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SUMMER 2014



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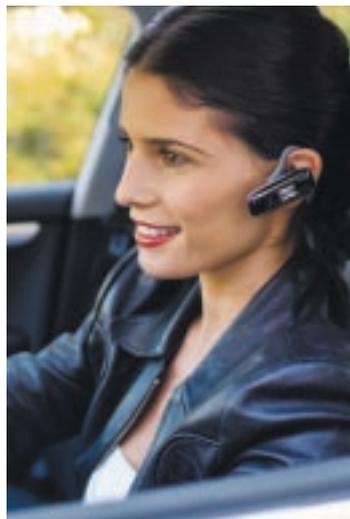
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## HANDS-FREE doesn't mean less **DISTRACTING**

Using hands-free technology while driving is a no-brainer, but is it really less distracting? A recent AAA study has shown that these devices are still a serious distraction to drivers. In fact, the study showed that using some vehicles' hands-free texting and e-mail features was actually more distracting and dangerous than talking on a handheld phone.

"This study constitutes the most in-depth analysis to date of mental distractions behind the wheel. AAA is hopeful that it will serve as a stepping stone toward working in collaboration with automakers to promote our shared goal of improving safety for all drivers," said AAA president and CEO Robert L. Darbelnet. "Specifically, these increasingly common voice-driven, in-vehicle technologies should be limited to use for just core driving tasks unless the activity results in no significant driver distraction."

Our advice? If you need to talk or text (even if it's voice activated), pull over.



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## Avoiding dogs while running



Whether you are an avid runner or just like an occasional jog to clear your mind, you should know what to do if pursued by a dog. Dogs like the thrill of the chase, and a runner makes a perfect target. Some dogs may view this as a game with no intention of attacking a runner. Other dogs feel threatened and are more serious in their actions. They don't bounce and romp or stop when the runner stops, but tense up and attack a person running by.

So, what should you do if you are pursued or attacked by a dog?

#### Here are some tips from the Humane Society:

- Resist the impulse to scream or run away.
- Remain motionless, hands at your sides, and avoid eye contact with the dog.
- Once the dog loses interest in you, slowly back away until it's out of sight.
- If the dog does attack, "feed" him your water bottle, baseball cap, or anything that you can put between yourself and the dog.
- If you fall or are knocked to the ground, curl into a ball with your hands over your ears and remain motionless.

If you've been bitten by a dog, get immediate medical attention, report the bite and whatever you know about the dog and owner to an animal control agency, and contact our office to help you recover any damages from the bite.

To enable us to communicate more easily with you, please send your e-mail address to us at [cpw@wardlawfirm.com](mailto:cpw@wardlawfirm.com)

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## Cyclists should look out...for other cyclists

Whether you are a casual bike rider or an avid cyclist, you are probably aware of the dangers presented by other vehicles and even pedestrians, but you should also be aware of other cyclists. Injuries sustained in a bike-on-bike collision can be very serious and even fatal.

In summer 2013, such a collision killed a 20-year-old Pasadena man. He was hit by another cyclist who was riding against the flow of traffic, or riding salmon, as it is called among cyclists. The victim sustained a serious head injury when his head hit the pavement. He was not wearing a helmet. Even so, the rider riding against traffic, which is illegal, could be held liable for the man's death.

### Ride well with other cyclists

- Follow the rules of the road; bike with traffic.
- Pass on the left and not the right.
- Slow traffic should stay to the right.
- Ride single file for safety.
- Maintain a safe distance between you and other bikes.
- Wear a helmet.



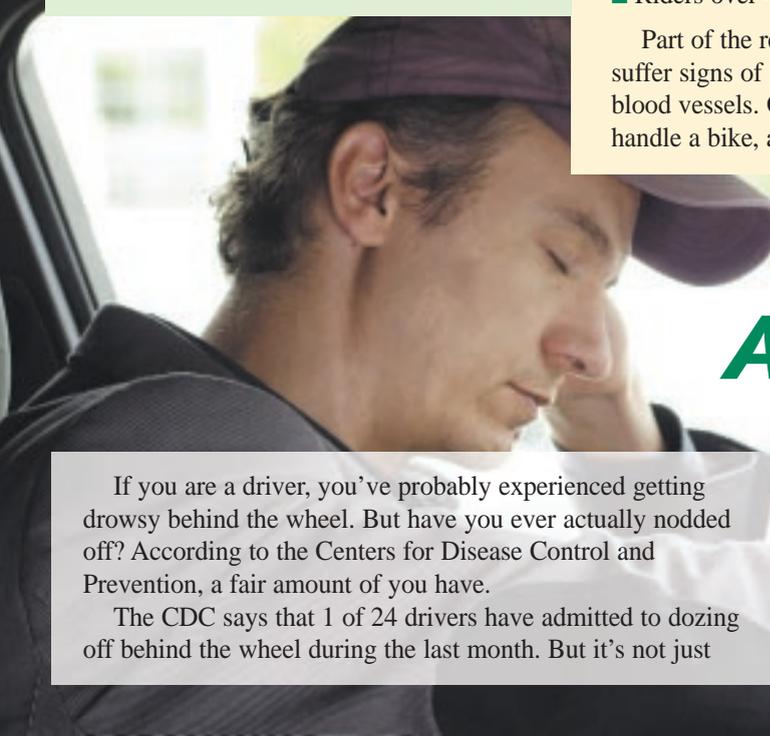
## MOTORCYCLISTS OVER 40 at higher injury risk

Riding a motorcycle is risky. The freedom and the connection to the environment that the rider experiences comes at the price of increased risk of injury or death in an accident. Those over the age of 40 are at higher risk.

The over-40 crowd is the fastest-growing age group of motorcyclists. People over 40 tend to have more time and more money. For some, this translates into a bike. The journal *Injury Prevention* found that in comparison to younger age groups, those over 40 are three times more likely to suffer from serious injuries in an accident. A 2010 study by the University of Rochester Medical Center found that hospital stays were longer and chance of death higher for riders over 40. Other findings from the study include:

- Fractures are twice as common in riders over age 40 than younger bikers.
- 32 percent of injured riders over 40 are treated in the intensive care unit, compared with just 27 percent of riders under 40.
- Riders over 40 are more likely to experience complications, such as pneumonia, blood clots, and infections.
- Riders over 40 are up to twice as likely to die from less severe injuries.

Part of the reason for higher injury risk may be that older bikers may start to suffer signs of aging, such as delayed reaction time, declining vision, and thinner blood vessels. Other factors include overconfidence in the ability to ride and handle a bike, and riding larger bikes that are more prone to flip.



## ASLEEP at the wheel

If you are a driver, you've probably experienced getting drowsy behind the wheel. But have you ever actually nodded off? According to the Centers for Disease Control and Prevention, a fair amount of you have.

The CDC says that 1 of 24 drivers have admitted to dozing off behind the wheel during the last month. But it's not just

falling asleep that can be deadly; the organization reports that driving drowsy is comparable to driving drunk. Next time you find yourself sleepy at the wheel, pull over and take a break.

If you or a loved one has been injured in an accident involving a drowsy driver or someone who has fallen asleep at the wheel, call our office to discuss your rights.

## Is your rental **SAFE?**

Renting a vehicle for vacation, a business trip, or even renting a sports or luxury car for a special date night or reunion is usually a pleasant experience. People rely on companies to make sure fleets are safe. For example, if a vehicle is recalled for safety reasons, renters have a reasonable expectation that it won't be rented until it is repaired.

But that's not always the case. Unfortunately, when a rental company rents vehicles with known safety issues, the consequences can be deadly. Sadly, sisters Jacqueline and Raechel Houck, of California, were killed when their rental car caught fire, and they lost control of the vehicle. The PT Cruiser they had rented had been recalled for defective power steering hoses that posed a fire risk, but had not yet been fixed.

The family won a multimillion-dollar jury verdict against Enterprise. The parents of the victims have teamed up with the Center for Automotive Safety and Consumers for Auto Reliability and Safety to help bring the issue into the public spotlight. They have also petitioned the Federal Trade Commission to prevent the rental of recalled vehicles that have not been fixed.

### **Rental recall and repair report**

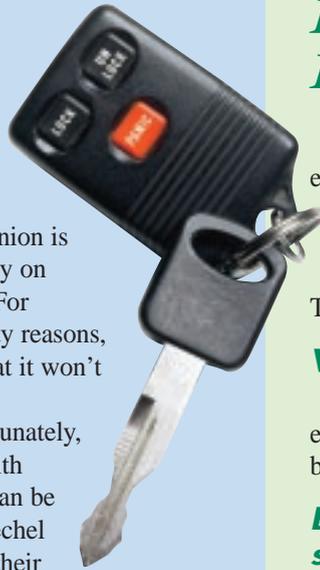
A 2011 National Highway Traffic Safety Administration study reported on the time between recall and repair at three nationally recognized rental vehicle businesses.

Enterprise repaired only 65 percent of recalled vehicles within 90 days.

Avis/Budget repaired only 53 percent of recalled vehicles within 90 days.

Hertz repaired only 34 percent of recalled vehicles within 90 days. Since the Houcks' story became public, Hertz has stopped renting vehicles under recall notice.

Protect yourself, your passengers, and everyone on the road. If you are unsure whether a vehicle you are renting has been issued a recall, ask the rental agent to check if it has any outstanding recalls.



## **ENHANCING BICYCLE SAFETY**

For many people, riding a bike plays a part in their everyday activities. Whether you just take leisurely rides around the neighborhood or are an avid cyclist, make sure that safety is a priority.

Here are a few safe-riding tips from the National Highway Traffic Safety Administration:

### **Wear a helmet**

A helmet is up to 88 percent effective at preventing traumatic brain injury in the event of a crash.

### **Ensure proper size and function of the bicycle**

The only way to be certain that you can properly handle a bike is to buy one that fits your build. If you aren't sure how to choose a bike that fits your frame, ask for help at the store. If you don't know how to inspect a bicycle to make sure that it is functioning properly, take it to a shop for an inspection and routine maintenance.

### **Follow the rules of the road**

Know the rules of the road. As a cyclist, you must obey traffic laws. That means stopping at stop signs and yielding to pedestrians and other vehicles.

### **Be visible**

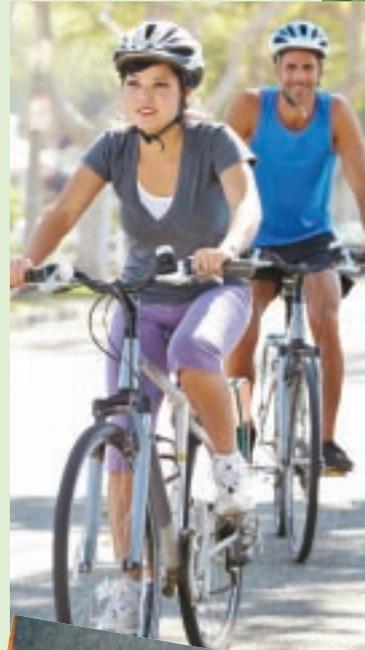
Take the extra time to make sure that you are visible to other vehicles and pedestrians. Wear bright clothing with reflective material, and use reflectors on your helmet and bike.

### **Share the road**

Use a bike lane if one is available; otherwise, ride in the travel lane with traffic. Stay to the right of the lane unless it is too narrow. Always signal your intentions and use a bell, horn, or your voice to let pedestrians and other bikers know that you are approaching.

### **Stay focused**

Always be aware of the traffic around you, and keep an eye on road conditions. A pothole that is an annoyance in a car can be deadly on a bike.



# Food allergies and the law

More and more people are suffering from food allergies that are life threatening. According to the Food Allergy and Anaphylaxis Network, 15 million Americans have food allergies or intolerances. They also estimate that 1 out of 13 children have serious food allergies. In response, more than 100 state laws have been enacted in the United States over the last 10 years.

If you or a loved one has a food allergy, you may wonder if it is safe to eat in school cafeterias and public restaurants. While it is getting safer, the answer is still no. Regulations vary from state to state. For instance, certain states may allow schools to be equipped with EpiPens® (single doses of epinephrine, a lifesaver for those in anaphylactic shock), while others do not. In November 2013, a law was passed that provides financial incentives for states to pass laws that allow schools to stock the medication and to administer it to children in need—even if they don't have a prescription.

Some states also require restaurant managers to have allergy training sessions; however, despite the rising number of people with food allergies, many restaurants still don't understand food basics of serving those with food allergies or issues that can occur due to cross-contamination. For example, in December 2010 a restaurant agreed to provide an allergy-friendly meal to a class of gifted children for an end-of-the-year party. Due to cross-contamination, the food contained trace amounts of peanut residue, enough to kill one of the students.



## Thank you!

*Thanks to all of you who have recommended our firm to your relatives, friends, and neighbors. We appreciate your vote of confidence and pledge to care for these "VIPs" as well as we care for you.*



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## THINK before you TEXT

If you know your friend is driving and you want to send him/her a message, you had better think twice before hitting "send." A New Jersey court has ruled that texting an individual who you know is behind the wheel can make you partially liable for an accident should the recipient of the message crash while reading the text. The *ABA Journal* (American Bar Association) reported that the appellate court ruled that a texter "has a duty not to text someone who is driving" if the sender knows the person "will view the text while driving."



This doesn't mean that someone who has no idea that the recipient is behind the wheel would be held liable for an accident. It means if you know that a person is driving and have reason to believe that they will read the text while driving, you could be held partially responsible for an accident that results from that text.