



**SUV ROLLOVERS: A SERIOUS PROBLEM**

The perception among drivers is that bigger is better, and therefore SUVs—which are bigger than other cars—must be safer. Unfortunately, this perception is not correct. SUVs, which are not only bigger but taller than other kinds of cars and trucks, have a disturbing tendency to roll over, which results in more serious accidents. Almost every make and model of SUVs have this problem.

According to the National Highway Traffic Safety Administration, SUVs roll over at more than twice the rate of other vehicles. As a result, the government requires SUVs to bear a warning label telling drivers that they are in danger of rolling over if they make a sharp turn, which they may have to do to avoid a collision. Of course, the problem is that merely warning a driver that this is the case does nothing to change the basic bad design, and, when a driver is faced with the choice of either plowing into another car or making a potentially dangerous sharp turn, most drivers will make the turn, resulting in many rollover accidents.

SUVs tend to be taller than cars, tend to have a higher ground clearance, and tend to have a narrower distance between their wheels, all of which combine to give SUVs a higher center of gravity that makes it easier for them to tip over. The size of SUVs means that they can be (and often are) heavily loaded, and extra weight actually makes it more likely that the SUV will roll over in a crash. The fact that most people use their SUVs as a family car rather than as an off-road vehicle has led most SUV manufacturers to remove roll bars from their SUVs—roll bars that would provide some protection in the event of a rollover.

Many SUV manufacturers tout the steps that they have taken to increase safety, but none of these steps involves any fundamental redesign of SUVs to make them safer. Instead, manufacturers claim that they have tested their SUVs and have found them difficult to roll over, but what they do not tell you is that these tests were conducted with lightly loaded SUVs driven by professional drivers, and the reactions of these drivers have very little to do with how an ordinary driver with three kids and a car full of groceries would react in the same situation. Also, don't be fooled by the number of "stars" that an SUV has received—statistics show that even an SUV that has a five-star crash rating still has a 10% chance of rolling over in a single-vehicle crash.

The proof of the danger presented by SUV rollovers is shown in accident statistics. In the real world, rollover accidents are far more likely to result in death than are other kinds of accidents, and SUVs are involved in more rollover accidents than are other kinds of passenger vehicles. The propensity of SUVs to roll over means that while single-vehicle rollover accidents accounted for only 19% of passenger deaths in cars, they caused more than half (53%) of the passenger deaths in SUVs.

Litigating SUV rollover cases can be complex and usually requires proving that a maneuver that is commonly performed by drivers and that would not have caused a car to roll over did cause the SUV to roll over, and that, after it rolled over, its design was not enough to protect the occupants from injury. This involves knowledge of not only state laws governing negligence, but also federal safety regulations and the law of corporate liability and products liability.

If you or someone you love has been involved in an SUV rollover accident, you may have a claim against the manufacturer and others for any injuries that have been suffered. Do not settle for less than what you are due. Contact our firm. We will be happy to discuss your case with you.

### **WHAT TO DO AFTER AN SUV ROLLOVER**

If you or someone you know has been injured in a rollover accident involving an SUV, take the following steps immediately:

1. Take pictures of the location of the accident and of the roadway, showing the layout of the road and any tire marks or scrapes.
2. Take pictures of the SUV and other vehicles involved in the accident. You cannot have too many photos.
3. Preserve the vehicle. If the SUV is totaled, the insurer will either pay you the value and keep the SUV or pay you the value minus the salvage cost and allow you to keep the wreck. **BUY THE WRECK**, or else it will be lost.
4. Gather important documents, including police reports, the names and contact information of witnesses, and medical bills.

## CHOOSING A NURSING HOME FOR A LOVED ONE

With people living longer lives and the traditional family structure disappearing, it is becoming more and more common for our elderly family members and friends to spend time, sometimes many years, in a nursing home. Given that nursing homes play such an important part in the lives of their residents, it is important to choose a good one. Before moving any family member or loved one into a nursing home, take the time to visit several in your area to see how they compare. When you visit, ask to be taken on a tour and use the following as a guide to determine which home you should choose.

### Your Best Judgment

When you visit a nursing home, the first observations you make may be the most important. What do you see? Ask yourself: Is this a place I would like to live? If the nursing home is clean and well-kept, that is a good sign, while a dirty or untidy home may indicate the opposite. How does it smell? Is it brightly lit and inviting, or dark and depressing? Don't be afraid to rely on your instincts.

### Official Reports

A second source of information comes from reports filed with state authorities regarding the specific nursing home. Most states inspect and license nursing homes and issue surveys that contain all sorts of information regarding a particular nursing home's operation. These reports typically include information about problems the state has found and steps the nursing home will take to correct these problems.

Although it will be unusual to find a nursing home that does not have a few documented problems, you should examine the kinds of problems that have been found. Serious violations, such as reports of abuse, should be a red flag, as should repeated violations of the same type or violations that take a long time to resolve.

### Staffing Concerns

The third major consideration is the quantity and the quality of the nursing home staff. How many employees are on staff? What is the ratio of staff to residents? What are the qualifications of the staff? Usually, the better trained the staff is, the better the nursing home.

Staff turnover is an important factor to consider. Facilities that do not pay well or that offer an unpleasant working environment often suffer from high turnover rates with staff coming and going all the time. Excessive turnover can result in the residents not receiving consistent, proper care, if only because the people who are familiar with the residents have left and been replaced with new employees.

### Quality of Life

The last consideration is the quality of the resident's life, a consideration that often involves all of the issues discussed above. Is there enough staff to assist the residents with their needs, such as dressing and using the restroom? Does the nursing home sponsor varied social activities to keep its residents engaged and alert, or does it just

turn on the TV every day? Is the food varied and nutritious, and do the residents have a choice in what they eat?

Choosing a nursing home is a very important decision, both for your older family member's well-being and for your peace of mind. Take the time to make sure that the choice is the right one.

#### **WE APPRECIATE YOU**

Thank you for choosing our firm for your legal needs. We hope that you will continue to count on us when you need legal help. We are just a phone call away.

We also appreciate the trust that you have placed in us by referring your friends, family, and associates to us for legal services. Thanks!

#### **CLOTHES DRYER FIRES**

It may surprise you to learn that one of the most dangerous home appliances you own may be your clothes dryer. It is estimated that dryers are responsible for over 15,000 fires every year—fires that cause millions of dollars in property damage and over 300 injuries and 10 deaths each year!

The primary cause of dryer fires is the failure to clean the lint trap regularly. In order to work, dryers use a tremendous amount of heat, and a build-up of lint provides perfect tinder for a potential fire. People sometimes allow dryer vents to become blocked, which permits excessive heat to build up inside the dryer. Also, people dry items (such as plastic shoes or rugs with foam backing) made of materials that can melt or catch fire if heated in a dryer.

In order to operate your dryer safely, be sure to clean the lint filter after each load. Periodically check the vent to make sure it is clear, and do not dry either flammable materials or any clothes that have been soaked in flammable substances such as alcohol, gasoline, and spot removers. Follow the instructions that come with the dryer and, if you suspect your dryer has an electrical problem, have it repaired before use. These simple steps will not only make your dryer last longer, but will ensure that you are not the victim of a dryer fire.

## THE COSTS OF LAWSUITS: THE NUMBERS DON'T ADD UP

A debate rages in the country today: Is there a “lawsuit crisis” and, if so, what does it cost? Those who claim that there is a crisis often cite a report from consulting firm Tillinghast-Towers Perrin (TTP) claiming that lawsuits cost the country \$246 *billion* a year. The problem with this “fact” is that the numbers just don’t add up.

A group of respected economists hired by a nonpartisan think tank found that the conclusion from the TTP report was “one-sided” and “misleading.” Their study shows that the actual “costs” of lawsuits are less than one-third of the amount claimed. The TTP numbers were inflated by including things such as the insurance industry’s administrative expenses (which would be paid even if no lawsuits were filed) and payments on insurance claims. The economists fault TTP for using data that cannot be verified, because the authors claim their calculations are secret. These economists reject the claim that all Americans pay a “tort tax” as “indefensible.”

Insurers, big business, and others use false numbers to demonize lawyers and to convince the public that a lawsuit seeking just compensation for injuries caused by someone else is wrong. Don’t be fooled.

## WHAT IS LEGAL “NEGLIGENCE”?

You may have noticed that when a big lawsuit makes the news, the jury in the case is often asked to figure out if one of the parties was “negligent.” But just what does it mean to say that someone is negligent, in a legal sense?

The answer is that it means pretty much the same as it does in everyday conversation—that someone was careless. A basic statement of legal negligence is that a person “did not act as a reasonably prudent person would under the same circumstances.” However, a finding that a person has been legally negligent involves several different elements.

For example, most people would agree that a driver who runs a stop sign and hits a pedestrian has been careless, but has he been negligent? To find legal negligence, a court must first find that the person “breached” a duty owed to others. In our example, every driver owes a duty to others to be careful when driving a car, and running a stop sign violates this duty.

The negligent act must also cause damage. If the driver broke the pedestrian’s arm, this injury could mean that the driver was negligent. Finally, the damage caused by the negligence must have been “foreseeable.” Because most people would expect that a driver who runs a stop sign might hit someone, chances are that a court would find that the driver was legally negligent. In real life, most negligence questions are more complex than this example and can be complicated even more by the fact that sometimes more than one person was negligent.

**WE PREFER YOU TO REFER!**

The period of time following an accident is one of confusion and uncertainty. There are many things to take care of. Hiring a good lawyer is one of them.

Many times, people don't know where to go when they need legal help. If you or a loved one has been injured in an accident, call us. We will vigorously represent you and make sure that you are justly compensated for your injuries. That's our job.

For more information on the Worthington Law Group and how it can help you please call 215.576.5150 or e-mail us at [sbwesq@worthingtonlawgroup.com](mailto:sbwesq@worthingtonlawgroup.com).

[www.worthingtonlawgroup.com](http://www.worthingtonlawgroup.com)