

**WINTER
2008/09**

Briggs and Counsel

L a w O f f i c e s

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PERSONAL INJURY PRACTICE

- Medical Malpractice
- Auto Accidents
- Wrongful Death
- Slip & Fall
- Products Liability

Season's Greetings!

*Celebrate the peace and beauty
of the holiday season!*

*We wish you and yours happiness
and good health in the coming year.*

*We would also like to say thank
you for choosing our legal services
and for referring your family,
neighbors, and colleagues to us.*

Briggs & Counsel

Txt msgng & drvng dangr

Please avoid the distraction of using high-tech devices while driving. Text-messaging, sending e-mails, checking global positioning, tuning satellite radios, scrolling MP3 players, and taking camera-phone pictures may all contribute to reduced attention to road conditions and lead to accidents.

A text-messaging driver looks away from the road up to 14 times every 30 seconds.

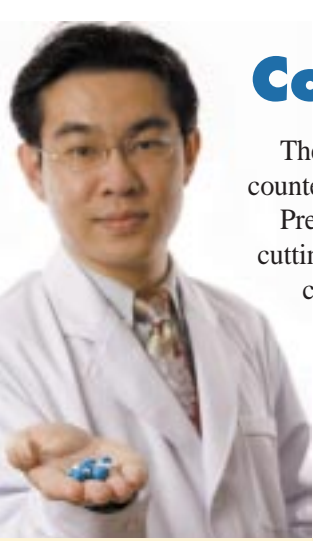
Instead, follow these safety suggestions:

- Concentrate on driving.
- If you must talk and drive, use hands-free devices.
- Pull to the roadside when using complicated electronic devices.
- Take calls on voice mail.
- Avoid emotional or stressful phone conversations while driving.

If you are in an accident and suspect the other driver was distracted, obtain legal help. An accident-specialist attorney can investigate other drivers' vehicles for evidence of electronic-device use, phone and e-mail records, and other sources to show a driver lost focus while driving.



Attorneys helping people.



Counterfeit medications

There's a "perfect storm" of conditions for makers of counterfeit medications to do their harmful work.

Prescription-drug costs keep rising. Employers are cutting back on medication plans as employee-benefit costs increase. Drug wholesalers are seeking alternative drug suppliers to maintain profit margins. As a result, counterfeit medications are appearing on the market.

For genuine medications, purchase only from trusted pharmacies or online retailers. Patients should also be aware of caution signs of fake

prescriptions or over-the-counter medications:

1. Change in a drug's normal color, size, texture, or taste.
2. Alteration in packaging or labeling color, size, or style.
3. Broken or tampered-with seals or packaging.
4. Onset of unexpected allergic reactions or unusual symptoms and side effects after taking medications.

A patient should contact the pharmacist immediately upon suspicion they have taken a questionable medication. Seek medical help if conditions become serious. Consult with an attorney.

Nursing home injuries

Residential care for elderly nursing home residents is not always delivered as promised, and accidents sometimes occur.

To be sure that staff will safeguard their loved ones' safety and health, adults who help parents enter assisted-living or nursing homes should investigate residences carefully.

Should a safety or injury problem arise, it may not always be easy to determine causes of safety or health problems. Staffs are reticent to talk, and the elderly may be unwilling or unable to explain problems.

Responsible adults who suspect that nursing home care is insufficient or has resulted in an injury should take three steps:

1. Get medical care for the loved one.

2. Notify residence management of concerns.
3. Seek legal counsel. Attorneys familiar with nursing homes can help elderly loved ones receive a high level of care or determine the bases of injuries and hold the responsible parties accountable.

Common concerns

- Decubitus ulcers
- Dehydration
- Falls, dislocations, and broken bones
- Inappropriate physical-restraint use
- Infections
- Physical, emotional, or psychological abuse
- Malnutrition
- Pressure sores



American juries

Fair and effective

American juries are doing an excellent job. Although the right to a jury trial is a cornerstone of our democracy, some critics claim civil juries are irrational, unreliable, and biased against business.

American Juries: The Verdict (Prometheus Books 2007), a new work by two leading jury-research experts, Neil Vidmar of Duke University School of Law and Valerie Hans of Cornell University Law School, reveals that American juries are alive and doing very well indeed.

Book highlights

- Legislation and computer technology have improved juror selection, which more fairly and closely reflects the broader range of our communities' populations.
- Once citizen-jurors get into the facts and data of a trial—no matter what their personal views were prior to empanelment—the jurors' focal point in decision-making and reaching their verdict is the evidence presented by both sides in a dispute.
- Jurors generally believe that corporations should be held to a higher standard of care than individuals because businesses have the potential to hurt more people than any one individual can.





How to complain EFFECTIVELY

Many of us who are dissatisfied with a product or a service may not get the best results from our complaints because we don't complain well enough.

Here are negotiating tips to get better results from your efforts:

1. Register your complaint as soon as possible.
2. Be sure you are talking to the right person—the customer service representative who has the authority to resolve your problem.
3. Get ready to negotiate by preparing several alternative solutions to suggest to the customer service rep.
4. Know which solution you will accept.
5. Be polite but assertive.
6. Use the customer service person's name to establish rapport.
7. Avoid becoming angry.
8. Inquire about the business's customary procedure for resolving complaints, then use it to your advantage.
9. Get the customer service representative to commit to a solution with you.
10. Keep records of your phone calls and letters.
11. Ask for a supervisor only if you feel you will not succeed with the rep.
12. If you do not succeed, file a complaint with authorities such as your state's consumer protection agency or a Better Business Bureau.

FOR YOUR SAFETY

Recalled product roundup

Here are some recently recalled products you may have in your home or at work:

- ✓ **TWIE, also known as Tradewinds International Enterprises, Inc.,** has recalled 152,000 "Sky Champion" Wireless Indoor Helicopters. Onboard rechargeable batteries can catch fire and burn consumers.
- ✓ **Provo Craft & Novelty, Inc.,** has asked buyers to return 730,000 Candsense Warmers, which have internal candle heating elements that can detach, melt their plastic casings, ignite, and burn consumers.
- ✓ **Hearth & Home Technologies, Inc.,** recalled 22,000 IntelliSwitch Fireplace Wall Controls with faulty wall control systems, which can cause the fireplace to turn on by itself and damage property and harm users.
- ✓ **Specialty Lamp International, Inc.,** has recalled 371,000 counterfeit circuit breakers labeled "Square D," which can fail to trip when they are overloaded, posing a fire hazard to consumers. Counterfeit circuit breakers are black and are labeled Square D QO-series models 115, 120, 130, 215, 220, 230, 240, 250, 260, and 2020, and Square D QOB-series models 115, 120, 130, 220, 230, 250, 260, and 1515.



Auto accident repairs

Parts and labor

If you are in an accident and your car is towed to a repair shop, there are two things you should know about parts and labor:

Parts charges

Parts manufactured by a vehicle's original equipment manufacturer (OEM) are best because they fit properly and are installed by authorized and trained mechanics. However, insurance companies urge repair shops to use generic or even salvage-yard parts to save money. Check your insurance policy. Although you can demand that a repair shop use OEM materials, you may have to pay more for OEM parts. Your family's safety is well worth the added cost.

Labor charges

Insurance companies recommend some repair shops because these shops have signed a contract with the insurer to "cap" their charges for specific kinds of work. That also saves money for insurers, but may result in repairs that meet a bare minimum in quality and safety. Select a repair shop you know or people you trust have recommended.

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The information included in this newsletter is not intended as a substitute for professional legal advice. For your specific situation, please consult the appropriate legal professional.

Premises liability

People who are injured through the negligence of commercial business owners, property managers, or property owners who fail to protect visitors and passersby from physical harm can call on attorneys for help.

Businesses have a legal duty to provide sensibly safe passage for those who enter their grounds.

Hotel negligence

A motorcycle passenger suffered traumatic brain injury when road flooding caused the vehicle on which she was riding to lose traction and flip. The victim, who incurred just under \$1 million in medical expenses and will require millions in future care costs, sued a hotel employee and trust beneficiaries who owned the hotel for negligence. Her attorney alleged that the hotel's swimming pool water had been illegally pumped onto the road, and responsible parties never warned drivers of the danger. The parties reached a significant settlement.



AUTO ACCIDENTS

When auto accident victims die, lawsuits brought on their behalf by lawyers experienced in vehicle accidents have helped loved ones recover financially.

Auto accident victims and survivors have important rights to obtain financial recovery, including loss of consortium, mental anguish, and pain and suffering.

Wrongful death

A driver whose vehicle had a flat tire was headed to a safety turnoff on a bridge when he was violently struck from behind by another vehicle. Suffering multiple injuries from the collision and a resulting fire, the driver died upon arrival at an emergency room. His adult children sued the driver of the vehicle and his parents, who were also his employers. The family's attorney alleged negligent entrustment since the driver who caused the accident and death was driving while impaired and at an excessive speed. The parties settled at mediation.

