

LEGAL Issue 100 BRIEF October 2007

100th Edition

THE LAWYERS OF HILL·BOREN PC

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From Robert's Desk

Celebrating Our 100th Edition...

“Twenty five years ago the attorneys of Hill-Boren published our first law firm newsletter. We called it *The Legal Brief*. Our goal was to provide useful legal information to our clients, family and friends on a regular basis. Today, marks a milestone for the Hill-Boren Law Firm and for our quarterly publication. This edition is the 100th edition and we celebrate both the law firm and *The Legal Brief*.

Over 17,000 clients, friends and family members receive *The Legal Brief* four times a year. We add 800 to 1000 new 'subscribers' to *The Brief* every year. Our employees add the names of their family members and others who enjoy learning about the laws that affect them in their personal lives and on their jobs.

We have provided vital, life saving information about prescription medications that cause heart attacks, strokes and blindness. We have given warnings about products, such as children's toys, that poison and injure our kids. We have told our clients and friends how to protect themselves when they are injured on the job.

Experience Pays

As my Mom used to say, "The proof is in the pudding." In the last 60 days, Hill-Boren has settled, before trial, a \$1 million nursing home case and a \$2 million on the job injury case. Robert and Tamara Hill won a hard fought nursing home case involving multiple pressure sores and death of a 76 year old man against a West Tennessee nursing home owned by a

national chain. The nursing home's insurance company paid a \$1 million lump sum to the widow and family.

I recently represented a truck driver who picked up a load from a factory to deliver it to another

We have explained how poorly designed roads and bridges cause serious injuries. We have outlined the steps you must take to make a successful Social Security Disability claim. And we have reported actual settlements, like Ricky Boren's \$2,000,000 industrial injury settlement in this issue, that show we work hard for our clients.



Robert T. Hill

We still offer, free of charge to anyone who wants to receive it, *The Legal Brief*. You can put friends or family members on our mailing list by going to www.hillboren.com or calling 1.800.727.0622 and asking our receptionist to add your name to our mailing list. We celebrate the 100th edition of *The Legal Brief* and we encourage you to call Hill-Boren if you have legal questions about work related injuries, automobile wrecks, medical malpractice or product liability. Remember: We're here to help and we know how!

facility. The load was improperly loaded into the truck in violation of that company's own rules. When the truck driver went to open the truck at his destination the load fell out of the back causing a severe closed head injury, crushing of the bones of the face, loss of vision in one eye and partial loss of vision in the other eye. This case settled for \$2 million.

Many of the newcomers to the legal scene "send" the cases to other lawyers and "take" a referral fee. They do not handle the cases themselves. At Hill-Boren we take great pride in our ability to handle serious medical malpractice, catastrophic automobile and industrial injury cases ourselves. For over 35 years we have helped our clients recover compensation that truly reflects their losses.

Hill-Boren participates in out of court settlements totaling \$10-20 million for our clients each year.



Ricky Boren



Tips on How to Get the Best Nursing Home Care

Most of us have lots of questions when we place our loved ones in a nursing home. What will they do for mom? How do I know if they are doing what they are supposed to do for Dad? One great source of information is the care plan meeting. You may get a call or a letter inviting you to the care plan meeting. If so, you should attend. If not, ask the administrator or director of nursing when the care plan meeting for your loved one will be held. They are required to allow you to attend.

The nursing home is required to develop a plan of care for each resident shortly after admission. They are also required to review and revise that plan of care every three months, or sooner if their condition warrants. If you are present when the care plan team meets, you will get an opportunity to meet the department heads that are supposed to be involved in the care of your loved one. You will find out what they see as goals for your loved one and how they plan to meet those goals.

You should also have an opportunity to provide insights on how to best motivate your loved one and provide input regarding their care. Based on this, you should know what to expect from caregivers as they provide day to day care for your loved one.

Our Nursing Home Team settled a case in September with a Memphis area nursing home involving multiple pressure ulcers, osteomyelitis and sepsis for \$1 million. We are ready to help you if you have a loved one that is neglected or injured in a nursing home.

Tamara Hill is a licensed registered nurse, a former director of nursing in a nursing home and a licensed attorney practicing with Hill-Boren.

“Driver Distraction - Cell Phone Use While Driving

According to National Highway Traffic Safety Administration (NHTSA) studies, driver distraction has become an increasingly important issue as a cause of motor vehicle traffic crashes. It was found in a NHTSA study that driver distraction in all of its various forms contributes to between 20% and 30% of all crashes. Data has revealed that driver distraction was a contributing factor in 11% of fatal crashes.

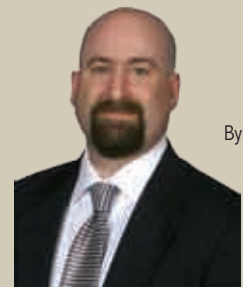
Much attention is now being paid to driver distraction caused by use of cell phones while driving. Many states and localities have considered restricting or even banning the use of cell phones while the vehicle is moving. Even the use of cell phones with hands free headsets is distracting enough to drivers to cause crashes.

The actual statistical contribution of cell phone use to crashes is difficult to determine given that most drivers will not admit to the investigating law enforcement that a phone was in use at the time of a crash. It can be shown that an estimated 54% of drivers "usually" have some type of wireless phone with them while driving. Fifty-five percent of those drivers report

that the phone is on during "all" or "most" of their trips and 73% report using their phones on those trips.

If you are involved in a collision, it would be useful to your attorneys if you could determine if the person who caused the crash was distracted by using a cell phone at the time of the wreck. This can be done by asking that person to call the police to report the wreck on their cell phone.

Likewise, you can ask the person who caused the wreck to call your family from their cell phone which should leave a record of the cell number on a caller ID system for later use. Also, you can simply ask the other driver or witnesses to the crash if the driver was talking on a cell phone at the time of the crash. This will provide your attorneys with a lead such that the cell phone records may be secured to see whether the person was on the phone at the time of the wreck which may in turn lead to evidence of their negligence in causing the collision.



By: Jeff Boyd

Social Security Claim Delays Are Unacceptable

Victoria Pike



To anyone who has filed a claim for Social Security disability benefits, it is no secret that the Social Security Administration is having a difficult time keeping pace with the growing number of initial claims and requests for hearings. According to the new Commissioner of Social Security, Michael Astrue, the Social Security Administration currently receives more than 2.5 million new Social Security disability claims and more than 2.3 million Supplemental Security Income cases each year. In testimony before the House Ways and Means Committee, the Commissioner reported that as of December 2006, there were over 568,000 initial claims and over 718,000 hearings pending. This backlog translates into an average 18-month wait from the time a hearing is requested to the time that the hearing is actually scheduled.

These lengthy delays are unacceptable and can be devastating to claimants, many of whom are already struggling to get necessary medication and treatment because they have lost their health insurance. Work is being done to reduce the waiting time. Groups such as the National Organization of Social Security Claimants Representatives (NOSSCR) are lobbying to increase funding for the Social Security Administration and Commissioner Astrue is implementing a "quick disability determination" process to identify and process certain claims. However, until the necessary funding is approved and until more efficient means of processing the growing number of claims can be implemented, navigating the disability process will continue to frustrate most disability claimants. Having a qualified and capable representative can help. If you need assistance, call Hill-Boren.

Understanding Gradually Occurring Injuries

When an employer requires you to use part of your body many, many times each day to do your job, you may suffer a work-related injury that you do not realize was caused by your job. Carpal tunnel syndrome is caused by overuse of the wrists, such as repetitive assembly line work or a lot of typing. You can get workers' compensation money for this kind of injury and for repetitive use injuries that can happen to your back, knees, elbows or shoulders that can occur over time. Examples of this type of overuse include repetitive lifting, bending or squatting on the job.

The law requires that you tell a supervisor at your place of employment when you know you have a work-related injury. If you suspect that you have one, you should report it. If you are told by a doctor that you have a problem or injury, ask the doctor if work could have caused it. Be sure and describe to the doctor what you have to do physically at work. If the doctor says work could have caused it, report this to your supervisor immediately and ask them to give you a choice of doctors to pick from to continue your treatment.

Once you do these things, it would be a good time to call us to see if you have a case. I can review the details of your case with you and explain what your rights are. It is very important that you not wait too long before contacting an attorney, because the law only allows you one year to file a claim.

There are many complicated issues in the law that make each case different and challenging to even experienced attorneys that only practice personal injury law. (For example, your claim may NOT have been lost forever after one year has gone by, but it is better to call as soon as possible to be safe.) It is often very difficult to determine the an exact date in a gradually occurring injury. Injuries that require surgery or create a change in your body may entitle you to more money. Your employer and/or the insurance company that handles your employer's workers' compensation cases may try to say your job did not cause the injury, or that you cannot get workers' compensation benefits for it. They may also try to get you to sign papers that could hurt your case. That is why you need a lawyer that is experienced in this kind of law.

Do not get confused by what you hear someone else *got* or *did* when your legal rights by talking about YOUR case. Call for a completely



James Krennis

they were hurt at work. Let me help you protect free consultation.

We've Dedicated Our Entire Practice to Protecting Injured People



La primera consulta es totalmente gratuita. Le ofrecemos la máxima confidencialidad. Hablamos español.

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What Is Uninsured Motorist Coverage?

Most of my clients tell me that they have "full coverage" auto insurance, but I am surprised to find that many do not know if their policy includes uninsured motorist coverage (also called UM). UM is a part of an insurance policy that covers you if the driver causing a wreck does not have insurance to pay for your damages. In many cases, UM coverage is automatically included in your policy, but not always. Contact your insurance agent to make sure you have UM coverage included in your policy.

It is also important to know the amount of your UM coverage. If you have only the minimum required coverage, then you may be limited to a \$25,000 maximum recovery if you are struck by an uninsured driver. In cases involving serious injury, this will not be adequate to cover medical bills, lost wages, pain and suffering, and other losses. Talk to your insurance agent, and make sure you have adequate UM coverage. Often you can increase your coverage to \$100,000 or \$300,000 per person for a relatively small increase in cost.

Finally, if you are involved in an accident and have questions about your insurance coverage, contact our office to discuss your case. We know the law concerning insurance coverage and we will make sure that you receive the insurance benefits available to you.

Greg
Petrinjak



Other Recent Settlements

Attorney **Jeff Boyd** represented 32 year old Latino employee working at produce plant where she slipped and fell injuring her neck and low back. She underwent multiple surgeries to both her neck and back and was off from work for over 4 years. Even though the case was fought bitterly by employer, they were forced to pay close to \$250,000 in medical benefits, \$67,000 in temporary disability benefits and \$224,000 in permanent disability benefits for a total settlement of close to \$600,000.

Attorney **Jeff Boyd**, represented an employee of a factory who had a heavy steel door fall on him, striking him in the head and knocking him to the floor, causing closed head injury and injury to both arms. Employee was unable to return to work due to narcotic medications being taken for head injury. Case settled for \$139,082.50.