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AGGRESSIVE, ETHICAL REPRESENTATION FOR OVER 30 YEARS

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Various Forms of Truck Driver Error

When a truck driver is at fault for a roadway accident, there are many factors that can contribute, including the weather, road conditions, load shifts, and mechanical failure. However, topping the list—by a wide margin—is driver error.

Impaired driving plays a major role in driver error. Impaired driving may be caused by illegal, prescription, or over-the-counter drugs; alcohol; or sleep deprivation. Impaired driving leads to poor judgment, unnecessary risk-taking, slow reaction times, ignorance of impending danger, and falling asleep at the wheel.

Other instances of truck driver error include speeding or otherwise traveling too fast for conditions. Combine that with a sizable load and you have much longer braking times—and more accidents. In addition, taking a curve too fast and/or not taking a truck's load into consideration may lead to rollovers.

Truck drivers are trained to be alert to vehicles entering the “no-zone.” A no-zone (blind spot) is the area in which a passenger car disappears from the truck driver's view. A truck driver is guilty of driver error when he/she is unaware that a

vehicle has entered this zone, or fails to take the proper precautions when they do notice.

Driver error can also occur before the truck driver has hit the road. Some drivers depower the front brakes to minimize wear and tear on them. Instead they rely on the trailer brakes and downshifting to slow or stop the truck. This practice increases the risk of accidents and jackknifing.

An accident involving a truck can be a complicated affair. Contact an auto accident attorney to protect your rights. •



Almost 700,000 Ford Fusions and Lincolns Recalled because of Seatbelt Defect



Photo credit: Sarah Larson from Ann Arbor, MI, USA - 2013 Ford Fusion

As we went to press, it was announced that approximately 680,000 vehicles manufactured by Ford Motor Company have been recalled following at least 2 incidences where seat belt pretensioner cables separated during a collision which could increase the risk of injury for drivers and passengers.

The models involved are the Ford Fusion and Lincoln MKZ. Recall includes certain 2013 through 2016 Ford Fusion vehicles and 2013 through 2015 Lincoln MKZ vehicles.

If you own one of these vehicles, you should call Ford Customer Service at 800-392-3673 and inquire about recall number 16S42. •

December 2016 Important Dates

December 7 – Pearl Harbor Remembrance Day **December 21** – Winter Solstice **December 24–January 1** – Hanukkah **December 25** – Christmas **December 26–January 1** – Kwanzaa **December 31** – New Year's Eve

Unauthorized Credit Card Charges—Don't Panic

Unauthorized use of your credit card or credit card information can put a knot in the pit of your stomach. But don't despair. Federal laws and prompt notification will often limit your liability.

In most instances, if you notify your credit card issuer within 30 days of a lost or stolen credit card (or stolen credit-card information), you will not be liable for unauthorized charges made after that point. Any unauthorized charges made prior to your timely notification will frequently result in your liability topping out at \$50. Some credit card companies will be generous and cancel the \$50 charge. If your number (not the card) is stolen, your liability is zero.

If your debit card or debit card information is used without authorization, the timelines and liability differ a bit from credit cards. The Electronic Fund Transfer Act sets forth the rules for consumer liability:

- If you report within two business days that your debit card was lost or stolen, your liability will be \$50 or less.
- If you don't report it within two business days but do report it within 60 days after your bank statement is issued, your liability ceiling is \$500.
- If you fail to notify your bank within 60 days after your bank statement is issued, you may be on the hook for the entirety of the charges.

Occasionally, there may be extenuating circumstances that can extend the notice deadlines.

To protect yourself, check your bank and credit card accounts weekly to spot unauthorized activity. And never divulge personal information over the phone or via email or text message. •



Keeping Toys Fun

According to the Consumer Product Safety Commission (CPSC), in 2014 there were over 250,000 toy-related injuries to children that required a trip to the hospital emergency room. Eleven deaths were recorded as well.

The CPSC closely regulates all toys manufactured in the United States and those that are imported, but defects and carelessness are bound to occur. Parental vigilance is a child's best defense.

Always read the labels and consider your child's temperament, habits, and behavior before purchasing a new toy. Age levels for toys are determined by safety factors, not intelligence or maturity level.

For infants, toddlers, and preschoolers, toys should be large enough that they can't be swallowed or get stuck in a young one's windpipe (at least 1½ inches in diameter and 2½ inches in length). Avoid marbles, latex balloons, and games with balls that are 1¾ inches or less in diameter. Battery compartments should be secure. Batteries can cause chemical burns, internal bleeding if swallowed, and choking. Toys should be unbreakable and able to safely withstand chewing. Check for sharp ends, loose parts, strings longer than 7 inches, and parts that could pinch fingers.

For grade-schoolers who ride bicycles, scooters, hoverboards, skateboards, and the like, an approved helmet and possibly other protective gear are vital. Electric toys should be labeled UL, meeting the standards set by the Underwriters Laboratories. Purchase toy darts and arrows with soft tips or suction cups, not hard points. Nets on adjustable basketball rims should be well constructed and firmly attached to avoid strangulation hazards.

The CPSC website, www.cpsc.gov, can keep you apprised of recalls. You can report unsafe toys by calling their hotline: **(800) 638-2772.** •

Emergency Medical Situations and Medical Malpractice

Most states have laws that shield first responders (e.g., paramedics, EMTs, ambulance crews, firefighters, etc.) from medical malpractice lawsuits. Emergency medical situations are intense, high risk, and often require split-second decisions. If normal medical malpractice laws were in place, first responders' hands would be tied as to the type of treatments they could provide during an emergency.

Unless a first responder does something incredibly careless or negligent, a medical malpractice claim is a moot point. Even if a claim is filed, it must be leveled against the employer, not the individual first responder.

Medical providers in hospital emergency room settings come under standard medical malpractice rules: Did they act as a reasonably prudent medical practitioner would have under the same or similar circumstances? However, emergency medical situations do not allow for the calm consideration that is afforded other medical/hospital scenarios. A mistake must be severe to rise to the level of negligence. If medical malpractice is committed in the emergency room, the hospital is generally on the hook, not the ER doctor.

The Good Samaritan Rule, active in all 50 states, gives legal protection to citizens who come to the aid of an injured or ill person, as long as they act with reasonable care. Its intent is to minimize the reluctance of a person to help someone in distress. If an off-duty doctor comes to the rescue, he/she will not be judged by medical malpractice standards, but by Good Samaritan rules.

Medical malpractice cases are complex. If you believe you have been a victim of medical negligence, contact a medical malpractice attorney to protect your rights. •



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Truck Driver Error
pg 1

This publication is intended to educate the general public about personal injury, medical malpractice, and other issues. It is for information purposes only and is not intended to be legal advice. Prior to acting on any information contained here, you should seek and retain competent counsel. The information in this newsletter may be freely copied and distributed as long as the newsletter is copied in its entirety.

Holiday Wishes

All of us would like to wish you a very happy holiday season filled with smiles, special family times and great memories, and we hope that the New Year brings you and your loved ones peace, good health and happiness.