

BE ALERT FOR NURSING HOME NEGLECT

With people living longer than ever, more of our family members and loved ones will spend time in a nursing home. Although most nursing homes and other long-term care facilities are reputable and provide good care for their residents, a few do not. Reported cases of abuse and neglect are rising as the number of nursing home residents rises, and the elderly and infirm are often the least able to protect themselves.

Although nursing homes are regulated by government agencies that investigate and punish cases of abuse and neglect every year, officials cannot be everywhere at once. Everyone with a friend or relative in a nursing home should be aware of certain danger signs and be ready to act if they appear.

In nursing homes, the most common cause of neglect is the lack of sufficiently trained staff. With an eye on the bottom line, some facilities do not hire enough staff to properly care for their residents. Staffing shortages lead to overwork, and overwork and inexperience can lead to a breakdown in care. Neglect attributable to a lack of staff can include improper medication, failure to assist the residents with their hygiene, failure to turn the residents (leading to bedsores), and failure to adequately provide for the residents' safety and comfort.

More disturbingly, some nursing home employees take advantage of the elderly under their care. Cases of theft, assault, and even sexual assault of nursing home residents have been reported. Although such examples of outright abuse are rare, they are serious, and you should be alert for signs of trouble.

If you suspect that the residents of a nursing home may be abused or neglected, follow up. A good checkup is the surprise visit, when the nursing home is not expecting you. This allows you to see how the home operates on a daily basis, rather than just the days when someone is coming to visit. When visiting, get to know the staff. Staff members can be an excellent source of information about the happenings in the home. If you do not like what you see, complain. Often, potential problems can be avoided if the nursing home is told clearly what is expected.

If you suspect a serious problem at a nursing home, report it to the appropriate authorities immediately. In addition, if you believe that a loved one is being abused or neglected in a nursing home, call us. We will help you investigate the matter and take the legal action necessary to protect your loved one.

SIGNS OF ABUSE AND NEGLECT

What are the signs of nursing home abuse or neglect to look out for? Although a number of things might indicate that there are problems, common signs of possible trouble include:

- Bedsores;
- Soiled bed linen or the smell of feces or urine;
- Unexplained bruises or cuts;
- Use of physical or chemical restraints;
- Changes in mood or disorientation, often due to improper medication;
- Weight loss; and
- Unexplained fear or anxiety.

Trust your feelings. People can often sense trouble before they can identify a specific problem. *Don't ignore your instincts.*

WHAT IS MY CASE WORTH?

When deciding whether to sue for an injury caused by another's carelessness, the first question people usually ask is "What is my case worth?" The answer depends on what kind of damages were caused by the other party's negligence.

Some damages that are recoverable are easy to see. If you are injured by someone else's negligence, you can recover the cost of repairing or replacing your car and the cost of your medical bills related to the accident. You can also recover any lost wages because of time you missed from work due to your injuries.

Other kinds of damages are harder to see. If you have been hurt, you can usually recover something for the "pain and suffering" caused by the injury. You can also recover for things that are likely to happen in the future because of the injury you have suffered. An example would be any permanent disfigurement or any ongoing impairment caused by the injury that is serious enough to permanently affect your ability to lead your life or earn a living. If the lingering effects of your injury mean that you cannot perform the same work or play the same recreational sports you did before being injured, this ongoing loss should be compensable, even though the amount of the loss is often hard to accurately estimate.

Your spouse and family may also be entitled to recover monetary damages because of the injury you suffered. If your injury prevents you from performing the "household services" you would have otherwise done, such as cleaning the house or mowing the lawn, these losses are worth something. So are the emotional damages to your relationship with your family caused by your injury. These damages are called a "loss of consortium."

In short, the damages that may be recovered in a negligence lawsuit include almost

every kind of damage that is caused by the negligence. If you have any questions about whether you can recover for an injury you have suffered, please contact us. Every case is fact-specific, and we would be happy to discuss your situation with you.

FAMILY WINS \$13 MILLION IN ASBESTOS RECOVERY

Although most people now know the dangers posed by asbestos, this was not always the case. Because cancers and other diseases caused by asbestos can take decades to appear, new asbestos lawsuits are still being filed, years after asbestos stopped being used in consumer and industrial products.

One of these suits was brought by the family of a man who died at age 41 of mesothelioma, a rare form of cancer caused by asbestos. The suit was brought against Georgia-Pacific, which made a joint compound used in construction projects that contained asbestos. The man had been exposed to the compound as a child, when he helped his father with construction jobs on the weekends.

Although the evidence showed that the man had been exposed to asbestos in other ways, the jury found Georgia-Pacific partially liable for his injuries. It was likely influenced by evidence showing that, while all exposure to asbestos is bad, exposure to asbestos as a child is worse because children are more vulnerable to cancer-causing agents than are adults.

The jurors were also likely influenced by evidence showing that Georgia-Pacific had tried to hide the dangers of asbestos from consumers, had only half-heartedly complied with federal warning requirements, and had continued to sell the joint compound right up to the moment it was banned—internal documents noted that Georgia-Pacific's competitors were losing money by pulling their asbestos-containing products before they were required to.

Disturbed by Georgia-Pacific's lack of concern for those who used its products and its excessive concern for the bottom line, the jury returned a verdict of more than \$13 million for the family.

MOTORCYCLE RIDING: KEEP THE THRILLS, AVOID THE SPILLS

The vision of driving down a country road, atop a large motorcycle, with the wind blowing through your hair is an attractive one for many people, and the number of motorcycles on America's highways is growing. Although motorcycles share the road with cars and trucks, and although they are subject to the same traffic laws as other vehicles, the fact is that collisions involving motorcycles are different from, and are often more serious than, automobile accidents.

The Stats

In almost half of all collisions involving motorcycles, the fault for the collision lay with the driver of the other vehicle, who failed to yield the right of way to the motorcycle. The small size of motorcycles also makes them more vulnerable to road hazards that even a small car could pass over safely. Motorcycles are more maneuverable than cars, and riders can sometimes put themselves into unsafe positions that drivers of cars cannot.

The greater number of motorcycle accidents means that motorcyclists are also much more likely to be injured or killed in a collision than is someone riding in a car or truck. According to the National Transportation Safety Board, a motorcycle rider is 18 times more likely to die in a collision than is someone in a car, and far more likely to suffer serious injuries. Some 80% of motorcycle collisions result in injury or death, and the fact that the motorcyclist may not have been at fault is of little comfort.

Traumatic Brain Injuries

A common kind of serious injury associated with motorcycle accidents is head injury. Traumatic brain injuries, such as the closed-head injuries that result when an impact causes the brain to hit the inside of the skull, cause over one-third of the injury deaths in the United States. Since motorcyclists are often thrown off of their bikes in a collision, such injuries are 10 times more common in motorcycle accidents than in other vehicle accidents.

Safety First

Studies have shown that the number one way to prevent these serious injuries is the most obvious one—WEAR A HELMET! Motorcyclists should make sure that the helmet they choose has been approved by the Department of Transportation. If it has, it will have a sticker on it saying "DOT." Heavy riding boots, gloves, vests, and long pants can also help protect riders if they do crash.

Motorcyclists need to take extra care when riding. They should drive safely (as should all drivers), and they should wear the appropriate protective gear. Motorcyclists also need to understand the special problems that their vehicles present for others on the road, and they should ride especially defensively.

However, motorcycle safety is a two-way street. Drivers of other vehicles need to "drive aware" and keep a careful eye out for motorcycles. Motorcycle riders have the right to use the same road that car drivers do, and this right should be respected. Other

vehicles should give motorcycles a wide berth—while a small tap with the bumper likely will not hurt a large SUV, it is potentially fatal to a motorcyclist.

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.

THANKS FOR THE REFERRALS

Despite this modern age of marketing and advertising, the best source of our new business is word of mouth. We are grateful that many of our clients and friends feel confident in recommending our firm.

Unfortunately, when many people need a good lawyer, they do not know where to turn. If you or someone you know has been injured and needs legal help, call us.

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.

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