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LOOK OUT!

What happens when stuff falls off a truck and causes damages?

Did you ever drive down the road and see a mattress, a chair, or a hunk of metal on the side of the road? Chances are, you have. Imagine the damage those things could do if you were unlucky enough to be behind a vehicle that was losing its load.

Whether it's tons of pipes, pieces of garbage, or clumps of dirt flying off a commercial truck, if it causes an accident or damage, the trucking company and/or driver can be held liable. Truckers have an obligation to secure their loads for the safety of drivers and pedestrians.

Even a sign on the back of the vehicle warning drivers to keep a distance and claiming that the company isn't responsible for damage caused by falling debris doesn't absolve the company of its responsibility to properly secure what it is hauling.

If your vehicle is damaged by flying debris, get the name of the company and truck number if possible, make note of your location and the time, take plenty of photos of the damage, and file a claim right away with your insurance company.



Is minimum coverage good enough?

You hear commercials about carrying minimum-coverage auto insurance, but is it really a good idea?

It will keep you legal—and it is certainly better than nothing—but bare minimum prices offer bare minimum benefits.

According to **Bankrate.com**, moderate to severe auto accidents can reach costs of \$100,000. If your insurance only covers \$50,000, then those injured can hold you responsible for the rest of the damages. You would also

have to pay a lawyer to defend you, and ultimately could have to liquidate assets, including savings accounts, vehicles, and even your home, to cover these costs.

If you really need to save money, consider purchasing a higher deductible instead of reducing your coverage.

If you live paycheck to paycheck, have a low-paying job, and have no assets, minimum protection may be needed to afford to keep a car on the road. But don't forget to review the policy once or twice a year and increase your coverage as your situation changes.

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Elder abuse and home health care

Home health care seems like a great alternative to nursing homes, but cases of elder abuse are often reported right at home. One reason is that the home-care industry has little oversight. According to a study in the *Journal of Applied Gerontology*, only 15 states mandate training for home-care workers, and only slightly more than half of the states require that home-health agencies be licensed. In many cases, workers are overworked and undertrained, resulting in substandard patient care and injury.

The National Center on Elder Abuse estimates that somewhere between one and two million Americans age 65 and older have been injured, exploited, or otherwise mistreated by someone whom they depended on for care or protection. It is estimated that many cases go unreported. Elder abuse can be physical, sexual, emotional, or come in the form of financial exploitation and theft.



How long will it take to settle a claim?

This is a question that our office is asked all the time—and for good reason. On top of daily living expenses, those with injuries have medical bills, lost wages, and oftentimes have years of expensive medical treatments and therapies ahead of them. Unfortunately, there just isn't a clear-cut answer. It could take anywhere from a few months to a couple of years.

The amount of medical treatment needed is the primary determinant of when a case will settle. A patient must receive the maximum benefit of treatment and a long-term diagnosis before settlement takes place. In the most traumatic cases, this means waiting longer, but it's necessary to recover for current and future medical expenses.

Preparing the documentation to send to an insurance company can draw the process out. The extent of the injury, preexisting conditions, and the amount of work missed all require a great deal of documentation. Something seemingly simple, like getting a response for medical records, can sometimes take repeated letters and phone calls.

The insurance company will play a part in how long a case takes to settle. Some are more reasonable than others, but they will often refuse to pay a fair settlement. At that point, a suit may be filed.

There are many factors that influence the length of settlement. If you or a loved one has been injured, feel free to call our office for a confidential consultation.

SIGNS OF ELDER ABUSE INCLUDE:

- Bruises, broken bones, abrasions, or burns from abuse or neglect.
- Bedsores, unmet medical and hygiene needs, dehydration, and weight loss.
- Sudden change in financial situation, including changes in legal documents and large gifts.
- Withdrawal from normal activities, changes in behavior or alertness, depression, and strained caregiver relations.

If you or a loved one has experienced abuse or exploitation from a caregiver, please give our office a call to discuss your rights.

Asbestos exposure and mesothelioma

Mesothelioma is a rare and deadly type of cancer that targets the lungs or abdomen. It attacks membranes called mesothelia that protect the lungs and heart. Unfortunately, the cancer cells can spread rapidly to other parts of the body once symptoms appear.

Mesothelioma is directly linked to asbestos exposure, but cancer symptoms may not appear for decades. According to the American Cancer Society, after diagnosis, five-year survival rates are between five and 10 percent. The organization also says that most exposure to asbestos occurred in the workplace.

Those at risk for asbestos exposure in the workplace include miners, factory workers, insulation manufacturers and installers, railroad and automotive workers, shipbuilders, gas-mask manufacturers, and construction workers. Family members are also at increased risk of developing mesothelioma because workers can carry asbestos fibers on their clothes and into the home. People who worked in these industries should be tested for the cancer, as time between first exposure and diagnosis is typically between 20 and 50 years.

Those who suffer from the disease, or their survivors, can usually collect damages from the company that manufactured or installed the asbestos, or from an insurance company or victims' fund. If you or a loved one has been diagnosed with mesothelioma, please call our office to learn of your rights.

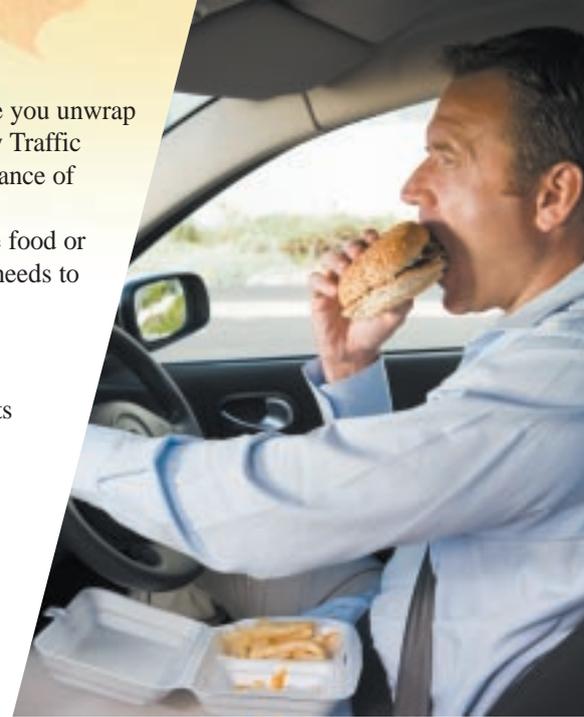
Don't EAT and DRIVE

It's tempting to eat breakfast and lunch on the go, but it can also be deadly. Before you unwrap that burger or dig into a bag of chips, consider this: A study by the National Highway Traffic Safety Administration (NHTSA) found that those who eat and drive increase their chance of having an accident by 80 percent.

It's not so much the eating (or drinking) that is dangerous, but the fussing with the food or beverage. For example, the lid on a coffee isn't on securely and it drips, a sandwich needs to be unwrapped, or the food is messy (think melted chocolate or dripping condiments).

Here are the top 5 distracting foods according to the NHTSA:

- 5 JUICY BURGERS**—Burgers that ooze grease, cheese, and condiments are messy when you are seated at a table, but dangerous when you are in the driver's seat.
- 4 CHILI**—Just because you can get it at a drive-through (on hot dogs or as a meal or side) doesn't make it safe to eat while driving. Chili is hot and will stain, making it a major distraction.
- 3 TACOS**—The taste is good, but the crumbling shell, dripping meat, and falling cheese and tomatoes will literally drive you to distraction.
- 2 SOUP**—People actually try to do this.
- 1 COFFEE**—It's common, it's hot, it spills, and it's the number-one food blamed for distractions while driving.



Remember, distracted driving is negligent driving. Please drive safely!

You need surgery... or do you?

Not much is more stressful than learning you need back surgery, except for learning that you just underwent unnecessary surgery. In 2011, almost half a million people had spinal fusion surgeries in the United States. The rate has increased dramatically in the last 20 years. The *Washington Post* analyzed the claims of 125,000 patient records in Florida, and experts said half of those surgeries weren't necessary.

Roughly 7 million Americans have stents implanted to hold blood vessels open; *Bloomberg* reports that a third of the surgeries were not necessary.

You may think that it's a case of simply being on the safe side, but surgery itself is a risk—and to justify the risk, there must be a health benefit. For example, spinal fusion complications include infection, permanent spinal nerve damage, and deadly blood clots. Stents can cause blood clots, infection, scar tissue blockage, and death.

So why would a doctor perform an unnecessary surgery? Many suspect the reason is financial gain. The *Washington Post* found that one Florida hospital made \$80,000 per spinal fusion, and the physician made \$6,000 per surgery. Another less intrusive, less risky procedure called decompression is a viable alternative for many patients facing the specter of spinal fusions. The fee for the physician, however, is \$1,000.

Performing unnecessary surgery is medical malpractice. If you or a family member has received unneeded surgery, call our office immediately to discuss your rights.

Keep your kids safe

Did you know, on average, two children's products are recalled every week? You probably didn't. That's because toy manufacturers don't invest money in marketing a recall, but issue a press release, leaving it up to the media to distribute the news. To keep up on all children's product recalls, go online and bookmark cpsc.gov.

Here are three recently recalled children's products:

Infantino Go Gaga Squeeze & Teethe Coco the Monkey teething toys

This squeaking toy, sold exclusively at Target, is made of soft orange rubber and is shaped like a monkey. The teether is intended for ages newborn and up.

Infantino, (888) 808-3111; www.infantino.com, click "Recall Information" link.

U.S. Polo Assn. girl's jackets

The jackets have a band of material at the neck that can pose a strangulation hazard to young children. The jackets have the name U.S. Polo Assn. with the year 1890, and the logo and the initials USPA on the jacket's upper left exterior. The jackets come in fuchsia, green, and cream in girl's sizes 4–16.

Q4 Designs LLC, (800) 741-0127; www.q4designs.com, click "Product Recall" link.

ZLP Manufacturing recalls Hornet Zip Line Trolleys due to fall hazard

The retaining pin can release on the trolley of this backyard zip line and cause the two side plates of the trolley to separate and fall off the zip line, posing a fall hazard.

ZLP Manufacturing, (888) 771-2579; www.zlpmanufacturing.com, click "Recall" link.



Deadly guardrail design

When you think about design flaws and car accidents, vehicle manufacturer defects come to mind. But sometimes it's the actual roadway safety features that are designed incorrectly—and costing lives.

Trinity Industries, a major guardrail manufacturer, is the subject of several lawsuits, including a whistleblower suit.

The yellow-and-black-striped end terminals found on the ends of guardrail sections are supposed to work by absorbing the impact of a crash and shooting the rail away from a vehicle. Because of a design change to the end terminals in 2005, rails are getting shot right through the vehicles into the passenger cabin and inflicting injuries, severing limbs, and causing fatalities. The company failed to update the Federal Highway Administration of the change in design until 2012.

Recently, a Texas judge ordered Trinity and Texas A&M University, which designed the end terminal, to turn over more than 55,000 pages of internal records that the company has fought to keep secret.

The company has contracts with all 50 states. If you believe you have been injured as a result of this, or any, product design defect, contact our office immediately.



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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RETURN SERVICE REQUESTED

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.