorney selections based on peer-review surveys for the year 2019.

"While it's an absolute honor to be selected for *Best Lawyers*, the true reward for my work comes from helping injured workers secure the workers' compensation benefits they deserve every day," Mr. Pothitakis says. "There's nothing more rewarding than getting justice for a client in need, which is why my firm will continue working tirelessly for our clients every year."

In addition to his work with injured clients at his two Iowa office locations in Burlington and Keokuk, Mr. Pothitakis works with Iowa employee organizations and unions. He also speaks at numerous legal conferences and seminars about his areas of practice and issues within the legal field.

For more than 30 years, *Best Lawyers* has sought to provide a thorough, unbiased, and reliable source of legal referrals for use by both attorneys and clients. *Best Lawyers* analyzes

confidential peer-review surveys from more than 90,000 leading attorneys to determine which lawyers should be recognized each year. The outcome of that annual work is "the oldest and most respected peer-review publication in the legal profession," according to *Best Lawyers*.

"This recognition from my peers in the legal field tells me that we're doing something right, and that strengthens my resolve to fight and win for my injured clients," Mr. Pothitakis says. "Injured Iowans need someone to make their voices heard, and the team at the Pothitakis Law Firm, P.C. is here to make sure they get what they need—and every dollar they deserve."

Mr. Pothitakis offers free consultations to all potential clients. These consultations are free of obligations and meant to answer the potential client's questions about his or her case. If the client and firm decide to move forward with the case together, the client can enlist the firm's legal assistance on a contingency-fee basis. That means the client pays legal fees only if the case is won and a recovery is made.

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—2016, 2017, and 2018 Listing
- Super Lawyers—2015, 2016, 2017
- 2015, 2016, 2017 National Trial Lawyers—Top 100 Trial Lawyers
- Member, American and Iowa Associations for Justice

We take pride in the quality of our legal work.

Successful Result for Pothitakis Law Firm

GC was employed by a manufacturer in northwest Iowa. He had been a welder for 20 years. In late 2012 he sustained an injury to his low back while lifting sheets of steel. Although he hoped that his condition would simply get better, it did not, and ultimately he needed to seek medical care. The claimant was finally sent for a surgical opinion and was told that he needed a low back surgery. This took place in 2014. Unfortunately, the initial surgery did not eliminate GC's pain and discomfort, and he had to undergo an additional surgery in 2015—fusion surgery—in which plates and screws were placed in his back to stabilize the spine. Again, the second surgery did not alleviate the claimant's pain, and the doctor determined in 2017 that some of the hardware had to be removed from the claimant's low back.

Complicating the matter was the fact that the claimant had a preexisting medical condition that made him more susceptible to injury. Although the insurance company contended that this somehow would limit or affect GC's entitlement to benefits, the Pothitakis Law Firm obtained medical opinions that supported the findings that GC's injury was a result of the work-related injury. The Pothitakis Law Firm obtained multiple medical reports from the physicians supporting the finding that the claimant's condition was work related, was permanent, and would result in lifelong difficulties for him. The Pothitakis Law Firm sent the claimant for an independent medical exam with another physician to obtain opinions concerning permanency, restrictions, and recommendations for further care.

The claim was filed by the Pothitakis Law Firm in the summer of 2017. In the summer of 2018, the claim was scheduled for hearing. Prior to hearing, the Pothitakis Law Firm met with and had discussions with the insurance carrier concerning the claim. The insurance carrier continued to argue that the claim did not have significant value and that the insurance company would not provide significant value on the claim. After providing the insurance company the additional medical records and reports, as well as the independent medical exam, they changed their tune and ultimately agreed to a substantial settlement on the eve of trial. The settlement along with the benefits that were paid over the many years of the claim resulted in GC receiving hundreds of thousands of dollars to help him to get back into school to retrain for a lighter-duty employment position.

It is important to note that just because an insurance company contends a condition is preexisting does not necessarily make it so.

An insurance company's goal is to keep costs and payments as low as possible. For this reason, it is important to seek help from an experienced Iowa workers' compensation attorney such as Niko Pothitakis.

On the Hunt? STAY SAFE!

In many parts of the United States, fall is hunting season. Because it requires a weapon and split-second reactions, hunting is inherently dangerous. Every season, hundreds of accidents occur.

Hunters are accidentally shot by their own weapon or that of another hunter. If you are injured by another hunter, that person can be held liable for your injuries. If the person is not licensed to hunt or not following legal restrictions, didn't use their firearm safely, or failed to act in a reasonable and safe manner while hunting, he or she may be considered negligent. Hunting accidents are typically covered by a homeowner's policy.

If you are a hunter, you should contact your insurance company to make sure you are covered in case of an accident.

Not every accident is the fault of a hunter. If a manufacturing error or design defect causes a weapon to misfire, a product liability suit can be filed. Twisted ankles and broken limbs—or even death—can occur while trekking on properties that are poorly maintained. If a property owner allows hunting on their land, they are responsible to provide hunters with safe grounds and buildings.

Infant Slings Can Be a DANGER

They are found on almost every mom-to-be's shower registry, and parents love the convenience and closeness of "wearing" their infants while they go about their business. According to the Consumer Product Safety Commission (CPSC), between January 2003 and September 2016, 159 incidents were reported to the CPSC involving sling carriers, including 17 deaths and 67 injuries to infants during use of the product.

In February, the CPSC released new safety standards that manufacturers must follow. Among other things, all infant slings must have permanently attached warning labels and come with instructions, like illustrated diagrams, to show the proper position of a child in the sling.

Warning labels must include statements about:

- The suffocation hazards posed by slings and prevention measures.
- The hazards of children falling out of slings.
- The importance of checking the buckles, snaps, rings, and other hardware to make sure no parts are broken.

The mandatory standard also requires sling carriers to:

- Be able to carry up to three times the manufacturer's maximum recommended weight.
- Be more durable to avoid seam separations, fabric tears, breakage, etc.
- Be able to keep the child being carried from falling out of the sling during normal use.

CPSC safety tips for using infant sling carriers:

- Make sure the infant's face is not covered and is visible at all times to the sling's wearer.
- If nursing the baby in a sling, change the baby's position after feeding so the baby's head is facing up and is clear of the sling and the mother's body.
- It is very important to frequently check the baby in a sling, always making sure nothing is blocking the baby's nose and mouth and that the baby's chin is away from its chest.

Source: cpsc.gov newsroom

Substantial Settlement for Worker Injured in Fall

The claimant, B.S., was employed by a national telecommunications company in Waterloo, Iowa. He was part of a union, and his job was to install telecommunications equipment. In late 2015, he fell approximately 15 feet from a ladder and sustained trauma to his back, head, and the left side of his body. He was treated locally in Waterloo by a number of doctors who tried injections, medications, and therapy. Although some relief was obtained, he needed additional care and was sent to the University of Iowa Hospitals and Clinics. The University of Iowa Hospitals and Clinics determined that his condition was permanent, although nonsurgical. The doctors set forth permanent restrictions and an impairment rating associated with the back injury. The claimant contacted the Pothitakis Law Firm because of his concerns about his future ability to work and how he would financially survive if he could not return to his prior level of work. The Pothitakis Law Firm gathered all of his records, placed the claim on file, and sought a hearing date.

The Pothitakis Law Firm determined that the prior medical care was not sufficient to detail the extent of the claimant's injury. For that reason, the Pothitakis Law Firm sent B.S. to be seen by a doctor the firm often works with to set forth an impairment rating as well as restrictions. The impairment rating obtained from the independent medical exam was three times as large as the impairment rating from the employer-chosen physician. Further, the restrictions that were required were significantly more limiting than those set forth by the workers' compensation-chosen physician. As a high school-educated worker who had spent most of his life in the telecommunications installation field, it was clear that the injury and limitations were going to prevent B.S. from returning to his prior line of work. In fact, B.S. ultimately had to resign his position with a similar employer because of the pain and discomfort. The Pothitakis Law Firm took the position that the claimant would be unable to work any employment positions, given his ongoing pain and discomfort. The insurance company argued that he could return to his prior work, based upon their doctor's opinion.

The parties exchanged information and completed discovery, preparing for a trial. An additional step taken by the Pothitakis Law Firm to prove the severity of the claimant's injury and how it would affect his employability was the use of a vocational rehabilitation expert. The Pothitakis Law Firm hired an expert to meet with B.S. and evaluate his education, and to illustrate how severely limited B.S.'s ability to return to active employment would be, now that he was injured. The Pothitakis Law Firm presented the vocational rehabilitation report, the independent medical exam report, along with an extensive demand for permanency benefits in an attempt to settle the case. The insurance company, shortly before trial, finally paid a significant amount that helped to protect the claimant and his family for their future.

Vocational experts can be very helpful in maximizing the recovery in a workers' compensation claim. The Pothitakis Law Firm hires the experts needed to maximize the recoveries in claims that we handle. We consider ourselves the best when it comes to obtaining the most money for our injured clients.

"I highly recommend the Pothitakis Law Firm to represent you. I lived almost three hours away, and I picked Niko to represent me because he is the best at what he does." B.S.



How to Identify Nursing Home Abuse

Placing a parent or other loved one in a nursing home is hard for every family, and stories about nursing home abuse make it even more frightening.

According to the National Ombudsman Reporting System data, within the year 2014, 7.6 percent of approximately 188,599 complaints reported to Ombudsman programs involved abuse, gross negligence, or exploitation. It is estimated that many cases go unreported. Elder abuse can be physical, sexual, emotional, or come in the form of financial exploitation and theft. In the long-term-care setting, abuse can come at the hands of caregivers, but abuse by other residents is also an issue.

SIGNS OF ELDER ABUSE INCLUDE:

- Bruises, broken bones, abrasions, or burns from abuse or neglect
- Bedsores, unmet medical and hygiene needs, dehydration, weight loss
- Resident displays anxiety around caregivers
- Sudden change in financial situation, including changes in legal documents and large gifts
- Changes in sleeping or eating patterns
- Withdrawal, changes in behavior or alertness, depression

NURSING HOME RESIDENT RIGHTS:

- Private communication
- Independent decision making
- Social, community, and religious participation
- Manage personal finances
- Know medical condition and treatment and accept or refuse medication or treatment

If you or a loved one has experienced abuse or exploitation from a caregiver, please contact our office to discuss your rights.

Feeling Lost in Legal Speak?

The words *loss* and *damage* are thrown around a lot by personal injury attorneys. Aside from medical bills, you may be able to recover much more if you have suffered losses and damages in an accident. Here is just some of what is included in the terms *loss* and *damage*:

LOSS OF INCOME AND COMPENSATION

If you've been injured in an accident that causes you to miss work, you have a right to ask to be compensated for your loss. You can recover lost wages (income) and other forms of compensation that you had to use due to the accident (sick days, personal days, etc.). Loss of compensation also includes bonuses and other incentives that you would likely have received had you not been injured.

LOST FUTURE EARNING CAPACITY

If you have a long-term or permanent disability as a result of the accident, you can claim the income you could have earned had you not

been injured. Likewise, if you find that you must switch jobs and earn less money as a result, you can claim the loss.

LOSS OF CONSORTIUM

If an accident causes you to lose the ability to be intimate with your spouse, enjoy time with your family, or enjoy life in general, you can sue for loss of consortium.

PROPERTY DAMAGE

Any personal property that was damaged in an accident can be claimed.

PAIN AND SUFFERING

If you or a loved one sustains catastrophic injuries from an accident, you may receive compensation for pain and suffering.

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.

Concussions and College Athletics

College sports are a huge part of campus life and can create a lot of revenue for a college, but athletes can sustain brain injuries that last a lifetime. Chronic conditions related to head trauma include depression, headaches, memory loss, dementia, neurological problems, change in personality, and impaired judgment.

In 2014, a class-action suit was brought against the NCAA for failure to protect its athletes by providing care for those suffering concussions and head trauma. The suit resulted in a \$70 million fund to diagnose sports-related brain trauma in current and past college athletes. A positive diagnosis can allow the individual to seek damages for their injury.

Originally, only athletes in contact sports were eligible for testing through the fund, but in 2016 the agreement was modified to include all collegiate athletes. The update also required the NCAA to develop rules for return to play after a concussion and required student athletes to take a baseline neurological test at the beginning of each year.



Athletes can sustain brain injuries that last a lifetime.

