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T. Robert Hill

Tips For Campus Safety

As several of us here at Hill-Boren prepare to send our sons and daughters off to college, the issue of college campus safety has become a very real one. As attorneys, we often look at cases where a college student was the victim of a crime and the parents want to know: Is the college or university legally responsible for the safety of my child while he/she is on campus? The answer is not quite as simple as yes or no. Liability of a college or university depends on the facts surrounding each case and what steps were taken (commission) and what steps were not taken (omission) by the college to prevent criminal conduct on campus and to protect the students.

Most campuses have taken substantial steps to prevent criminal conduct on campus, such as a campus police force, emergency telephone systems, and campus watch plans. Evaluation of the college's safety plan will also involve the criminal history on campus. Repeated incidents such as an armed robbery in the same area might give rise to liability if the campus police force had not reported the robberies or had not added additional police in the particular area. In summary, each case must be quickly investigated and the facts preserved. Then an experienced injury attorney can evaluate the liability of the college for the injury or damage.

Here are 7 tips for campus safety that all students should know:

1. Know your surroundings and trust your instincts.
2. Keep phone numbers of campus security in your cell for emergencies.
3. Lock your door. Do not loan your key to friends.
4. Do not accept drinks (alcoholic or otherwise) from others. Remember that alcohol is the #1 date-rape drug.
5. When you go out, let someone know where you're going and when you plan to be back.
6. Better yet, always walk across campus at night in groups of two or more.
7. Use caution when posting personal information on Facebook, MySpace, and other social networking sites.



Stay Safe!



**Tamara Hill, R.N.
J.D.**

Why Do Nursing Homes Want You To Sign Arbitration Agreements?

An arbitration agreement is a document given by nursing home facilities to their residents that, once signed, forfeits the resident's right to a jury trial in the case of a negligence or abuse lawsuit. But why is this desired by the nursing home?

J. Gillespie, a Florida nursing home defense lawyer, shares some interesting information in his advisory article to nursing homes concerning arbitration agreements:

The article suggests that without arbitration agreements, nursing home administrators are "forced to divert precious operating capital to satisfy judgments..." The fact that most nursing homes have insurance to satisfy those judgments is mysteriously left out, although some nursing homes are now choosing to "go bare" as another tactic to discourage lawsuits based on negligent care. It is also becoming more common for nursing homes to form additional corporations and LLC's to protect their assets in the event of a lawsuit.

The article advises that one approach to relieve the NH industry of its burden is to "limit access by aggrieved residents and their survivors to overly sympathetic juries..." It notes that in Florida, the most successful approach to limit that access is the use of arbitration agreements.

While the author admits that there is no data to support a theory that nursing home malpractice suits are "junk lawsuits", it nevertheless encourages nursing home facilities and their operators to "use all of the legal clubs in their bag" and notes that "one such club is arbitration."

The author encourages facilities to use arbitration agreements because "one of the well known advantages of arbitration, confidentiality of the proceedings and results, also makes it impossible to track statistical results..." This means that

the next person who is looking for a nursing home for their loved one will not be able to get accurate information about a facility's track record, specifically nursing home negligence and abuse.

The author also suggests using forms such as a "Frequently Asked Questions" or a DVD explaining the parts of the admission agreement including the arbitration agreement as "effective evidence" against a claim that the nursing home hid the provision or that the person signing the agreement was told not to worry about it. Of course, the article does not go so far as to instruct the facility to actually USE these tools or show them to the person completing admission paperwork; it just advises to have them as "evidence." The article further suggests that while a facility may communicate to the prospective resident that the arbitration agreement is non-negotiable, it should not be in the paperwork. The article goes on to advise obtaining arbitration agreements from existing residents and arguing that continued residency is a benefit of the agreement.

The fact is that the facilities who ask you to sign an arbitration agreement are asking you to give up your constitutional right to a jury trial in order to save money for their stockholders and their insurance companies. They cannot force you to give up that right as a condition for admission. They may tell you they can, but you will never see it in writing anywhere, because they know they can't. Congress is attempting to put an end to these one-sided "agreements" but until they are successful remember this: If you are presented with an arbitration agreement in a nursing home admission setting, or while you or your loved one is in a nursing home, please do not sign it.

Now you know why nursing homes want you to sign an arbitration agreement. The question is...Why would YOU want to?

**Find Out More
At hillboren.com**



Attorney James Krenis Named Mid-South Super Lawyer For Second Consecutive Year

Attorney James Krenis has been selected for the Mid-South Super Lawyers Edition 2010. Each year, only 5% of the lawyers in Arkansas, Tennessee and Mississippi are named a Mid-South Super Lawyer. This is Mr. Krenis' second consecutive year of receiving Super Lawyer recognition.

Super Lawyers is a listing of outstanding lawyers from more than 70 practice areas who have attained a high degree of peer recognition and professional achievement. The selection for the exclusive list is made by the Super Lawyers research team and includes a statewide survey of lawyers, an independent evaluation of candidates by the attorney-led research staff, a peer review of candidates by practice area, and a good-standing and disciplinary check.

Mr. Krenis received his Juris Doctor from the Cecil C. Humphreys School of Law at the University of Memphis. He is admitted to practice in all Tennessee state trial and appellate courts, and the Western and Middle federal court districts. He is on the board of governors for both the American Association for Justice and the Tennessee Association for Justice.

Attorney James Krenis Helping in the Fight Against Multiple Sclerosis

The number of people living with multiple sclerosis increases every hour of every day. This astonishing rate is not going to diminish, nor will it stop, until a cure is found. Research has made some incredible advances recently, but the world can still only offer disease management drugs and therapies to the 400,000 people living with MS in America.

Attorney James Krenis will be riding in the National Multiple Sclerosis Society's Bike Tour in Memphis September 11th and 12th. The 150-mile bike ride is being held to raise awareness of MS and to raise funds for the National MS Society and their educational programs and services they provide to everyone who is affected by MS – including the diagnosed, their friends and families, and the healthcare professionals who work with them.

To find out more information about the National MS Society's Bike Tour and to find out how you can become involved in the fight against MS, visit www.nationalmssociety.org.

This Fall, We Have Five College Freshman From the Hill-Boren Family:



A. J. Boren - son of Ricky and Donna Boren; Honors graduate of Missouri Military Academy; attending University of Missouri; Majoring in Photo-Journalism



Kristen Brown - daughter of Keisha Johnson; Honors graduate of Jackson Central Merry High School; attending University of Memphis; Majoring in Pre-Med



Chelsea Kee - daughter of Tamara and T. Robert Hill and Donnie Kee; Honors graduate of University School of Jackson; attending Tennessee Technological University in Cookeville; Major in Engineering and Minor in Theatre



Valencia Lindsey - daughter of Tina Lindsey; Honors graduate of Kingsbury High School; attending MTSU; Majoring in Pre-Med



Rachel McLean - daughter of Bonnie and Jim McLean; Honors graduate of Liberty High School; attending Jackson State Community College; Majoring in Surgical Technology

**We are proud of all of you!
Have a great Freshman year!**

When Should You Appeal Your Social Security Disability Claim?

If you have filed an application for Social Security disability benefits and received a notice that your claim has been denied, you should file an appeal if:

- You have severe medical condition(s) that have lasted for at least 12 months or are expected to result in death; and
- Your severe medical condition(s) keep you from working full-time, either at your previous job or a less strenuous job. The appeal must be filed within 60 days from the date of the notice that your claim for disability benefits has been denied. It is very important that your appeal is filed within the 60-day period. If you do not file your appeal within the 60-day period and you do not have a good reason for missing the deadline, you will have to start the application process all over.

You can file your appeal several ways. If you have access to a computer, you can file online by going to www.socialsecurity.gov. Make sure your claim is properly processed. You can also contact the Social Security Administration's toll free number: 1-800-772-1213 and someone will assist you. Or, you can contact your local Social Security office. To make sure your claim is properly processed, you can contact Hill-Boren at any stage in the application process for assistance with your claim. Our toll free number is 1-800-727-0622. We're here to help – and we know how.



Mike Hartup



James Krenis

Food Recalls – What You Need to Know

Unfortunately, food recalls are becoming more commonplace in America. Just in the last few months, a half-million pounds of beef were recalled for possible E. coli contamination and there have been hundreds of food recalls due to salmonella contamination. We've always had food contamination issues, but in addition to the E. Coli and salmonella we also now have listeria, bovine spongiform encephalopathy, and campylobacter. Cases involving bad practices at centralized mega-processing facilities, and the negligence of nutritional regulations are becoming more common as well.

Regrettably, pursuing food contamination cases can take a long time, be very difficult and very expensive. If you suspect you have been the victim of food contamination, seek immediate medical treatment. Get a diagnosis, and ask for tests to be done to rule out possible food poisoning. Be sure to explain exactly why you think you got food poisoning to every medical provider you see. Give names, dates and details. Keep receipts for the food. Keep the food itself in the freezer, as it may be tested to see if the contaminant is in it. Report your claim to the health department and ask if there have been other, similar complaints recently. Go to follow-up medical appointments, and keep track of lost time from work by having your employer document that you are out due to suspected food poisoning. And of course, call Hill-Boren, because we are here to help, and we know how.





Jeff Boyd

Accepting a Voluntary Buyout May Not be in Your Best Interest

If you have settled a workers' compensation case in the last seven or eight years, and returned to work for the same employer, most likely you have settled for a sum under the "cap." If after settling your case, you lose your job because your employer is going out of business, you may be entitled to reopen your case and get more workers' compensation benefits for your injury. THIS MAY NOT BE THE CASE if you are offered and accept a voluntary layoff, buyout or severance package.

In many cases, the money that may be made available by reopening your workers' compensation case can be substantially more than the employee could hope to receive in any of the three voluntary measures mentioned above. In addition, money obtained through a workers' compensation settlement is TAX FREE and could significantly help you after you are unemployed.

BOTTOM LINE:

Do not accept any offer of a voluntary layoff, buyout or severance package without first consulting with a Hill-Boren attorney, if you have had a prior or pending workers' compensation settlement or if you feel that you will likely have a workers' compensation claim in the immediate future. At Hill-Boren, we're here to help - and we know how.

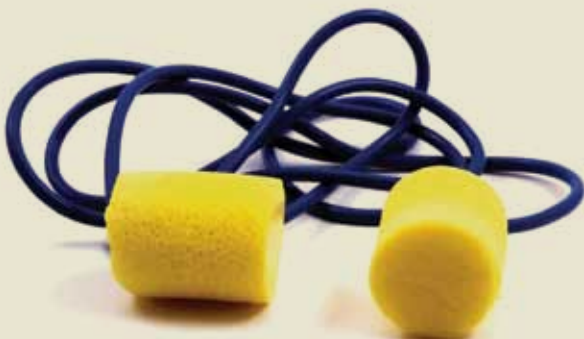


CALL NOW - WE CAN HELP!

Work-Related Hearing Loss - You May be Entitled to Compensation

When most people think of workers' compensation injuries, they think of back injuries, shoulder injuries or carpal tunnel syndrome. What is most often overlooked is the damage that occurs to an employee's ears. In a lot of instances, factories are so loud that damage can be done to an employee's hearing even if they wear protection.

The Tennessee Workers' Compensation Act provides that permanent damage to an employee's hearing is an injury that results in benefits. The benefits may include hearing aids, medical treatment and cash awards. If you have worked in a factory for years without hearing protection, and then the company implemented a "hearing conservation program," or if your company does periodic testing for hearing loss, you may work in a plant environment that is loud enough to cause permanent hearing damage. Call Hill-Boren today for a hearing loss workers' compensation claim evaluation.



RECENT SETTLEMENTS



James Krenis

Attorney James Krenis represented a Goodyear worker who hurt her shoulder on the job and was unable to return to work. She was offered a workers' compensation settlement directly from the insurance company, but because she did not like the way the insurance company had treated her, she did not trust the offer and contacted Hill-Boren. We settled for a 50% higher settlement that was carefully worded to protect her rights under the law.

James Krenis represented a young Madison County woman who was a passenger in a car and had her jaw and nose broken when the car hit a tree and flipped. After the insurance company tried to deny coverage, Hill-Boren negotiated a settlement for over \$78,000.

Mr. Krenis represented a Union City, Tennessee resident that was hit by a car leaving a parking space in her employer's parking lot. She had just had a work injury to her shoulder and it was very tender. The employer denied that it was liable for the second injury. Using evidence from the doctor that she needed another surgery due to the car hitting her, we settled her first shoulder injury, and then proved that the law made the second injury a workers' comp claim and settled it for a substantial amount.

James Krenis represented a laid-off Henry County resident who reopened a workers' comp claim that had been settled years earlier by Hill-Boren. Because his legal rights had been preserved the first time, he was entitled to reopen his old case to try to get more money for his original on-the-job injury. The retrial resulted in an additional \$21,000 settlement.



Greg Petrinjak

Attorney Greg Petrinjak recently represented a Jackson, Tennessee resident who was injured when his hand was caught in a press while working in a factory. This injury resulted in partial amputation of his hand and serious problems with post-traumatic stress disorder. The employee was not able to return to work as a result. The workers' compensation case was settled for \$200,000.

Mr. Petrinjak represented a Humboldt, Tennessee resident who broke his wrist in a motorcycle crash. The wreck occurred when an automobile driver failed to observe a stop sign, and pulled out in front of the client's oncoming motorcycle. The insurance company argued that Hill-Boren's client was at fault. The defendants later settled for \$65,000.



Chris Taylor

Attorney Chris Taylor represented a truck driver that was involved in an automobile accident in North Carolina. Shortly following the accident, the driver began to experience headaches. He was treated by a neurologist who diagnosed the truck driver with post-traumatic migraine headaches and cervical strain. The doctor found that the driver sustained 20% whole person impairment. Prior to the trial, the case settled for \$175,000. The driver is also entitled to future medical treatment for his injuries.

Chris Taylor represented a warehouse employee who was performing heavy lifting, pulling and pushing. Over a period of time, he developed back pain. Initially, he attempted to deal with the pain by taking over-the-counter medications. When the pain continued to get worse, it finally became unbearable, forcing the employee to seek medical treatment. The company denied the workers' comp claim on the basis of lack of notice. The company hired two doctors to testify to lack of causation. The employee continued to have problems and received treatment on his own. He was diagnosed with a herniated disc and underwent a lumbar discectomy. Prior to trial, the employer agreed to pay the employee \$150,000 and also agreed to take care of the past medicals. Hill-Boren secured the employee's right to future medicals as well.

Mr. Taylor represented an employee who suffered a workers' comp injury to his shoulder. The employee was diagnosed with a massive rotator cuff tear and the tear was inoperable. The employee was initially released by the treating physician with an 8% whole person impairment. At Hill-Boren's request, the employee was seen by another doctor who found he had a 24% whole person impairment and that he might be a candidate for a reverse shoulder arthroscopy. Initially, the employee entered into a settlement for \$40,326. The employee returned to work however, he was subsequently laid off. A reconsideration claim was filed and the employee received an additional \$115,000 in settlement for his claim and he retains the right to receive future medical treatment.

Chris Taylor represented a West Tennessee employee who drove a bob truck on a dedicated route. While driving, the employee would encounter rough terrain causing him to be jarred. This jarring caused the employee to experience pain in his neck which he reported to his employer. The employer denied the claim as not work related. The employee continued to have problems and sought treatment on his own. He was diagnosed with a herniated disc in his neck. He underwent surgery and was released back to work full duty. The employee was found to have 14% whole person impairment. Prior to trial, Hill-Boren settled his workers' compensation case for \$75,000 and the employee retains the right to return to the company doctor for treatment.

Mr. Taylor represented an employee who suffered a workers' comp injury while lifting heavy boxes overhead. The worker was diagnosed with a herniated disc in her neck and she underwent a cervical discectomy and fusion in her neck. Following the surgery, the employee returned to work. Hill-Boren settled the worker's comp claim for \$60,584. The employee's plant shut down, and a request for reconsideration was filed on behalf of the employee. She received an additional \$60,584 for her injury and will receive future medical treatment.

Chris Taylor represented a West Tennessee nurse who injured her back while lifting a patient and was diagnosed with a lumbar strain. She was forced to see several company physicians who were not able to deal with her nagging pain in her lower back. At the request of Mr. Taylor, she was sent to see another doctor. That doctor found that the employee suffered from radiculitis and determined that the employee sustained a 12% whole person impairment. Prior to trial, Hill-Boren agreed to settle employee's workers' comp claim for \$50,000 and the employee will retain the right to future medical treatment.



Shannon Toon

Attorney Shannon L. Toon represented a 33-year-old emergency room nurse who sustained an injury to her lower back while turning a patient. She was diagnosed with a herniated disc and underwent surgery. She continues to have numbness in her right foot as well as

hypersensitivity in the right leg. While she was off work pursuant to her authorized treating physician's orders and prior to being released from his care, she was terminated. Mr. Toon was able to negotiate a settlement of her workers' compensation claim in the amount of \$77,296 along with payment for all future medical care associated with the claim.

Mr. Toon represented a 45-year-old press operator who injured his back while removing a large roll of printing material. He was diagnosed with a two-level disc herniation and underwent three separate surgeries. As a result of the permanent restrictions placed on him by the authorized treating physician, he was unable to return to work as a press operator. Mr. Toon was able to settle the workers' compensation claim for \$148,644 along with lifetime future medical treatment for his back injuries.

Shannon L. Toon represented a 61-year-old customer service representative who sustained injuries to her left shoulder, left arm and right knee when she slipped and fell. She was diagnosed with a left rotator cuff tear and underwent two surgeries to correct and relieve her symptoms. Following her surgeries, she was able to return to work with her employer. Mr. Toon settled her workers' compensation claim against the employer for \$25,130 along with lifetime future medical treatment for her shoulder injury.

Shannon L. Toon represented a 62-year-old factory worker and former client who had previously settled a workers' compensation claim for injuries to his left elbow and left shoulder. At the time of his prior settlement, the employee had returned back to work with the employer. However, the employee subsequently lost his job at no fault of his own and as a result, he was eligible for reconsideration of his prior claim. Mr. Toon negotiated a settlement for the reconsideration of the prior workers' compensation claim for an additional \$36,957.



Jeff Boyd

Attorney Jeff Boyd represented a West Tennessee truck driver who injured his shoulder pulling the king pin to release the 5th wheel on his truck. The injured employee went to the doctor and ultimately had surgery on his shoulder. He returned to work

for several months before being laid off as part of a reduction in force. His workers' compensation claim for his shoulder injury settled for 30% impairment to his body as a whole and \$85,560 with open future medical expenses for life.

Jeff Boyd represented a West Tennessee resident who sustained an injury to his knee as a result of his employment as a travel maintenance technician. He had surgery to repair his ACL, but continued to have ongoing problems and pain associated with his knee. He returned to his old job but is required to wear a knee brace. His workers' compensation claim was capped by the Tennessee Workers' Compensation Act at 1.5 times the applicable doctor's rating so it was settled for \$44,691. However, if he loses his job within 200 weeks of his return to work date, Hill-Boren can petition the court to reopen his case and provide him with additional money for his injuries.

Mr. Boyd recently represented a client who was a passenger in a vehicle being driven by a friend. The vehicle came around a bend in the road and was presented with a situation where another driver had pulled through an intersection and crossed into their lane of traffic. A horrific car crash took place causing severe injuries to our client. Hill-Boren settled the victim's auto accident case for \$300,000 to cover their \$95,000 in medical charges.



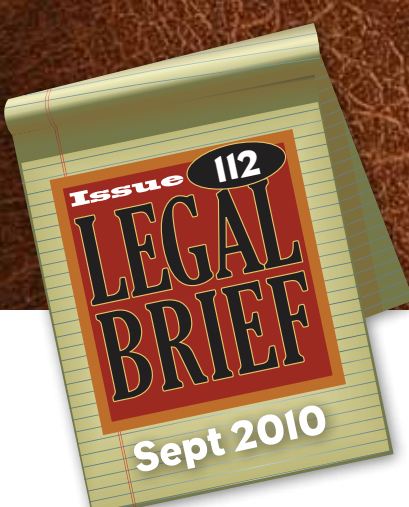
Robert Hill

Attorney Robert Hill recently represented the family of a West Tennessee woman who went into a nursing home for rehabilitation after a fall breaking her shoulder. The 88-year-old patient developed a urinary tract infection while in the nursing home

which developed into sepsis. Due to the negligence of the nursing home facility, the woman later died in the hospital. Hill-Boren settled the nursing home negligence case out of court for a substantial confidential amount.

WE'RE HERE TO HELP, AND WE KNOW HOW.





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

Return Service Requested

visit us at www.hillboren.com

CAUTION DANGEROUS PRODUCT DOCKET CAUTION

KAWASAKI RECALLS OFF ROAD MOTORCYCLES

Kawasaki Motors is recalling about 4,000 Kawasaki 2010 KLX110 CAF and DAF off-road motorcycles due to a faulty housing that allows water to enter the ignition switch and activate the electric starter unintentionally. The motorcycles were sold in green and have the word Kawasaki written on the sides of the fuel tank. Consumers should stop using these vehicles immediately and contact a local Kawasaki Motorcycle dealer to schedule an appointment for a free repair. If you or a loved one were injured by a faulty Kawasaki Motorcycle, contact Hill-Boren today for a free case evaluation.



KARINO BABY PACIFIERS RECALLED

The Antonio Flores Distribution Company is recalling about 45,000 Kariño Baby Pacifiers due to failure to meet federal safety standards. The pacifier can pose a choking and aspiration hazard to young children using them. The recalled pacifiers have a ring-shaped handle and a round-shaped mouth guard. "Kariño" is printed on the handle side of the mouth guard, and "Mygra" is printed on one side of the handle. Consumers should immediately take the recalled pacifiers away from children and contact Antonio Flores for a refund or exchange.



DENTURE ADHESIVE PROBLEMS LEAD TO FDA WARNING

The FDA has issued a Public Health Notification for users of denture cleaners and adhesives such as Fixodent, Polident and Efferdent, stating that severe health issues can occur with their use such as zinc poisoning, hypocupremia, hyperzincemia and neuropathy. Symptoms of these health issues can be as severe as paralysis, loss of balance and muscle weakness or pain. If you or a loved one have used denture cream adhesives and since developed any of the above disorders, contact Hill-Boren immediately. You may be entitled to compensation and we can help.

