



INJURY LAW ALERT

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BIG RIGS = BIG PROBLEMS

We all know the feeling: your chest tightens when you look at your rearview mirror and see a 40 ton, 18 wheeler truck, rapidly approaching your back bumper. This feeling is not completely irrational. According to federal statistics, trucks of that type cause thousands of collisions each year. Given a truck's size and weight, common sense tells us that a collision between a big rig and a car—or even an SUV—will probably turn out badly for the car or SUV.

In a collision between a truck and a passenger automobile, the fatalities occur in the automobile 98% of the time. To put concrete numbers on the problem, in 2004, those types of crashes killed almost 5,200 people (12% of all traffic fatalities) and injured 116,000 more. This is the equivalent of 25 fully loaded jumbo jets crashing every year.

Some of the reasons are obvious: Trucks are bigger, heavier, and longer than cars and they need more room to maneuver. Trucks need a lot more road to come to a stop. Many collisions involving trucks are caused by the same things that generally cause car accidents: badly maintained trucks, speeding and overly aggressive driving. There's also failure to yield the right of way, or bad driving conditions caused by inclement weather. However, there are many other causes of these collisions and they are very avoidable.

One of the biggest causes of crashes is excessive truck size. Federal law currently limits trucks to no more than 80,000 pounds in weight, but an 80,000-pound truck is more than twice as likely to be involved in a fatal accident as a 50,000-pound truck. They also cause more "wear and tear" to the roads.

Trucks are also getting longer. The industry-standard trailer has grown from 40 feet long in the 1960s to 53 feet long today. Longer trucks mean larger blind spots, resulting in more accidents. Additionally, many roads (including interstates) were designed when trucks were shorter, and their ramps and merge lanes were not designed to handle today's longer trucks. As a result, these trucks cross over into other lanes of traffic, increasing the danger of a collision.

Larger, longer, and heavier trucks require more braking time, meaning that they are more likely to be in a collision because they cannot stop. For example, a truck weighing 100,000 pounds can take up to 25% longer to stop than one weighing 80,000 pounds does.

Other truck-related collisions are caused by a driver's inexperience in operating a particular type or size of truck. Tired truckers who have been on the road for too long and are over-tired also cause collisions. This is an increasing problem given the deregulation of the trucking industry and recent changes in the rules governing how long a trucker may drive before he is required to stop for a rest. Another factor is changes in how goods are shipped now that "just-in-time" delivery systems have been implemented.

Suits involving truckers are frequently more difficult to prove than other kinds of collision suits, for several reasons. First, it may be difficult to locate the trucker after the collision. The nature of a trucker's job means that he might be involved in a collision in a state far from where he lives and he might never return there.

Trucking companies are also very skilled in defending themselves against negligence claims and they can be very aggressive in denying claims. Trucking companies regard those claims as just part of doing business, because every dollar that they pay out in compensation to accident victims is a dollar that hurts their bottom line.

Finally, most commercial big-rig accidents involve many more parties than the typical accident including: the driver, the trucking company, multiple other drivers, the shipper(s), the insurance adjuster, and the insurer, just to name the most common. The legal relationships among all of these parties can be difficult to unravel.

A person who has been involved in a collision with a trucker is entitled to recover an amount necessary to compensate him for his injuries. This amount may include compensation for such items as medical bills, time lost from work, pain and suffering, mental anguish, disfigurement, and loss of earning capacity. The complexity of these cases means that you should consult an experienced attorney. Do NOT rely on the trucking company's insurance adjuster to look out for your interests because they won't.

Call us if you or a loved one has been involved in a big-rig collision. We will be happy to discuss the matter with you and work to get you the compensation that you deserve.

TIRED TRUCKERS CAUSE ACCIDENTS

Of all of the causes of truck collisions, one of the most preventable gets the least press: driver fatigue—put simply, tired truckers.

Federal law both limits the maximum number of hours that a truck driver is supposed to drive and prohibits truckers from driving if they are “impaired through fatigue.” The unfortunate fact is that more and more big-rig drivers are taking to the highways without enough sleep. There are several reasons for this, including relaxed industry regulation that results in less experienced truck drivers on the road.

Before 2004, the federal government allowed truckers to drive no more than 10 consecutive hours. Statistics from the Federal Motor Carrier Safety Association (FMCSA) showed that the number of fatigue related crashes jumped dramatically after eight hours of driving. That number of accidents continued to increase through the 10th hour allowed. Despite this evidence, the federal regulations were changed in 2004, and truck drivers are now allowed to drive up to 11 consecutive hours, meaning that now there are more tired truckers on the road than ever before.

The number of fatalities caused by large trucks has increased, with fatigue cited as a factor in 20% more accidents than under the old law. Interestingly enough, the FMCSA's failure to consider the obvious (more time driving = more driver fatigue) has been cited by at least two federal courts that are considering whether these regulations should be allowed to continue.

The deregulation of the trucking industry has also resulted in increased competition among trucking companies. This increases the pressure on drivers to complete their

routes quickly. Finally, changes in the ways that goods carried by trucks are distributed, such as the increased use of “just-in-time” delivery, have resulted in tighter deadlines for truck drivers than was the case previously.

When you put together all of these factors it means that the pressures on truck drivers to ignore the law and complete their deliveries, even if they are too tired to drive safely, will only increase.

WE ARE HERE TO HELP

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 at the Worthington Law Group. We will vigorously represent you and make sure that you are justly compensated for your injuries. That's our job.

NURSING HOME ASSAULTS

Many of us are now aware that seniors can face dangers in nursing homes. Residents can receive substandard medical care, be administered the wrong medications, or simply be neglected. Unfortunately, recent data show a rise in new and unexpected problems—assaults, rape, and even murder.

In 2000, there were 5,000 cases of patient-on-patient assaults in nursing homes; by 2003 (the most recent year for which statistics are available), this number had risen to 5,515. During the same period, the number of rapes increased by 51%.

There are many reasons for this increase in attacks on the elderly. As the population ages, nursing homes have become more crowded. More people suffer from dementia or mental illness, which sometimes causes them to lash out violently. Some nursing homes house younger, mentally ill patients with older, totally defenseless elderly residents. Finally, some nursing home residents are criminals, elderly sex offenders, or even murderers.

Usually, the person responsible for a criminal act is the criminal. However, in many cases, these assaults lead to civil suits filed against the nursing homes. These suits are based on the claim that the nursing home was negligent for not keeping a dangerous resident away from the victim or for not taking the time to determine which residents are potentially dangerous. The suits argue that a nursing home should be aware of these things and that it steps should be taken to protect residents from assaults once it knows that a particular person presents some type of danger to others.

Nursing homes frequently point to health-care privacy laws and claim that these laws prevent them from issuing warnings about other residents. They also sometimes cite inconsistent state laws or claim that the costs of background checks and other forms of due diligence are too high for them to bear.

Advocates for the elderly are more likely to cite understaffing, incompetence, and an unwillingness, by the facility to admit that a problem. Whatever the cause, individuals whose loved ones reside in nursing homes need to be aware of the potential for violent assaults. They should keep their eyes open and be pro-active about asking hard questions of the management and staff.

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 the Worthington Law Group.

Unfortunately, many people who need a good lawyer don't know where to turn. If you or someone you know has been injured and needs legal help, call us.

PREVENT BURGLARY

Somewhere in America a house is robbed approximately every 15 seconds. Just a few simple precautions can make your home less of a target and hopefully convince burglars to try their luck elsewhere.

- Install deadbolt locks on all outside doors, and make sure that all windows (not just those on the ground floor, all floors) have good, strong locks.
- Keep your property well lit and consider installing outdoor lights hooked to motion sensors—thieves really hate it when they can't hide.
- Keep trees and shrubbery cut back from windows so thieves have no place to hide.
- If you are leaving town for several days, suspend mail and newspaper delivery, and ask a trusted neighbor, friend or relative to keep an eye on your home.
- When you are not at home, keep a light on so the house looks occupied.
- Seriously consider an alarm system monitored by a reputable security company.
- Keep a car parked in your driveway. Much like lights, it makes the house look occupied and stops burglars from backing up a van and cleaning you out.

Finally, remember that even the best precautions do not work if you never use them! Give your home a security checkup, keep those doors and windows locked, and beat burglars at their own game.

DRUG WARNING: ORAL SODIUM PHOSPHATE

Having a colonoscopy can be an unpleasant experience, but it could also be dangerous. Before this procedure, doctors frequently ask patients to take oral sodium phosphate (OSP) to clean out the bowels. However, OSP, which is available over the counter, can be very dangerous.

According to the Food and Drug Administration (FDA), OSP has been linked to acute phosphate nephropathy (also known as nephrocalcinosis), a serious condition affecting the kidneys. In patients suffering from acute phosphate nephropathy, calcium-phosphate crystals are deposited in the renal tubes. The effect of this condition can be very serious: Patients may need dialysis, they could need a kidney transplant, or they might die from renal failure.

The problem is not often promptly diagnosed. The symptoms of acute phosphate nephropathy can vary widely from victim to victim and include such common symptoms as nausea, headaches, drowsiness, pain, bleeding, dehydration, swelling (especially of the feet), and a general lethargy. Although acute phosphate nephropathy does seem to be more common in those 55 and over, or in those already taking a medication that affects the kidneys, it can strike anyone.

The FDA has recently mandated that OSPs contain a so-called “boxed warning,” which is a very serious step. If you or a loved one has used OSP and suffered a kidney injury, contact us. We may be able to help you receive compensation for your injuries.