

FREE REPORT

Personal Injury Handbook

Zinda & Davis, PLLC
Attorneys at Law

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Personal Injury Cases

Information Center

The firm represents clients in all types of injury cases and offers helpful information on a number of topics, including:

Animal & Dog Bites

An animal attack of any kind may leave the victim with serious physical injuries and lasting emotional trauma. Such mental damage could easily lead to depression, a fear of the outdoors or of animals. The owner or keeper of the animal that caused such pain should be required to pay for your damages. Our firm handles dog bites and all types of animal attack claims in the Austin area

Bike Accidents

Riding a bike is environmentally friendly and inexpensive. It is also a great form of exercise and a good deal of fun. Unfortunately, some drivers do not know how to share the road with bicyclists. When a driver is careless or negligent with a bicyclist on the road, it could lead to a serious accident.

Birth Injury

A negligent obstetrician, nurse or other medical professional involved in labor or delivery may cause serious injury to mother or baby if they fail to provide a standard level of care. Various birth injuries such as Cerebral palsy, paralysis and developmental delays may be caused by malpractice of this kind.

Boat Accidents

A boat accident can be any incident on a boat or a collision involving a boat. Such an incident may cause serious injury or death. Drowning and near drowning are primary concerns, as are serious internal injuries, brain damage and broken bones. Much like an automobile collision, the boat driver who caused that accident will be held responsible.

Broken Bones

A broken bone or multiple broken bones may come about in virtually any type of accident, from a slip and fall in a restaurant to a high-speed car accident involving a large truck. In any scenario, recovery may be a long and painful process. Medical expenses and lost work wages may be covered if you file your claim in time.

Burn Injury

Typically considered one of the most devastating injuries that a person may experience, a severe burn may lead to scarring and disfigurement. If the damage is extensive enough, a victim may suffer from damaged muscle tissue and paralysis of the affected part of the body. The treatment for such an injury can be long and expensive. Do not go through the aftermath alone. Instead, work with our firm to right this wrong.

Car Accidents

Whether a head-on accident in an intersection or a rear-end accident on the highway, a car collision may have a serious impact on all parties involved. We handle all types of car accident cases related to drivers who were driving while texting, driving drunk or uninsured and can protect our clients' rights after virtually any accident.

Catastrophic Injuries

A "catastrophic" injury may include any type of physical or emotional injury that has a lasting and profound impact on the victim. Severe burns, brain injury, spinal cord injury and amputation may all be considered catastrophic injuries, entitling the victim to significant compensation from the party responsible for causing these.

Child Abuse

When a child is the victim of abuse, it can be difficult to know where to turn. Such an experience can have lasting mental and physical ramifications on the child and must be handled with all due care. Our firm handles civil lawsuits related to sexual abuse and physical abuse by teachers, coaches, clergy members, daycare personnel and more. Do not let this atrocity stand: file your claim immediately.

Child Injury

When a child is injured, nothing can compare to the anguish that the parents experience. Knowing that these injuries could have been prevented may only make matters worse. The financial burden that follows only makes the situation more difficult to cope with. Seek justice and compensation for your son or daughter's medical care with the help of an injury attorney at our firm.

Dram Shop Liability

Dram shop liability refers to the legal responsibility of restaurants, bars, liquor stores and other establishments that sell or serve alcoholic beverages. This liability is designed to hold these establishments accountable in situations where they have served minors or visibly intoxicated persons when appropriate caution clearly indicated that they should not have done so.

Drowning Accident

Drowning or near-drowning is a truly horrible event to experience. Defective gates or fencing around a swimming pool, improper supervision and faulty draining or cleaning systems may place a child or adult at risk of serious injury or death in a drowning or near-drowning accident. The owner of the premises on which such an accident occurred is responsible for failing to properly care for the vicinity and should be held responsible.

Gas Explosions

A defective product or shoddy work by the gas company may place a person at risk of serious injury or death due to a leak, fire or explosion. Gas explosions can be quite violent and a burn injury is likely to result. If you would like to learn how you can hold the negligent party accountable, call our firm.

Gender Discrimination

Men and women have the right to the same pay, bonuses and benefits. Unfortunately, due to gender discrimination some employees receive less pay than they should or are not considered for certain positions. With the major strides that our society has made towards gender equality, this injustice should not be tolerated or allowed to continue.

Grounds for Personal Injury Claims

A person who has suffered a personal injury may have different grounds to move forward with a lawsuit against an individual or business that has caused their injuries. The three primary grounds are: negligence, intentional conduct and strict liability.

Insurance Negotiation

Dealing with the insurance company is a part of most injury claims in Austin. Negotiation may be the most important aspect of these dealings. These companies are looking to turn a profit any way they can, even when it comes at your expense. We can help you persuade the insurance provider to pay a fair settlement in your claim or we will take your case to court to seek a favorable verdict.

Medical Malpractice

When a medical professional acts negligently and causes injury to a patient as a result, this is considered to be medical malpractice. The injured patient or the family of a patient who has lost his or her life due to malpractice may be able to seek justice by way of a civil lawsuit.

Mesothelioma

A mesothelioma diagnosis may mean that you or a loved one has been exposed to asbestos. Such exposure could have happened 5 or 10 years ago or even possibly 20 to 40 years ago. Normally contact with this dangerous material is due to the poor maintenance of a building or construction site. Find out if you have grounds for a lawsuit against the party or parties responsible for your exposure.

Motorcycle Accidents

Due to the nature of the vehicle, a motorcycle accident may cause serious injury to a rider. Even when a motorcyclist is wearing a helmet and proper protective gear, the results of a collision may be catastrophic, leading to dismemberment, spinal cord trauma, broken bones and more.

Nursing Home Abuse

It is estimated that one in three nursing homes throughout the U.S. provide substandard care to elderly patients, and in some cases this takes on the form of physical, sexual or emotional abuse. In these cases, our firm stands strong in protecting the rights of the elderly.

Pedestrian Accidents

A pedestrian who is struck by a motor vehicle may experience serious or life-threatening injuries, such as head trauma, broken bones, internal organ damage and much more. We represent the rights of pedestrians in these matters and are dedicated to helping them recover fair compensation for their injuries.

Premises Liability

A premises liability claim is a type of injury case that involves an accident or injury that has occurred on another's property. The most common types of premises liability cases relate to slip and fall and trip and fall accidents. The property owner is responsible for the upkeep and care of their facility and a failure to do so should not be ignored.

Product Injuries

A defective or dangerous product may cause serious injury to a consumer. At our Austin personal injury firm, we handle product liability claims related to drugs and medical devices, Accutane, DePuy hip implants and much more.

Propane Explosions

Severe burns and other catastrophic injuries may result from a propane explosion or leak. At our firm we are committed to helping those who have suffered from these types injuries. A defective product or improper implementation of safety regulations may lead to an accident of this kind.

School Bus Accidents

A school bus accident can be devastating. It may leave numerous students and any others that are involved in the collision, such as other motorists or pedestrians, seriously injured. If you are to seeking justice and fair compensation is such an incident, experienced help is necessary. Such a tragedy can be very emotional.

Sexual Abuse

Sexual abuse may have a considerable impact on a victim, particularly on the psychological level. Filing a successful civil lawsuit against the perpetrator can help a victim achieve a sense of closure, while providing financial compensation for counseling and other care.

Spinal Cord Injuries

When the spinal cord undergoes trauma and is damaged or severed, the victim may suffer from temporary or permanent paralysis. This will affect every area of the victim's life and is a catastrophic injury that will require immediate and continuing medical care, support and more.

Swimming Pool Accidents

An accident in or by a swimming pool can have disastrous results, leading to head trauma, drowning or near drowning, or other injuries. These cases should be approached with care in order to hold the responsible party accountable.

Traumatic Brain Injuries

A blow to the head or body may cause a traumatic brain injury if the brain collides with the side of the skull or is bruised or penetrated by an open head injury. Concussion, coma, brain damage and death are potential consequences of this type of injury.

Truck Accidents

A collision involving a large truck will most likely prove to be catastrophic – more often to the occupants of other vehicles involved than to the driver of the truck. In many situations, such a collision was caused by a failure of the truck driver to follow property safety regulations. Holding negligent drivers and trucking companies accountable for these serious accidents is an important part of our firm's practice.

Workplace Injury

When considering the amount of time the average working adult spends at work, it is no wonder that on the job injuries occur. Our firm handles workplace injury cases of all kinds, including those involving electrocution, industrial accidents and more.

Wrongful Death

An accident or other situation involving negligence may cause the wrongful death of a loved one. The survivor of such a tragedy may qualify for compensation for the aftermath of the event. If this has happened to someone you love, make sure you involve a competent attorney who will fight for justice on behalf of your lost family member.

Dog Bites & Animal Attacks

Animals have become a part of many Americans' everyday lives. Countless individuals keep pets in their homes such as dogs, cats, fish, hamsters, and birds of various sorts. Most of the time, these animals become a part of the family and they are very friendly. However, some animals continue to be dangerous. An animal attack can be surprising and surprisingly painful. Dog bites are the most common outcome of an animal attack. Such an injury can be very serious, especially if the dog has not been properly vaccinated. If you have been hurt in such an incident, you should be familiar with Texas' laws on the issue.

One-Bite Rule in Texas

Texas is one of a minority of states which observes the "one-bite rule." This means that that legal liability for a dog bite is based on one of the following:

- The owner knew that the dog had bitten someone previously or had the potential to bite a person
- The injury was caused by the negligence of the dog owner or handler
- Injury was caused by a violation of a leash law
- The injury was caused intentionally by the dog handler

If one of these points cannot be proven, the injured party can file a dog bite claim based on negligence. In addition to the "one bite law" two new dog bite laws went into effect in Texas in September 2007. Dog bite cases often are emotional charged, especially when the dog owner and the victim cannot come to an agreement.

Injured in an animal attack?

Was the dog leashed? Did the dog handler have voice command or control over the dog to stop the attack? Did the attack occur on private property or in a public place such as a park? Did the dog handler try to prevent the attack in the first place? These are all important questions to ask when you are considering filing your claim. The amount of compensation you can receive will depend on the circumstances surrounding the incident and the level of responsibility that the owner or keeper holds.

Although over 98% of bites are a result of a domestic dog or cat, bites can occur from other animals as well. According to the Texas Department of Health animals such as: raccoons, opossums, javalinas, rabbits, rats and squirrels also inflict bites to humans.

Bicycle Accidents

A car is not the only way to travel on the road. Bicycles are a common alternative to driving a vehicle and can be used recreationally or for transportation purposes. Though these instruments promote health and physical fitness, they can prove to be dangerous when used on the open road. Most other vehicles are not sure of how to interact with bikes. The category under which they fall is unclear to most people. Are bicyclists classified as pedestrians or are they on the same level as motorists? Who has the right-of-way when a bike is involved? Uncertainty in these areas when combined with careless or negligent driving can lead serious accidents.

Types of Accidents

We represent people who have had the misfortune of suffering personal injuries or property damage because they were involved with a collision involving bicycles, many of the collisions involve:

- Automobiles
- Trucks
- Drunk Drivers
- Hit and Run Drivers
- Uninsured and under-insured drivers
- SUV's
- Semi-tractor trailers

The injuries you suffer as a result of these accidents can be difficult to endure for both you and your family. There are a variety of damages that often occur in these incidents, such as:

- Burns to the head or neck
- Broken or dislocated bones and limbs
- Nerve damage
- Paralysis
- Death

Bicycle Accident Statistics

According to NHTSA, or the National Highway Traffic Safety Administration, statistics show that around 630 pedacyclists were killed in the year 2009. Furthermore, over 51,000 more individuals were injured in a traffic collision with a car, truck or another type of motorized vehicle. Pedacyclists include any individual on a bicycle, unicycle, tricycle or any other non-motorized bike.

Non-motorized vehicle accidents make up a mere 2% of all traffic collisions. Though this appears to be a small number, the type of injuries that result are often far more severe than other traffic accidents due to the unprotected nature of padacyclists. With your help and proper safety precautions, we can continue to decrease the number of fatalities and traffic accidents with bicycles!

Birth Injury

The birth of a child should be a time of immense celebration. However, an injury during birth can turn these feelings of extreme happiness into feeling of devastation and uncertainty

Birth Injuries and Malpractice

If your child suffered a serious injury or lifetime disability due to a mistake before, during, or after delivery, a lawsuit may be the best way to find out once and for all what happened and who is to blame. We will fight for the truth and for the compensation your family deserves. The use of forceps, allowing a pregnancy to continue beyond a safe period of time, or allowing a fetus to be deprived of precious oxygen can cause long-term physical, mental, emotional and psychological damages, and other serious conditions. Injuries to the fetus can affect the respiratory system, cardiovascular system, digestive system, nervous system and musculoskeletal system, and can cause hematologic disease, cerebral palsy, and stillbirth.

It is important to act quickly to remain in compliance with the statues of limitations in Texas. The steps you take immediately after this accident can influence how this injury will affect your life farther down the road. Do not hesitate to receive the justice you deserve in such a devastating experience. Our birth attorneys have the experience necessary to handle your case in a professional and compassionate manner. Make an appointment today for a consultation with an injury lawyer regarding birth injuries.

Brachial Palsy

Brachial palsy, or brachial plexus, is a type of injury that newborns can sustain and it involves the nerves of the spinal cord. The cause of this particular type of birth injury is shoulder trauma and inflammation. While this can occur at times when nothing could have prevented it, other times, it is the malpractice of a doctor while delivering the child. A newborn child is already extremely sensitive to injury, which means that one wrong move of the shoulder could result in this. When the nerve roots are moved, they can tear away from the spinal column where they are supposed to be. Consequently,

the scar tissue that surrounds the site of the injury can put unwanted pressure on the already injured nerve which can cause complications with the muscles.

One way this can happen is during an already difficult childbirth. The head is delivered first, except in the case of a breach, and sometimes the shoulders cannot pass through after it. This may require manipulation, and the doctor has to make a decision for what to do. In a sense, a doctor may have to choose dislocating the shoulder of a child if it means saving their life. A child that is stuck in one position during birth for too long may result in death because of a compressed umbilical cord. This particular kind of scenario takes place in approximately one percent of all vaginal (rather than cesarean) births. Your doctor may be at fault if they pulled unnecessarily on your infant's shoulders during delivery.

Evaluating the Symptoms and Getting Treatment

In most cases, minor treatment will allow the condition to heal within a few weeks. If your child's condition does not improve within a few weeks, then you should take them to the doctor for further examination. They may need to see a specialist and surgery may even need to be considered for children who are three to six months old and still suffering the side effects of brachial palsy. Children that do not improve may have an avulsion, which is a separation between the nerve and the spinal cord. Depending on the exact extent of the baby's injury, surgery may help or there may need to be a nerve graft. A shoulder, nerve or muscle injury at birth may have caused what seems to be paralysis. In reality, this could just be a minor fracture that will heal over time.

Your child may be suffering from permanent muscle damage which could potentially cause contractions and spasms throughout the duration of their lifetime, although it may be improved by physical therapy. If the nerves that were injured at birth were severely injured, then there may be a permanent loss of feeling or function of the shoulder or arm. Some infants retain partial feeling and motor function of their arm with only minor weakness. If you notice that your child seems to have no function or only minor function in one or both of their arms, then call your doctor as soon as possible for an assessment.

Cerebral Palsy

A child's cerebral palsy diagnosis can change their life and their family's life forever. Cerebral palsy is a condition which results from a lack of oxygen to the brain during childbirth. It is one of the most severe and devastating birth injuries that an infant can suffer from. If the condition is not diagnosed immediately, it can have life-long consequences to the child and their family. A child with this condition will face a lifetime of medical treatment and expensive hospital bills. Often cerebral palsy is caused by substandard medical care on behalf of a medical professional. Delaying a C-Section, improperly using vacuum extractors, misreading sonograms and misreading electronic fetal monitor strips are all potential causes of cerebral palsy.

Cerebral Palsy and Medical Malpractice

When a medical professional is negligent of his or her duty—causing a child to develop cerebral palsy—it is considered to be medical malpractice. If you are the victim of medical malpractice or you have questions concerning whether or not your child's condition is the result of medical malpractice, you should get in contact with a personal injury attorney. The most common symptoms of cerebral palsy are apparent in the infant's physical movement, speech, brain function, hearing, and vision. Delayed development, abnormal muscle tone, and seizures are the most common early warning signs associated with the condition.

Boat Accidents

Statistics on Boating Accidents

Statistics show that boating accidents are a serious problem in the lakes and rivers of Texas. Many serious boating accident injuries and fatal drowning incidents occur annually in Central Texas. The most common types of boat accidents are collisions with other vessels, collisions with fixed objects such as a pier, or passengers falling overboard. Overall, reckless driving, carelessness, excessive speed, operator inattention, and inexperience were the most common factor contributing to boating accidents. Most boats involved were personal watercraft (jet skis), cabin motorboats, and open watercraft.

Possible Damages

Under Texas law, boating operators and boat owners have a responsibility to ensure that other boats, swimmers and boat passengers are not injured, killed or hurt due to their actions. This does not always happen, though. Unfortunately, alcohol has been shown to be a huge contributor to the overall number of accidents. Reckless and impaired Jet Ski and boat operators have been linked to many accidents due to lack of judgment and control. Nearly one-quarter of all boating accidents can be directly linked to alcohol consumption.

Beside property damage, the physical damage that can occur is severe. Possible harm includes back injuries, broken bones, spinal cord injuries, and traumatic brain injuries. When you go to recover the damages you incurred, it may include compensatory damages that are designed to put you back in the position you were in prior to the accident and punitive damages that are designed to punish the wrongdoer and deter others from making the same mistake in the future.

Boating Under the Influence

Because Texas has more square miles of inland water than any other state, accidents on the water are not uncommon. What is one risk factor that increases the chance of a boating accident? Boating under the influence. One source pointed out that, "When you combine alcohol with a day of absorbing solar rays and exhaustion, boating drunk can quickly become disastrous. Many waterways are filled with traffic and boats are getting bigger and bigger while personal watercraft remains smaller. Imagine what a

drunk driver in an 18-wheeler would do to a motorcyclist on the road; boating drunk when captaining a large vessel can have similar results for a Jetski user."

A boat operator tends to become impaired more quickly than a driver. Boating under the influence is a high risk and not an uncommon one: in 2010, 300 people were arrested in Texas for boating under the influence. Like on the road, a person is not allowed to operate a boat if his/her blood alcohol content level is 0.08 or higher. Also, it is illegal for anyone under the age of 21 to be operating a boat with any trace of alcohol or drugs in his/her system.

Boating Under the Influence is Against the Law

According to Texas law, "It is unlawful to operate [a vehicle] while intoxicated." When an individual breaks this law, he/she can face a fine up to \$2,000, a jail sentence up to 180 days- or worse penalties if it is a subsequent offense. Alcohol causes individuals to lose their coordination, to feel confused, lowers their vision capabilities, interferes with their equilibrium and sense of direction and give them a significantly slower reaction time- all of which can be very dangerous if a person is operating a boat.

Boatingundertheinfluence.org elaborates, giving these skills as ones affected by boating drunk as well:

- Peripheral vision
- Nigh Vision
- Focus
- Ability to distinguish colors
- Judgment
- Cognitive abilities

BUI Statistics

It is reported by the Boating Accident Report Database that there were 758 boating fatalities in 2002 and 2,181 non-fatal, hospital admitted boating injuries. It is estimated that there were 30,000 non-fatal and non-admitted boating injuries in 2002.

Between 2002-2003 at 23% of fatalities and 9% of non-fatal injuries were due to accidents where alcohol or drugs were a contributing factor. The U.S. Coast Guard estimated that someone with a blood alcohol content level of 0.10 or greater is more than 10 times more likely to be involved in a fatal boating crash. Current statistics seem to indicate that BUI is responsible for 34% of fatal boat accidents every year. When a boat operator is drunk, it is more likely that he/she will be inattentive, use excessive speed, fail to yield and lose control of the wheel.

BUI Injuries

BUI injuries can sometimes be worse than DUI injuries, where at least signage, lights and lanes come into play. In the words of the U.S. Coast Guard, "Alcohol is more hazardous on water than on land." Common boating injuries include:

- Hypothermia- if you were thrown from your water craft
- Drowning
- Head injuries
- Back and neck injuries
- Disfigurement
- Lacerations
- Injuries requiring amputations
- Permanent disability

When you sustain a serious injury, as the result of another party's negligence, you have to pay for things such as hospital visits, medical bills and physical therapy. Besides the physical pain you face- you also experience loss of wages and also tend to be more anxious or depressed. These are called "damages" and if you can prove that another person's breach of care resulted in the injuries you sustained, you could be eligible to receive compensation.

After being involved in a BUI accident, you should take pictures of your injuries, of the boats involved or anything that could help your claim in court.

Car Accidents

Auto Accident Injury Claims

Every 72 seconds there is a car accident in Texas, according to the Texas Department of Transportation's 2008 statistics. A person is injured in a car accident approximately every two minutes and a person is killed every two and half hours. In recent years, there has not been a single day without a fatality on a Texas roadway. Accordingly, it is important for those who live in Austin to be aware of the potential causes, injuries and options for financial recovery after an accident occurs.

If you were the victim of a car crash caused by another driver, you may be entitled to money to help you recover from your injuries. A lawyer on our the legal team is ready to provide you with a free case evaluation so you know what to expect with regard to compensation, the predicted length of time to reach a settlement, and other important concerns.

Causes of Car Accidents

Any time a driver is distracted and drives carelessly or recklessly, an accident can occur. Approximately 28% of motor vehicle traffic fatalities occur because a driver was intoxicated or driving under the influence (DUI). The majority of motor vehicle accidents happen when a driver fails to pay proper attention to the road, exceeds the speed limit, disobeys a traffic law, is distracted by a passenger or a phone call, is texting while driving or is otherwise distracted from the operation of his or her motor vehicle.

A car may be involved in a single vehicle accident or a collision with other automobiles, motorcycles, trucks, bicycles or pedestrians. The outcome of any of these accidents can be catastrophic. Some of the types of car accident injury claims we can assist with include:

- Multi Vehicle Accidents
- Rear-End Accidents
- Head-On Accident
- Driving While Texting
- Drunk Driving
- Uninsured Driving
- Underinsured Motorists

Sometimes, a car accident victim has to deal with the situation of a hit-and-run accident, which can be particularly problematic. A competent investigation that is conducted by the police and overseen by a car accident attorney can often find the hit-and-run driver and hold that individual accountable for the damage that he or she caused. Such offenders will face additional legal penalties that other drivers do not face.

More About Car Accident Injuries

The injuries sustained in a car accident often depend on whether or not the person was wearing a seatbelt, the speed at which the car was traveling, the place where the car hit another object, whether or not the car rolled over, whether or not the car caught fire, and how well the car handled the impact. Some car wreck victims can walk away from the accident perhaps with a few cuts and bruises, but without significant physical harm. On the other side of the spectrum, the worst case scenario for a car accident victim is death. For victims who fall in between these two extremes, injuries may include damage to the head or neck, broken or dislocated bones and limbs, nerve damage and paralysis. Each case is unique with regard to the degree of injury and other

damages suffered by the victim. We can help you determine how to move forward and pursue the compensation you deserve.

Help for Accident Victims

Our experienced attorneys will determine if someone is liable for your injuries. If another driver was responsible for the accident, it is likely that they will owe you monetary damages. These can include compensatory or punitive damages. Compensatory damages attempt to put an injured person back in the position he or she was in before being injured. They include lost wages, past and future medical expenses, and pain and suffering. In some cases, punitive damages are also awarded. Punitive damages are given to the injured person in order to penalize wrongdoers and deter others from repeating the offense, such as in cases of drunk driving, when getting behind the wheel and driving was a criminal act.

Car Accident Checklist

Car accident victims may be entitled to legal damages. We will protect your rights and fight for you anywhere in the cities of greater Round Rock, Georgetown, Cedar Park, Hutto, and Austin areas.

What to Do if You're in a Car Accident

- Call 911 if there are any injuries. Request that police, ambulance and firefighters be deployed as appropriate.
- Seek immediate medical attention for any serious injuries.
- If there are no apparent injuries, call your local police station and report that there has been an accident. Request that a police officer come to the scene, investigate the accident and write an accident report. Take note of the accident report number and where and when you can obtain a copy of the report.
- Cooperate with the police investigation.
- Take pictures of the accident scene, preferably before the cars are moved. Be sure to include photos of the road conditions and damage done to all vehicles involved in the crash. Remember that many cell phones have camera capabilities.
- Write down the contact information for all of the other drivers involved in the accident, as well as for all of the witnesses to the accident, including their names, addresses and telephone numbers.

Accident Checklist Form

- Write down the license plate numbers, driver's license numbers, makes and models of the cars, insurance companies and insurance company policy information. If available, also make note of the insurance company's phone number.
- Take notes about the accident. Take particular notice of the weather conditions, road conditions, any negligent driving that you noticed prior to the accident, any strange behavior that you noticed after the accident and any statements made by witnesses or others involved in the accident. Make a simple diagram the accident scene so that you don't forget any of the details.
- Print and keep a copy of the forms on the following page in your car so that you easily keep a record of the accident details.
- Know where your car is being towed if you are unable to drive it after the accident.
- Remove all of your personal belongings from the car before it is towed.
- Seek medical treatment if you have any aches or pains that develop after the accident. Some injuries are not apparent on the day of the accident.
- Contact our firm right away or email us by filling out the contact form.

What Not to Do If You are in a Car Accident

- Do not apologize for the accident, as this may be viewed as an admission of guilt.
- Do not admit to causing the accident or make any other statement that could later be used to support an argument that you caused the accident.
- Do not leave the accident scene without contact and other pertinent information from the other driver(s).
- Do not leave the accident scene until the police have completed their investigation and given you permission to leave (unless you have serious injuries that require you to go to the emergency room).
- Do not discuss the case with the other driver.
- Do not speak with the insurance company without your attorney present.
- Do not sign anything from an insurance company without prior review by your attorney.

Car Accident Injuries

An automobile accident is a very difficult experience to go through. The aftermath of the incident is nothing short of painful. Having to deal with the physical injuries as well as paying for medical expenses, can make life almost unbearable. The emotional trauma can last even longer than the bodily damage. It is important that you act as soon as possible when you find yourself in this situation to minimize your losses and begin the process of recovery much quicker.

Broken Bones, Whiplash and Serious Injuries

There are many types of injuries, ranging from minor to extremely serious, that can result from a car accident. From soft tissue injuries such as bruises, strains, sprains and whiplash to catastrophic injuries such as traumatic brain injuries or spinal cord injuries, the type of damage possible is quite extensive. In very serious injury claims, it is necessary to determine the future predicted medical costs, as well as determine what income losses the individual will face as a result of the injuries. Some may miss work for several weeks or months, while those who are very seriously injured may have permanent damage and may never be able to work again.

Do you need compensation for your injuries?

Some of the most common injuries in car accidents are soft tissue injuries. In more dangerous car accidents, though, it is not uncommon to have broken bones, internal injuries, or disfiguring scars.

If you have suffered an injury and are unsure whether you should file a claim, we urge you to contact our legal team at once. We can help you to determine if your injuries are the result of negligence, and if so, can proceed to file a claim against the liable party. You should contact us as soon as possible after the injury or illness, as there is a statute of limitations that only allows a specific length of time in which to file a claim. We will do everything we can to help you get your claim resolved. Our team is here to help the injured and their families throughout the Austin area with high quality, personal legal services.

Car Accidents: Driving While Texting

Texting While Driving Injury Cases

There is a lot of responsibility that a driver holds when he gets behind the wheel of a car. He is taking responsibility not only for himself and his own safety, but those around him. Every driver that he shares the road with has to take the same responsibility, to behave in a way that ensures the safety for the other drivers. Unfortunately, not every driver takes this very seriously or even cares about this responsibility at all. Drivers are often very negligent in their driving behaviors and treat it quite casually. Such examples of blatant negligence are drunk driving or driving under the influence of drugs.

Negligent Drivers and Injury Claims in Austin

More subtle ways that drivers behave negligently are the many different distracted drivers. One type of distraction that is on the rise is the negligent action of driving while texting. If you have been harmed in an accident by a driver who was distracted by texting, you should retain the services of an injury attorney. Even though driving while texting is illegal, many drivers continue the dangerous habit. It has been said that a driver focusing on a text can have a slower reaction time than a driver who is inebriated. Factored in with many all the potential hazards on the road or highway, this negligent driving behavior can lead to serious injury accidents.

Dram Shop Liability Cases

Holding Retailers Accountable

Dram shop liability relates to the body of law governing the liability of bars, restaurants, taverns, liquor stores and other commercial establishments that serve alcoholic beverages. Dram shop laws help establish the liability of establishments arising out of the sale of alcohol to minors or visibly intoxicated persons or minors who subsequently cause death or injury to third-parties, as a result of alcohol-related car crashes and other accidents.

Dram shop laws help protect the general public from the hazards of irresponsibly serving alcohol to minors and intoxicated patrons. Damages may include compensatory damages that are designed to put you back in the position you were in prior to the accident and punitive damages that are designed to punish the wrongdoer and deter others from making the same mistake in the future.

Accidents Caused by Drunk Driving

Drunk driving is a very serious crime and is not taken lightly. Often the state of Texas will punish the drunk driver by filing a criminal case against them. You should be aware that you have the right to file a civil lawsuit against the drunk driver as a victim of a drunk driving accident. Even in the case that the state files such a case against the individual, while you are filing a civil lawsuit, they can still result in different verdicts and consequences for the defendant. You may be entitled to financial compensation after being involved in an accident with a drunk driver.

Innocent Victims of Drunk Drivers

There are many benefits to filing a civil lawsuit against a drunk driver. The first and foremost is being able to collect damages. If your lawsuit is successful, the settlement may result in financial compensation for you and your family. This compensation can cover your medical expenses, lost income, and the pain and suffering you have to go through after an accident. Filing a civil lawsuit also ensures that justice is served on the individual who chose to drive under the influence of alcohol. If they were served alcohol at a bar or restaurant, that establishment could possibly be held responsible under certain circumstances.

Drunk Driving Statistics

Throughout the entire country, the National Highway Traffic Highway Safety Administration keeps track of accidents involving drunk drivers. A drunk driving accident is considered any type of traffic accident involving a driver with a blood alcohol content at or above the legal limit, .08%. For 2009, the statistics regarding drunk driving accidents are as follows:

- Over 10,830 fatalities due to drunk driving accidents occurred
- A fatality due to drunk driving occurred every 48 minutes on average
- 32 % of all traffic fatalities were due to drunk driving
- 67% of the drunk driving fatalities were drivers with a BAC of .08% or higher

Head-On Collisions

Car accident liability is not always a clear-cut issue. There may be many underlying causes that attributed to the accident. Such causes could include unsafe roadways, such as potholes, slick surfaces and weather conditions. When the accident was caused by a negligent driver, such as drunk drivers, distracted drivers, drivers who text while driving, drivers who fall asleep at the wheel, or faulty auto products or vehicles, a personal injury lawyer should get involved. In many situations, the damage of minor fender benders is the least of a person's worries when it comes to such accidents. A head-on accident between two motor vehicles is one of the most dangerous and deadly accidents, often resulting in fatal injuries.

Injured in a head-on accident?

A head-on accident often takes place when a vehicle turns down the wrong road, such as a one-way street or accidentally gets onto a freeway off-ramp. They also occur if a vehicle drifts into oncoming traffic from their own lane. When two vehicles strike each other at high speeds, the injuries are often catastrophic. This includes spinal cord injuries, traumatic brain injuries, paralysis, and fatalities in the most tragic cases. With the combined force of two vehicles moving towards each other, it is extremely unlikely that any driver or passenger would be unharmed.

Insurance Bad Faith

When you get into a car accident, chances are you will be communicating with your insurance company frequently during the immediate aftermath. It is absolutely essential in these circumstances that the insurance companies to provide you with the full amount of compensation for your damages. "Insurance bad faith" is a legal term used to describe insurance companies that participate in illegal practices in attempt to cut policy holders short. If an insurance company is found to have participated in a bad faith practice, the plaintiff in a case can recover an amount that is more than the policy claim was actually worth in the first place.

Bad faith assumes that there is a "good faith" that insurance companies need to practice. This good faith is assumed, because insurance companies have a legal duty to those who hold their policies. Insurance companies are responsible for investigating the accident and making an accurate determination of the amount of damages that a policy holder can recover. They must then pay that amount. The amount is not limited to the damage to vehicle but may also include medical expenses.

Injured in a Multi-Vehicle Accident?

With so many drivers on the roads, there is often quite a lot of traffic and congestion to handle. Many drivers are in a rush and are not as careful as they need to be. Such individuals can cause serious crashes or collisions when they fail to pay attention to the road or behave negligently. It is important that drivers are cautious and follow the traffic laws, which are designed to protect individuals traveling on the road. A multi-vehicle accident can easily be caused by one reckless driver alone, injuring or killing numerous individuals. An alarming number of individuals are injured and or lose their lives in multi-vehicle accidents. After being involved in such an accident, it is important that you get in touch with a lawyer.

Compensation in Multi-Vehicle Accident Injury Cases

Many people who are involved in multi-vehicle accidents sustain a catastrophic injury such as traumatic brain injury, spinal cord injury, burns, loss of limb or other permanent or disfiguring injury and suffer greatly. It is important that those people know they can get the help they deserve.

Negotiating a Car Accident Claim

After an Accident

Say you are driving down the highway when all of the sudden, you are rear-ended by another vehicle. The driver that hit you was not paying attention to the flow of traffic because they were texting while driving. However, the driver of that vehicle is claiming that you slammed on your breaks too quickly. What happens at this point? Now is the time to file a car accident claim. Regardless of your insurance provider, you will need to quickly report the accident. Waiting too long to file a claim can result in a denied claim. As soon as possible after your collision, you report your accident to your insurance provider.

Understanding the Claims Process

You will be assigned to a claims adjuster who will ask you more questions about your accident, obtain information from the other driver's insurance company and will also assess and explain your car insurance policy to you. All car insurance policies are different, which means that you will be better off understanding the terms of your policy. This way, you will not be caught off guard when it comes to the settlement that you are offered. There are eight major types of car insurance offered. Some of those are required and some of those are optional, depending on where you live. The first major type is liability insurance. Monthly premiums paid to a policy with liability coverage means that you will be covered in the event that you cause or contribute to

an accident. This can cover medical expenses, damaged property and even court fees.

Collision insurance pays for all damages that your vehicle sustained. Comprehensive insurance covers all other damages that your vehicle sustains outside of damage inflicted by other vehicles. For example, vandalism, hail damage or theft can be covered under this line. Medical coverage is the pays for your medical expenses regardless of whether you or the other driver was at fault. There is also PIP (personal injury protection), uninsured motorist, underinsured motorist and rental reimbursement automobile insurance coverage. Depending on what your policy includes, your claim adjuster will propose a settlement amount to cover your damages. Sometimes this amount is adequate to cover your costs and other times it is not.

Can I negotiate my settlement offer?

You are absolutely entitled to negotiate the settlement that your insurance company offers you. Keep in mind though that you must have good reason to do so. Stay informed, and make sure you fully understand what you are entitled to under your policy. Also, keep track of all expenses that you incurred because of your car accident. This can include medical bills, correspondence with your insurance company, cost of a replacement vehicle and even lost wages for any time you had to take off of work to recover. In a battle of David and Goliath proportions, it may seem as if you have little hope going up against your insurance company. Do not let this intimidate you.

You can write a demand letter for a higher amount as long as you have calculated what you believe your claim should be worth. This process is best carried out with the assistance of an attorney. What our law firm is prepared to do is to investigate your claim, as well as your policy, and help you file all the necessary forms to try and maximize your recovery. You shouldn't have to settle for any less than what is entitled to you under the terms of your policy.

Types of Car Accidents

Car accidents can lead to terrible injuries that cause pain and suffering. The legal issues that follow regarding compensation are extremely important to the injured and their families. A careful evaluation of your specific injury case should be undertaken as early as possible after the accident. Accidents that occur on the road can come in a number of forms. The following types of accidents are common throughout Austin and the surrounding communities:

- Multi Vehicle Accidents
- Rear-End Accidents
- Head-On Accident
- Driving While Texting
- Drunk Driving

- Uninsured Driving
- Truck Accidents
- Motorcycle Accidents
- School Bus Accidents
- Pedestrian accidents
- Hit and Run Accidents

Traffic Citation Questions & Answers

How is a traffic misdemeanor enforced?

Most traffic violations and summary offenses are enforced by a citation written by a police officer charging the person with the offense. Typically, the citation is issued to the person charged with the offense at the scene of a traffic accident by a police officer on the scene. If a police officer is not present, or if a police officer has not completed an investigation, a citation or summons may be sent by mail. In some situations, a police officer may arrest someone and have them appear before a district judge. A hearing may be requested.

What is a citation?

A citation, such as a speeding ticket or moving violation, is a document that contains a brief listing of the facts of the incident being cited. In this document, it will state the specific law that has allegedly been violated, as well as how to respond. For someone who has received a citation, there are two courses of action that can be taken; they can either plead guilty and pay the citation or they can plead not guilty and request a hearing. If they do neither and failed to respond to the citation, a warrant will be issued for their arrest. Once this occurs, they may be arrested and brought to court and, in cases that involve traffic citations (a class C misdemeanor per Texas law), a monetary fine and driver's license suspension may be imposed. Unfortunately, some Texan motorists have had their license suspended merely because they failed to appear in court or didn't hire a lawyer to help protect their rights.

Where will my traffic citation be heard?

Texas has two different types of courts that handle traffic citations. The court which will handle your case is determined by which police agency issued you the citation. All Texas counties have Justice of the Peace courts. If a state trooper or deputy sheriff issued the citation, it will likely be heard in a Justice of the Peace, or JP, court. On the other hand, if you received a ticket from a municipal police officer, the ticket may be heard by a municipal traffic court. Many cities in Texas have their own traffic courts in addition to the Justice of the Peace courts.

What if some facts on the citation are wrong?

If the incorrect information is minor, such as an incorrect color or model year of a Texas automobile or Texas truck, the errors will probably not invalidate the citation. If the errors

are major, such as citing the wrong section of the law allegedly violated, then the citation may be invalid.

What if I decide to ignore the citation?

If you do not answer a citation within a certain period of time, it can have serious consequences. If the citation is for a moving violation, not responding to the ticket can result in suspension of your driver's license and a warrant being issued for your arrest. A person who operates a motor vehicle while their driver's license is suspended is subject to an additional suspension that could double the amount of time the license is lost. If an arrest warrant is issued, you could be put in jail if you get pulled over again.

If you have ignored a citation and a warrant has been issued, it's important that you contact an experienced traffic citation attorney to get the warrant lifted and get a new court date set.

Where do I get an accident report?

You may obtain an accident report from the police agency that responded to your accident. Typically, the report is at the local police department, sheriff's office or the local Texas Department of Public Safety office. A clerk in the court where your citation was filed will be able to tell you where to obtain a copy of the accident report.

What if I miss court?

A warrant may be issued for your arrest. In addition, your name and license number may be entered into the Texas Department of Public Safety's failure-to-appear database, which will prevent you from renewing your driver's license. The database is often referred to as the OMNI System. In order to renew your license, you will have to pay DPS fees or OMNI fees for failure to appear.

Rear-End Accidents

Rear-end accidents are one of the most common types of collisions and are on the rise in the Austin area. These accidents can result in very serious injuries. It is crucial that you have legal representation from an attorney after being involved in a rear-end car accident and sustaining injuries. Some of the injuries that can be sustained from this type of accident are back injuries, head injuries, traumatic brain injuries, whiplash, broken bones, spinal cord injuries, internal injuries, and a number of others. Such damage can range from minor, requiring only a few weeks of treatment, to catastrophic injuries or even fatalities. Often an individual who has just been hit from behind may not feel the injuries immediately. As it is likely that the effects of the damage will surface at a later time, it is urgent that you get medical attention immediately after an accident.

Injury Claims

Unfortunately, distracted drivers are the number one cause of rear-end accidents. Despite the fact that drivers should have all of their attention on the road when they are behind the wheel, many still cause accidents with their negligent behavior. Such distractions include texting, talking on their mobile phone, eating, adjusting the radio or GPS, or other distracting behavior. Drunk driving and driving under the influence of

drugs are more severe examples of distracted driving. A drunk driver is unpredictable and dangerous to those around them.

Rollover Accidents

One of the most dangerous types of car accidents that anyone can be involved in is a rollover accident. It accounts for near 30 percent of all vehicle fatalities annually. Although larger vehicles are more prone to being involved in rollovers, smaller vehicles are not immune. In this type of accident, the vehicle does not have to completely roll over, but can also roll onto its side or roof. Many of these accidents are so severe that the car rolls over multiple times. So what is the cause of these accidents? Typically, it starts when a vehicle is traveling too fast while turning. If you were the non-liable party in a rollover accident though, then there is likely a different cause.

You may actually have a case of auto product liability if you were involved in a rollover, because some vehicles have been tested to be more prone to these types of accidents because of a defect in the design. One major cause of rollovers is a phenomenon called "tripping." Like it sounds, this occurs when a vehicle gets tripped up on an object on the road. This can be something as small as a curb or something as large as another vehicle. What can commonly happen is one driver will swerve to avoid an accident or a car that is driving recklessly. If traveling on a high-speed road such as a freeway or a highway, then a sharp swerve can result in the entire vehicle tipping onto its side or rolling over. The weight of the vehicle makes it difficult at times to rescue victims from these types of accidents.

Roof Crush

A fairly common occurrence when it comes to rollover accidents is roof crush. When a vehicle rolls over, it needs to have a strong enough roof to support the weight of the rest of the vehicle. If it does not, then the roof of the car will cave in and severely injure the passengers inside. Vehicles are rated by their roof crush strength which has been rated by the Insurance Institute for Highway Safety. Because near 10,000 people are killed every year in rollover accidents, vehicles are now coming with stronger roofs. To meet federal regulations for strength, vehicles must have a 1.5 strength-to-weight ratio.

Unfortunately, this is not strong enough to prevent many injuries in rollover accidents. If all vehicles had a ratio of 4.0, there would be 50 percent less serious and fatal injuries as a result of roof crush. Victims of these accidents are injured more severely than those who simply hit their heads inside vehicles in other accidents. This is because while the passengers are traveling toward the roof, the roof is simultaneously traveling toward them as it is being crushed by the pavement. This increases the force of the impact.

Filing a Car Accident Claim

If you were injured in a car accident because your vehicle rolled over, then you may have a claim against another driver or against the manufacturer of your vehicle. You may actually be struggling to prove liability in your incident. Chances are, the other driver who was involved in your accident (if any) has an insurance company that is

trying to shift the blame as much as possible in order to avoid making a larger payment for your injuries and vehicle repair.

Underinsured Motorists

Although most car owners in the United States own car insurance, about 14% do not, and many motorists are underinsured. While this may initially seem inconsequential, it can have large significance if you happen to be involved in a car accident with an underinsured motorist (UIM). In that situation, you will have to pay your own expenses; the other motorist may not be held financially responsible. This may even be true if you take the case to court and win. Accidents involving underinsured motorists can be stressful for every party involved.

Underinsured Motorist Insurance

Do not give up hope if you have been involved in an accident with an underinsured motorist. You may be able to receive compensation. Some states require car owners to purchase underinsured motorist insurance as a means of protection. It is a safeguard in case you have an accident with an underinsured (or uninsured) motorist. Getting into an accident with an underinsured motorist can have the same results as with uninsured motorists. Underinsured motorists have car insurance—they just do not have enough to be of any great value if an accident occurs. Again, uninsured motorist (UM) insurance is necessitated by law in some states.

If you live in a state that does not require underinsured motorist insurance, it is nonetheless wise to purchase it. If you are involved in any way in an accident with an uninsured or underinsured motorist, your insurance will assist you with your payments and relieve you from having to make the full payment.

What can you do as a victim?

Some states require underinsured motorist insurance; others do not. In the states that do require it—and if a car owner does not have it—the penalties vary. For example, a motorist who does not have the required insurance and who is not at fault in the accident may be denied certain compensation based on the fact that he or she does not have the mandatory car insurance.

Injured by an Uninsured Driver?

After you have been in a car accident, there are a lot of things that can worry you. Many of these things are money-related, such as wondering how you will pay for the damages to your car and the injuries you have sustained. These concerns should not cause you stress while you are dealing with the emotional and physical trauma of a car accident. While most drivers have insurance that covers collisions and liability, unfortunately some do not. You may be entitled to more recovery from your insurance company under the circumstances if you are injured in a car accident with an uninsured driver. An attorney will be able to evaluate your case and help you make the right choices for your claim.

Compensation in Uninsured Driver Accidents

Despite the fact that Texas laws require automobile drivers to have insurance, an estimated 4 million people drive without the proper insurance coverage. There is a significant chance that the driver of the vehicle will not be able to pay for the injuries and damage they cause in an accident because of their lack of insurance. Sometimes it will be near impossible to collect damages from the uninsured drivers, despite being entitled to them. Your own insurance company may provide financial compensation if you have been in an accident with a driver who lacks adequate car insurance, a driver who has absolutely no insurance, or an accident with a hit-and-run driver.

Child Abuse

Every parent has the difficult job of protecting their children while encouraging them to gain independence. Often, that means trusting the adults of different organizations and institutions to care for a child without the parent present. Many children attend day cares, schools, activities, camps and religious organizations without their parents present and benefit immensely from the experiences. However, with the potential benefits of these activities comes a risk. A portion of children will suffer from child abuse or neglect while they are in the care of a school, organization or institution.

Parents of child abuse or neglect victims should know that their family might be entitled to legal damages.

Legal Representation for Claims

It can be difficult for a parent to tell if abuse or neglect has taken place because many children are too embarrassed or too young to give a full and accurate account of what happened. That is why it is so important for parents to be alert to the following symptoms of child abuse:

- Unexplained bruises, cuts, burns or pain
- Dramatic changes in behavior
- An adamant and repeated desire not to attend school, daycare, or activity again
- Significant emotional withdrawal from you or other loved ones
- Regression from a developmental milestone
- Sexual behavior mature beyond the age of the child

Child Abuse Injury Claims

If there is suspicion of child abuse or neglect, remove the child from the situation and notify the local child protective agency who will conduct an investigation. A pediatrician should examine the child and provide an evaluation. Although you may

be hesitant to contact an attorney, we want you to know that we strongly believe in helping families recover from the unthinkable and preventing other families from enduring the same kind of pain.

Child Injury

Each year, more than 6,000 children die from accidental injury and another 14,000,000 are injured from related carelessness. The majority of these injuries could have been avoided if a responsible adult was properly supervising these children or if appropriate safety measures had been in place. When a child is seriously injured, the whole family suffers. The emotional, physical, and financial losses associated with the accident can be overwhelming.

Was your child injured through negligence?

Common child injuries can involve the following:

- Faulty car seats, strollers, and cribs
- Flammable children's clothing
- Unsafe toys that cause choking or poisoning
- Swimming pool accidents
- Dog bites or attacks
- Window blind cord strangulation
- Bicycle and pedestrian accidents

It is important to speak with a legal professional before settling an insurance claim. The insurance process can be complicated and a settlement offer may be inadequate to compensate for the pain and suffering resulting from a child injury accident. Those responsible for the accident may be liable to the victim for damages in the form of monetary compensation.

Drowning Accidents

Drowning accidents occur largely due to the negligence of a third party. In cases of adults, this can happen when a person falls on a slippery walkway by a pool or attempts to use a piece of equipment that has broken or is defective. In the regrettable case of children, this negligence can stem from poor monitoring of child safety, failure to lock gates or properly cover a swimming pool, or even defective equipment from a manufacturer. In any event, drowning accidents are disastrous to families and can result in a lifetime of increased stress and hardship. If someone you love has been the victim of a drowning accident and suffers a life-long disability or has died as a result, consider meeting with a personal injury lawyer to learn more about what you may be entitled to under Texas state law.

Near Drowning & Swimming Pool Accidents

While all drowning accidents are terrible, perhaps the most heartbreaking cases include accidents which result in the death of a child. All too often, children are able to access swimming pools or other swimming areas because of poor restrictions or complete lack of proper protection. Manufacturers have been known to sell defective gates, for example, that children can easily bypass in order to access an unattended swimming pool. Even in cases where a swimming area is populated and adults are in the vicinity, children can still drown in a matter of minutes.

Drowning accident deaths can be some of the most traumatic hardships any family goes through. Whether the victim is an adult or a child, the loss of a loved one under these circumstances is often difficult to bear. Emotional pain and suffering for surviving family members can be debilitating. It can end up conflicting with the ability to make a living or end up manifesting in other health-related ways that can cause real symptoms and conditions. In cases where the victim faces a life-long disability, such as brain damage, long-term healthcare costs can drive most families into debt with no hope of recovery those losses.

Gas Explosions

Propane and natural gas are beneficial but extremely dangerous products. We rely on our gas companies to safely install and maintain their equipment. When they fail to do so, potentially serious consequences will most likely result. When gas companies install defective gas products or their workmanship is flawed or negligent, it is the consumer who can pay a terribly undeserved price. The consequences of a gas explosion are usually catastrophic and result in devastating injuries or death. It is very important to consult with an attorney who is familiar with the field of gas explosions in order to find out exactly why the explosion occurred and who is responsible.

Causes of Gas Explosions

The most common causes of gas explosions are defective gas control valves, leaking propane tanks, negligent maintenance or the lack of maintenance, leaking hoses, natural gas leaks and defective gas connectors. The compensation you receive will most often cover your medical expenses, lost wages, and your pain and suffering.

Gender Discrimination

Federal and state laws prohibit gender discrimination (also known as sex discrimination) in the workplace. Since the passing of the federal Equal Pay Act in 1963, it has been unlawful for employers to pay females less money than males for the same work. Title VII makes it unlawful for employers to discriminate in the hiring, employment or discharge of anyone based on their gender.

Texas statutes also prohibit discrimination on the basis of gender. Despite the existence of this law, we know that employers continue to treat females differently than they do males. Often, it is up to the employee who was treated unfairly to hire a Texas employment discrimination attorney to right this wrong.

Workplace Gender Discrimination Damages

Sex discrimination can occur in any industry. Here in Texas, it is often seen in our gas and oil industry and other fields that are traditionally male-dominated. Discrimination laws apply equally to all industries and there are no exceptions for those positions that have historically been held by men. A woman who is denied equal pay or equal benefits for equal work may be entitled to recover damages.

The law allows plaintiffs to recover back pay if they are successful in gender discrimination lawsuits. Back pay is the amount of money that the plaintiff should have received from her employer, minus the amount that she actually did receive. Plaintiffs may also recover employment benefits to which they were entitled but denied, as well as other damages. The law also allows successful plaintiffs to recover attorneys' fees and court costs so that the plaintiff with a valid sex discrimination claim does not have to pay these expenses to see justice done.

Medical Malpractice

There is a definite legal obligation that a doctor, nurse or other medical professional has to provide a certain level of treatment to any patient in their care. Very serious injury can be inflicted on a patient because of a doctor who makes a mistake, behaves negligently, or commits any form of professional misconduct. There can be serious detrimental effects on one's life when medical malpractice takes place. Birth injuries, a wrong diagnosis, a delayed diagnoses resulting in further injury or illness, incorrect dosage or medication, removal of the wrong body part, and unsanitary conditions in a hospital resulting in infections are all common examples of medical malpractice. The death of a loved one can sadly be the result of malpractice in some cases. If you or someone you love has been the victim of this injustice, is it vital that you contact a lawyer immediately.

Medical Malpractice Damages

It is fair to expect that those individuals working in the medical industry are using the utmost care in their treatment of patients. When we enter a hospital or facility, we are placing our trust in their professional ability and ethical standards. In any instance that you do not receive the appropriate level of treatment or you receive substandard treatment that results in injury, there is something you can do about it. Unfortunately, medical malpractice claims are very complex. Having an attorney to assist you gives you the best possible chance for a successful claim and the compensation you truly deserve.

What to Do After a Medical Malpractice Incident

In 2000, it was determined that medical malpractice is the third largest cause of death in the United States. The total number given by the Journal of the American Medical Association was that 225,000 people die each year in the U.S. as a result of doctor- and this doesn't count all the individuals who are injured by hospital negligence.

Medical Malpractice Statistics

According to the Journal:

- 106,000 people die from the negative effects of drugs
- 80,000 people die from infections in hospitals
- 20,000 die from other errors in hospitals
- 12,000 die from unnecessary surgery
- 7,000 die from medication errors in hospitals

One study suggested that 25% of doctors, primarily surgeons, get litigated for medical malpractice each year. What are examples of medical malpractice?

- Patients who are misdiagnosed
- Patients who are never diagnosed
- Victims of emergency room error
- Victims of a surgical mistake
- Victims of nursing home neglect

According to a study by the Department of Health and Human Services Agency for Healthcare Research and Quality found that one in 10 patient deaths, who die within 90 days of a surgery, is because of a preventable error. When medical malpractice occurs, not only are patients' lives adversely affected, so are their pocket books. According to the Department of Health and Human Service's study:

- Patients pay 6% more for wound opening associates with medical errors- \$1,426
- Patients pay 25% more for blood clots or other vascular or pulmonary problems associated with medical errors- \$7,838
- Patients pay 32% more for metabolic problems, such as kidney failure or uncontrolled blood sugar, associated with medical errors- \$11,797
- Patients pay 33% more for nursing care errors, such as pressure ulcers and hip fractures

Because medical malpractice can so negatively alter the life of a patient, every victim of medical malpractice is entitled to damages. But what steps should you take after a medical malpractice incident?

Steps You Can Take

In the wake of a medical malpractice accident, you should hire a personal injury attorney so he/she can determine if somebody negligently provided medical care to you and who can determine what injuries were caused as a result. If a personal injury attorney determines that medical malpractice did occur, a lawsuit can be filed. One of the most important things that you can do is to take pictures of any things that don't look right- such as cuts or abrasions. You can also gather all hospital records, request more medical documentation from a hospital and research a doctor's medical track record. Keep a journal recording the medical malpractice incident, your injuries and follow-up care.

Something good to consider is switching medical providers by a referral. You don't want your doctor to know that you are considering filing a medical malpractice claim, because he/she could change your medical records and minimize your chance of receiving a settlement.

An imperative thing to keep in mind is that Texas has a two year statute of limitations for suits against health care providers. That two year time period typically runs from:

- The date of the tort (this means the wrongful act or infringement of rights that has motivated you to file a lawsuit)
- The last date of relevant treatment
- The last date of relevant hospitalization

Mesothelioma

Mesothelioma is a form of cancer which develops in the protective lining that covers many of the body's internal organs, known as the mesothelium. It is most often caused by exposure to asbestos. Unfortunately, since it is an unusual condition, the diagnosis is very tricky and many people are not correctly diagnosed. Often when the condition presents itself, there is a delay in diagnosing it and treating it which results in a worsening of the ailment. Many cases of this illness are attributed to negligence on behalf of companies which manufacture products containing asbestos who were aware of the health risks of asbestos exposure. In those situations, they did not reveal the information to the general public or kept the information from their employees. Some of these companies have been aware of the side effects since as early as the 1920's. If you have been diagnosed with mesothelioma or an asbestos-related condition, it is important that you get in touch with an injury attorney right away.

Personal Injury Claims for Mesothelioma Cases

Thousands of people become ill or suffer a wrongful death every year due to the negligence of asbestos manufacturers that led to the development of an asbestos-related disease. If you or someone you love has been diagnosed with an illness related to asbestos such as mesothelioma, you likely have a valid claim for financial compensation. Legally, you do not require an attorney to file a personal injury claim.

However, having a firm represent you who is knowledgeable in the field will give you the best possible chances for a successful claim. In cases such as these, having an attorney has helped thousands of individuals receive financial assistance to cover their medical expenses, lost income, and pain and suffering.

Motorcycle Accidents

Although owning and riding a motorcycle can be fun, it has the danger of resulting in a serious injury, particularly at the hands of another negligent driver. Even with the proper protective gear, the injuries incurred can be devastating. Many lose their lives in motorcycle accidents even while wearing a helmet. It is very easy for a motorcycle rider to not be seen by a driver of a car or truck, especially if they are distracted, or even driving drunk.

Injured in a motorcycle accident?

As motorcyclists they do not have the protection from their vehicle that drivers and passengers in buses, cars, and trucks have, they are more susceptible to suffering terrible injuries when involved in an accident. Even in a minor crash, they may suffer from life-threatening physical damage. Broken bones, nerve damage, paralysis, neck and head wounds, and death are all common to occur as a result of motorcycle accidents. Victims of such accidents may be entitled to financial compensation. Our team works dedicatedly to help our clients obtain what they deserve. After you have gotten the medical care necessary after an accident, it is vital that you retain the services of an experienced attorney who is knowledgeable about such accidents.

Negotiating a Motorcycle Claim

Just because you have motorcycle insurance does not mean that your insurance company will accept your claim. You need to keep yourself informed in order to maximize your recovery after you are involved in an accident. Just as motorcyclists have to qualify for a different license, so too do they have insurance that differs from your average automobile insurance. Most insurance companies that offer car insurance also offer motorcycle insurance. Coverage can include things like bodily injury that you sustained or someone else sustained, injury as a result of a motorist who was uninsured or underinsured, compensation for theft, vandalism or other incidents that can damage your motorcycle and also coverage for damaged side cars if the motorcycle has that. Each motorcycle policy is different.

You may have to pay more to be insured if you have a poor driving record. The more accidents that you have on your record, the more expensive your premiums will be because you pose a higher risk for liability. The cost of motorcycle insurance will also differ depending on where you live. Cities and rural towns, for example, will likely differ when it comes to the cost of insurance. This is because there is a statistically higher likelihood of being involved in an accident in some places over others. Your motorcycle isn't just a means for transportation; it is likely your hobby as well. When it is damaged or you sustain injuries while riding it, you want to make sure that you are covered.

Filing a Motorcycle Accident Claim

The claims process is nearly the same for motorcycles as it is for any other type of vehicle involved in an accident. Regardless of who caused the accident, you will have to promptly report the accident to your insurer. You will then be assigned to a claims adjuster who will evaluate the accident, gain more information from both you and the other driver and assess your policy. Say for example that your motorcycle was vandalized. You walk out to the place where you parked it only to find that it has been significantly scratched up. If the policy that you have been paying for does not include vandalism insurance, then you will likely be left paying out of pocket for this type of damage. Let's look at another scenario. Say you are driving down the highway when an unassuming driver side-swipes you.

Provided that you are a faithful policy holder, have been paying your premiums and you reported the accident on time then you should be entitled to compensation to cover your medical costs as well as the cost of damages that your bike sustained. Your claims adjuster will evaluate your policy, evaluate the accident and then offer you a settlement. By understanding your policy fully, you can make a determination of whether or not the settlement is enough to cover the cost of damages. Keep a full record of all medical bills and other expenses that you incurred as a result of the accident. If you are partially at fault, then you may be able to collect up to the amount that the other party was liable.

Contesting Your Settlement Offer

Know that the first settlement offer that your insurance company gives you is not something that you have to take. If you believe that you are entitled to more, then you are legally able to negotiate your claim. Take special care to note what is provided in your policy, ask your insurer the reasons for the amount that they offered and make sure to keep record of all expenses that resulted from the accident. This information can be presented in a letter to your insurance company so that your claim can be reevaluated.

Nursing Home Abuse

Nursing home care is a very important part of the spectrum of family care in the United States. Many families rely on the service of nursing homes to provide care for their elderly loved ones. When a person places their elderly family member into a nursing home, they expect that they will receive the level of care which is promised. This is why it comes as a shock when one finds out that their loved one has been a victim of nursing home abuse. The abuse victims and their families have suffered in ways that no individual in our society should suffer through and are likely entitled to damages. Getting in touch with a lawyer is the first step in finding out about your rights and how you can seek justice.

Signs & Symptoms of Nursing Home Abuse

It is not always easy to tell when a nursing home resident has become the victim of abuse. They are often emotionally unwilling to report abuse or may be in fear of the

repercussions of doing so. The relatives and regular visitors of such an individual should be alert to the following signs of potential abuse:

- Bedsores
- Unexplained bruises and cuts
- Sudden changes in behavior which cannot be explained by the resident's doctor
- Being prevented to visit alone with the patient
- Staff interfering with a patient visit
- Patient being overmedicated
- Patient's will, important documents, or bank account changing unexpectedly

Sexual Abuse in Nursing Homes

Unfortunately, abuse is becoming more common in nursing homes- and sexual abuse is one of the most prevalent forms. In 2009, there were roughly 1.5 million seniors living in nursing homes. Because elderly residents are vulnerable and often ill or their infirmities have made them less able to communicate, they become easy targets for criminals.

Not all nursing homes run employee background checks to the extent that they should. Because employees help residents change, take them to the bathroom or give them a bath, these can be easy opportunities for abuse. Also, sometimes violent criminals are being allowed to reside in nursing homes. There are stories across the country of criminals or sex offenders, with prior records, being allowed into a nursing home and reoffending.

Signs of Sexual Abuse

Because your loved one is most likely too scared or embarrassed, or perhaps unable to speak up- how can you know if they have been victimized by sexual abuse? Certain tale-tall signs can be good indications that abuse is occurring:

- Anxiety when a staff member approaches to assist them with dress, using the toilet, or bathing
- Unexplained bloody sheets or clothing
- Unexplained bruising or thumbprints
- Unexplained irritation or redness
- Unexplained bleeding
- Difficulty walking or sitting

- Rope burns on wrists or ankles
- Unexplained sexually transmitted disease or infection
- Is your loved one withdrawn or apathetic
- Does he/she get upset, agitated or fearful?
- Have you noticed unusual behavior that could indicate stress and victimization, such as rocking, biting or sucking?
- Has your loved one reported any mistreatment?
- Guilt, shame and alienation are signs of post-traumatic stress disorder and should not be ignored. Other emotional indicators of abuse include anger, humiliation, self-blame and revenge. Residents might want to move or suffer from the same nightmares or phobias.
- Other signs of sexual abuse can include gastrointestinal irritability, genitourinary discomfort, muscle tension, sleep pattern disturbances, psychiatric illness

A recent congressional report cited almost one-third of US nursing homes for abuse, totaling 5,283. More disturbing statistics include the following- 18% of women who are raped each year are sixty years of age or older.

- About 70.7% of older victims were assaulted in nursing homes
- In one-third of the cases, sexually abusive acts towards elders were witnessed by others
- In one study, more than half of nursing home residents who were victims of sexual abuse died within the year
- Of adults who are developmentally disabled- 83% of females and 32% of males are victims of sexual assault
- 49% of people with developmental disabilities, who are victims of sexual violence, will experience 10 or more abusive incidents

Sexual abuse of a nursing home resident can take many forms: unwanted touching, sexual harassment, sodomy, sexual coercion or sexually explicit photographing. A good umbrella definition of sexual harassment is anytime a resident is "manipulated, forced, tricked, or coerced" into a sexual act. For sexual interaction to be OK, a resident must give their implicit consent.

Besides being abused by nursing home staff members and fellow residents, an elderly resident can also be abused by strangers and family members. If a nursing home lacks good security, people can easily walk in from the outside. When a nursing home resident is abused by a stranger, the nursing home can be held liable.

Physical Nursing Home Abuse

One of the most unfortunate occurrences in our society today is the abuse and mistreatment of the elderly. The World Health Organization brought this issue into the public eye in a 2002 statement. A large majority of senior citizens need assistance for care and have gone to live at nursing homes or they have a live-in caretaker. There are actually many different types of nursing home abuse, although people tend to think of this one the most. There is psychological abuse, financial abuse and even sexual abuse of the elderly that can happen. Here, we will discuss the tragedy of physical abuse. The elderly are almost completely defenseless, which means they are left to the care of nursing home staff. When the very people who are charged with their care actually cause the most harm, something must be done.

Signs of Elder Mistreatment

Your elderly loved one may be at a nursing home, leaving you with little chances to go and visit them. Unfortunately, this may mean that you only have a few instances in which to notice the signs of abuse. It is important to keep your eyes open for the signs so that you can report any suspicion as soon as possible. It is common for workers to become frustrated or impatient with the elderly. Although understandable, it is not ever acceptable to act out on these frustrations. Some common manifestations are hitting, punching, shoving and even giving them the wrong medication or failing to give them their medication at all. Be on the lookout for bruises and physical scars, but also be on the lookout for any changes in their personality.

You may believe that your loved one will tell you immediately if there is something wrong, but if they feel threatened then they may be trying to hide it. If you notice they are acting withdrawn, depressed or are refusing to answer your questions then this may be a situation worth digging into some more. It is actually common for one kind of abuse to accompany others. If your loved one is being physically abused then they may also be suffering psychological abuse as well. This type of abuse can be threats, criticizing and even just choosing to ignore them.

What You Can Do to Fight Back

It is frustratingly difficult to try and find statistics on elder abuse, and this is because this problem is continuing to remain hidden as a blemish on the caretaking industry. Many also fail to report these incidents, and therefore forego their rights. Researchers are constantly studying and one statistic suggests that up to 25 percent of the elderly are abused in some form on a monthly basis.

Those who are in positions of trust are often the ones guilty of abusing it. While nursing home staff and caretakers are commonly the suspects for abuse, abuse can even come from within the family or a family friend. Some good resources that you can look to in order to find out more about abuse are the National Center on Elder Abuse and the National Committee for the Prevention of Elder Abuse.

Psychological Nursing Home Abuse

Elder Neglect and Emotional Trauma

Among the various types of nursing home abuse is psychological abuse. While the scars of this type of abuse are not physical in nature, it can be just as damaging. You may wonder how you can even discover that this is happening, since you are likely never around to notice it. While this type of abuse leaves no physical traces, you can definitely notice its effects in many cases. Psychological or emotional abuse is a tragic occurrence when nursing home staff and caretakers, the very people who are charged with the care of the elderly, are actually causing them harm. One common way this can happen is by ridicule and harsh criticism. By making fun of the elderly, calling them names or even using a condescending tone with them, these individuals are causing emotional damage that is difficult to repair.

It has actually been proven that the emotional state of the elderly is directly connected with their physical state. When the elderly suffer psychological damage, it can actually have a real physical effect on them. They may feel incredibly threatened, which is why they fail to notify anyone that this abuse is going on. The elderly may not even realize that this type of practice is unacceptable, and consequently sit back and take it silently. You can get justice for your elderly loved one. Speak out if you notice any of the following signs that could indicate elder abuse.

Signs of Abuse

If your loved one is not explicitly stating that they are being abused or mistreated by someone, then you will have to watch out closely for the signs yourself. The major sign of emotional trauma is becoming withdrawn or depressed. Pay close attention to how they typically act and look out for any deviations of this. Ask probing questions, because another good indicator of abuse is a failure to answer your pointed questions about the abuse. If they feel threatened or insecure, then they might not open up about this. Your loved one may even be going through abuse by way of neglect. Even if there are no direct actions, a failure to act at all can actually constitute negligence, which is a ground for a claim.

So what can you do if you have come to believe that your loved one is being abused? The first thing you can do is report this incident to the caretaking agency or nursing home. These institutions are required to thoroughly investigate in order to determine if any of their staff are deviating from standard practice. The problem is, sometimes entire facilities are corrupt or the institution will not want to admit any malpractice because it would tarnish their reputation. At this point, you need professional assistance.

Pedestrian Accidents

Injured in a pedestrian accident?

Texas recently ranked in the top 10 states in pedestrian fatalities per 100,000 residents. This startling statistic is a clear indication that accidents involving pedestrians and motor vehicles are a serious problem. These accidents occur most often on crowded urban

streets where pedestrians and motor vehicles are forced to share a tight space. Most pedestrian accidents occur during morning and afternoon rush hour, with fatalities more common between 5 pm and 11 pm.

Pedestrian accidents are caused in large part due to the negligent actions of a motor vehicle driver such as DUI, inability to see a pedestrian due to poorly-lit roads, careless or reckless driving due to distraction and others. Injuries sustained by the victim of an accident involving a motor vehicle may include broken bones, lost limbs, internal injuries, traumatic brain injuries, paralysis and sadly, death in many cases. Anyone who suffers these injuries as a pedestrian in a motor vehicle accident should consult a lawyer as soon as possible to determine whether there is a legitimate case.

Pedestrian Accidents and Claims

Injuries sustained by pedestrian accident victims can be light, but are most often severe due to the very nature of the accident, and the minimal protection the pedestrian has at their disposal. In cases of severe injury, recovery times can be long and difficult. When medical bills begin to accumulate and other costs associated with recovery pose a threat to a victim's financial security, it may be time to seek compensation from the party at fault.

Filing a Pedestrian Injury Claim

According to the US Department of Transportation, each year approximately 4,000 pedestrians are killed and 59,000 injuries are sustained. Between 2000 and 2009 alone, Transportation for America revealed that 47,000 pedestrians were killed in the United States. According to the National Highway Transportation Safety Administration statistics from 2007, a pedestrian is injured every eight minutes in the United States and killed every 113 minutes. In 2007, 387 pedestrians died in Texas or approximately one person every day. Because a car weighs at least 3,000 pounds, when this large object composed of metal crashes into more frail flesh and bone, the aftermath can be disastrous. Pedestrian injuries can include broken limbs, brain or head trauma, spinal cord injuries, disfigurement or permanent disability- or emotional injuries such as mental stress. In order to have a fighting chance at recovering damages, you must establish liability by proving negligence.

Negligence & a Driver's Duty of Care

A driver has a duty of care, and if he/she breached that duty, you could be eligible to receive compensation. At the same time, these cases can be difficult because often there are multiple factors involved- such as comparative negligence. If a car crashed into you while you were illegally Jaywalking you are both at fault, because while the driver should have been paying attention and yielding to you, you were breaking the law.

Texas has laws that tell pedestrians where and how a pedestrian can use the road (for instance, keeping to the right side of a crosswalk). When these are violated, a personal injury lawsuit may not be filed. You can prove that the driver was negligent, however, if any of these factors were true: the driver was driving under the influence of alcohol or

drugs, the driver failed to signal, disobeyed traffic signs and laws or disregarding weather or traffic conditions, the driver failed to yield the right of way, did not observe the speed limit and was driving distractedly (such as texting while driving). Other aspects of driver negligence can include failure to observe crosswalks and failure to use extra care in areas where children are present (school zones). Texas law states that drivers must avoid colliding with pedestrians but if an accident is unavoidable, they are to give warning by honking their horn.

Personal Injury Settlements

Many personal injury claims are settled. The negligent party or their insurance company makes an offer to settle, and you can accept or reject the offer. In many cases the settlements that are initially offered in injury cases are far lower than are deserved; those who do not have legal representation from an attorney could risk losing potential compensation if they accept an offer. Insurance companies are in the business of making money, and your settlement is part of their bottom line. In some cases, they even advise injured victims not to get a lawyer, as they tell them that they could lose part of their settlement. While it is true that your attorney will be paid a fair percentage of the settlement, what they fail to mention is that the average amount of a settlement is 3.5 times higher when an attorney is involved.

Do you want a settlement in an injury case?

If a settlement offer is too low – what will you do? The negotiations with insurance companies can be extremely frustrating and even depressing; it is hard to believe that they take advantage of the injured and want them to accept less than they deserve. In many cases they deny a valid claim as the first tactic. Most injury claims are settled prior to trial, but in some very serious cases, it is necessary to litigate. This can be true in medical malpractice cases or those filed against pharmaceutical companies who are trying to avoid the massive numbers of claims that they could face if they put a dangerous drug on the market.

Financial Compensation in Injury Cases

There are many types of personal injury cases and it may be difficult to know if you qualify for compensation. Generally, if another individual or entity was responsible for your injuries, they can be held liable for the injuries you have suffered, and forced to pay compensation to address the costs that you face due to their actions (or failure to act). This can include cases such as car accidents, motorcycle accidents, truck accidents, premises liability, slip & fall, animal & dog bites, and injuries including spinal cord injury, and traumatic brain injury as well as birth injury, burn injury, child injury, child abuse, and dangerous product injury claims.

Those who were hit by a vehicle in a pedestrian accident, or were injured in a swimming pool accident, or drowning accident have the right to seek compensation from the responsible individual. Cases of dangerous drugs & medical devices such as claims against the makers of Accutane, asbestos, or the DePuy hip implant should seek compensation.

Compensation: Protect Your Rights

If you are offered a settlement shortly after an injury accident, you can assume it is much lower than you deserve. Insurance companies are not humanitarian organizations, but profit-driven corporations with an eye on the bottom line. Those who do not have legal representation can later regret accepting a settlement as they may discover they have further damages, could require more medical treatment, or are unable to work. It is advised that you never accept a settlement offer, or provide information, including medical records to any insurance company personnel.

Grounds for Personal Injury Claims

How do you know if you have grounds to file a claim? The law in Texas provides for victims that have suffered injuries or other damages to seek compensation when another party has been negligent. The concept of negligence is related to the question whether the individual involved exercised due care for the safety of others, or failed to do so. A drunk driver would be considered criminally negligent, as they not only caused an injury accident, they were breaking the law by getting behind the wheel.

It is expected under law that each person should act in a way that is reasonable, or as a prudent person would in similar circumstances. If a manufacturer doesn't properly test their product, and later it is found to be dangerous, they have not exercised due care for the safety of those using their product. In some cases, they may not have been aware that the product was unsafe; in others it has been found that the manufacturer was aware of the risks and dangers but failed to warn users. This is an even more serious act of negligence.

Grounds for Liability

Assigning liability in an injury case is sometimes easily done; it is obvious who caused the car, truck or other injury accident. In cases of birth injuries or other medical malpractice cases, it may not be as simple to determine, and often will require a very intensive study of the case and all the evidence involved to determine if the physician involved actually breached their duty to the patient.

Each case should be carefully evaluated to determine if there are grounds for an injury claim.

10 Tips for Dealing with Insurance Adjusters

The aftermath of an accident can be extremely frustrating and dealing with insurance companies is often a main cause of that frustration. Insurance adjusters work for insurance companies that are in business to maximize profits. That means that they want to offer accident victims the least amount of money possible to settle insurance claims. If you are having trouble dealing with insurance adjusters then we invite you to review some of our tips for working with adjusters:

1. **Take Your Time:** Insurance adjusters will often try to pressure you to make a hasty decision about a settlement offer. They know that medical bills and car repair

costs add up quickly and that you may be strapped for cash. Do not let them use this negotiating tactic on you. Your bills are unlikely to come due all at once and repayment plans can often be negotiated.

2. **Know What Your Claim is Worth:** Do your own research so that you understand the fair market value of your car and the likely cost of your current and future medical needs. Obtain documentation to support your position.
3. **Present Documentation:** Make sure that the adjuster knows that you've done your homework. Do not accept the adjuster's word as to how much your car is worth or how high your medical bills are likely to be. Instead, provide the adjuster with documentation that supports the values that you believe to be accurate.
4. **Ask for the Adjuster's Reasoning and Supporting Documentation:** Chances are good that the adjuster will offer you a different settlement offer than you think you deserve. Ask the adjuster to defend his or her position by explaining how he or she came up with that number and requesting supporting documentation, when applicable.
5. **Understand Your Insurance Policy:** Review your insurance policy and do not take your insurance adjuster's word on how that policy should be interpreted. If your adjuster tells you that something is not covered by your policy, ask the adjuster to tell you where the exclusion is in the policy. Likewise, if you believe that something should be included in your settlement, use your policy as support for your claim.
6. **Don't Offer More Information Than Necessary:** It is not useful to let the adjuster know that your brother owns a car repair shop or that your sister-in-law is your physician. You do not want your adjuster to assume that you will be getting a financial break on car repair or medical services and therefore adjust your settlement offer downward.
7. **Be Polite, but Firm:** Quite simply, you want your adjuster to respect you. If you are argumentative or nasty, the adjuster is unlikely to want to provide you with a higher settlement offer. Similarly, if the adjuster sees you as weak or uneducated, the adjuster may make a lower settlement offer. Therefore, it is important to be polite and firm in your discussions with your adjuster.
8. **Know How to Contact Your Adjuster and the Adjuster's Supervisor:** Adjusters are often busy in the field and hard to reach. They also often call at inconvenient times. It is important to talk to the adjuster, or the adjuster's supervisor, when you have the time to devote your undivided attention to the conversation. Therefore, you should know how to reach both of them.
9. **Make Sure all Agreements are in Writing:** You may agree to a settlement on part of your claim (for example the value of your car) before you settle the rest of your claim. If you do agree to a settlement on any part of the claim, it is important to get that in writing.

10. **Hire an Attorney:** It is often difficult, frustrating and unproductive to deal with an insurance adjuster. The attorneys of Zinda & Davis PLLC are experienced in dealing with insurance adjusters and can take on this task for you while you concentrate on your physical recovery and getting your life back together.

What is Negligence in a Personal Injury Case?

When an individual suffers an injury and it is the result of negligence, you have the right to file a claim. Negligence is essentially the failure to exercise due care for the safety of others. This could include driving unsafely, failing to provide the proper level of care as a physician, failing keeping floors dry and free from hazards, or manufacturing products that when used as directed are unsafe for the consumer. When an individual or corporation fails to act in a reasonable manner with regard to the safety of others, it is very likely that they will be deemed to have been negligent. Whether the case is the result of a car accident, motorcycle accident, truck accident or a product injury claim, an attorney at our office can help and will fight to win.

The standard to which individuals are held can vary. For example, a child will not be held to the same standard as a physician who must provide care to patients. Determining negligence is a critical aspect of any personal injury claim in the state of Texas. In many cases, the question of negligence is clear, such as in cases of drunk driver accidents. In others, we may have to enlist the assistance of our resources to seek out the evidence to support our claim.

No Recovery? No Fee!

When you hire a lawyer from our firm, you can breathe easier knowing that you will be working with someone on a contingency fee basis. Simply put, this means that unless we are able to win something for you – you don't pay us a dime. We know the stresses associated with these types of claims and we provide our clients with the supportive atmosphere that they need to move forward through them as painlessly and carefully as possible.

By providing such tools as a free case evaluation and the ability to work on a contingency fee, we work constantly at giving our clients the best possible chance of success. We will be there to help you – no matter if that means that we need to meet you at your home, in the hospital room or in another location that is convenient and comfortable for you. We are there to provide supportive representation that you trust – to help you through this trying time in every way possible.

Premises Liability

Premises Liability law is the body of law which holds the person in possession of land or premises responsible for injuries suffered by individuals who are on the premises. In some states the law favors the premises owner who pay top dollar for legal aid. It is of the utmost importance that the injured parties involved in a Premises Liability case to secure the most highly qualified legal representation.

Injured on private, public, commercial or government property?

While the owner of a premise may not have complete control over guests, invitees, or trespassers: some regions do require premises owners to adopt reasonable care. A landlord is still responsible for the building even if a manager is on duty to oversee the apartments. A business owner is still liable if a landscaper or other hired worker does maintenance or repairs to the building. Were your rights protected while you were on the premises? Have you suffered from a slip and fall, or even a trip and fall? An owner can be liable if a property is unsafe due to:

- Walkways or surfaces in disrepair
- Hanging tree limbs or phone lines
- Negligent stairways or handrails
- Spills and slick surfaces

Slip & Fall Accidents

According to the Bureau of Labor Statistics 20.9 percent of all injuries in 2008 were due to work related injuries. A majority of these personal injuries were due to slip and fall or trip and fall accidents. Workers that suffered a slip and fall accident then had to try to deal with a workers' compensation claim, insurance agencies, medical appointments, and possibly rehabilitation. Slip and fall or trip and fall injuries can also occur on private property, business premises, or public locations which can involve a whole list of individuals or agencies. The most common factors that lead to these personal injuries can include:

- Wet or oily walkways
- Uneven or broken floor surfaces
- Loose mats or rugs
- Unattended Spills
- Weather related (ice, rain or snow)
- Improper footwear

Injured in a slip and fall?

Emergency room visits, lost wages, and even death can be the result of slip and fall accident. If you suffered a slip and fall injury you could easily feel overwhelmed. We can help you sort through the many aspects of your case. Was the property owner at fault for not cleaning up a spill? Was the area you slipped on in disrepair or in need of maintenance? The answers to these questions are important in your personal injury case.

Trip & Fall Injuries

The Code of Federal Regulations clearly states the cause and prevention of slip and fall or trip and fall injuries. Housekeeping, ladder safety, floor openings and stairways are included. Premises Liability instructs that walkways and pathways in private, public or workplace premises must be kept clear to avoid personal injury accidents. OSHA offers extensive training and literature to prevent Trip and Fall accidents. Yet thousands of Trip and Fall accidents occur every year: requiring countless emergency room visits, insurance claims, lost wages, medical bills, and hardship for the injured party. During this difficult time you need the most experienced personal injury lawyer.

Injury Claims

Were you conducting business on the property when you were injured? Were you invited on the property or were you trespassing? Did the property owner make you aware of any dangers on the premises? Were you on or in a:

- Public parking garage
- Store parking lot
- College campus or school ground
- Apartment complex or private dwelling
- Shopping malls
- In your workplace

Security Negligence

Premises liability claims rest on the idea that the owner and manager of a piece of property is responsible to all visitors in ensuring that the property is maintained in a way that promotes the safety of the visitors. This could range from their responsibility to ensure that the stairs are not broken, to cleaning up spills to prevent slip and falls. It could also include their responsibility to provide sufficient lighting and to prevent uneven pavement that could result in tripping. In general, it is considered to be the responsibility of the property owner to ensure that all measures possible are taken to prevent accident and injury.

Making Claims of Security Negligence

In some cases, premises liability could even mean that a property owner can be held liable should a violent crime or act take place on their premises. While the criminal themselves will be held responsible with criminal charges, the plaintiff can take action against the property owner should it be determined that they failed to provide visitors with an adequate amount of security detail. To successfully make this claim, it must be proven by the plaintiff that:

- The defendant had a legal duty to care for people on property;
- A crime / danger occurred that could have been foreseen;
- There was a failure to provide a reasonable level of security;
- This failure was the approximate cause of the crime; and
- The plaintiff sustained actual damage as a result of the incident

What is inadequate measures of security?

Apartment complexes, bars, retail stores and other businesses can find themselves facing a premises liability claim based on security negligence should they fail to meet reasonable expectations in protecting visitors on their premises. While it is impossible for these owners to be held accountable for every violent act and / or danger that occurs on their premises, there are incidences where they can be held liable.

For example, broken windows, failure to provide proper maintenance and having hanging fire escapes could also result in a violent act that could have been easily prevented. On the other hand, it is considered to be reasonable expectations for property owners to have security personnel if deemed necessary (for example, in bars), to have proper and working camera systems, to provide adequate lighting, have working alarms and to have a premises that is designed in a way to ensure visitors are not left vulnerable and open to attack.

Should a sexual assault, break-in, security breach, bar fight or parking lot attack occur that could have been prevented, you could have grounds to file a claim.

Product Injuries

Defective products, ranging from faulty child seats to malfunctioning water heaters, cause more than 25 million injuries and close to 22,000 deaths in the United States each year, according to the U.S. Consumer Product Safety Commission (CPSC). If you have been the victim of a defective product, contact a lawyer for legal assistance following an injury accident.

Product Liability Claims

"Products" are defined very broadly under the law and includes machinery and tools, medical devices; food and tobacco; toxic chemicals and substances. Products such as pesticides, asbestos, and mold; firearms; autos and other motor vehicles; including trucks and motorcycles; automobile accessories such as tires, seat belts, airbags, and child car seats; household products and appliances; toys and recreational equipment; and clothing and apparel are also within the definition. The following are three ways in which products can be the center of a products liability lawsuit:

- Design defect
- Manufacturing defect

- Marketing defect

If you had an incident with a product that caused an injury or are the survivor of someone who may have died from the use or exposure to a dangerous or defective product, it is important that you know your rights under the law.

Victims injured by a dangerous or defective product may be entitled to compensation for injuries. Compensation may include compensatory damages for past and future medical expenses, lost income, and pain and suffering. Product injury victims may be entitled to punitive damages in certain cases. It is important to hire experienced attorneys who will make your personal needs the focus of your case and you should expect to deal with the attorney directly, regardless of the size of the case.

Bladder Cancer: Actos®

Important Information You Need to Know About Actos®

Many diabetics are probably familiar with the Actos® drug, as it is an oral medication that is often prescribed to people with type 2 diabetes to help control blood sugar levels. While the medication has proven useful in regulating blood sugar among many diabetics who suffer from maladies related to insulin and blood sugar, it has also been associated with many adverse side effects that stand to greatly endanger those taking the medication. Symptoms induced when taking Actos® can be as mild as a sore throat or hives and as severe as weakness, having blood in your urine, and more. In fact, some serious problems have frequently come up in Actos® users, including: stomach pain, blurred vision, painful urination, pale skin, shortness of breath, chest pain, easy bruising and bleeding, nausea, loss of appetite, discolored stool, dark urine, swelling or rapid weight gain, increased urination, increased thirst or hunger, pale skin, and jaundice.

Other less serious side effects have also occurred in many individuals taking the drug, and users of Actos® are advised to stop taking it if they show any signs or symptoms such as those listed above or any of the following: muscle pain, back pain, headaches, cold symptoms (sore throat, sneezing, coughing, stuffy nose), tooth problems, or gradual weight gain. Although these may seem minor they are symptoms that could become serious if proper attention is not paid to them as early on as possible. For example, studies conducted by the Food and Drug Administration show that use of pioglitazone (the generic brand of Actos®) for more than a year significantly increases your chances of developing bladder cancer. However, until this information was released in July of 2011 the information was unknown to many users of the drug.

Attorney for Defective Drugs

It is an unfortunate fact that many users of certain prescription medications are taking drugs with dangerous side effects of which they are not aware. While prescription medicine may include warning labels with risks, these do not always encompass the wide range of potential symptoms and damages that go along with use of said medication. Such is the case with Actos®. If your health has suffered as a result of taking

the Actos drug, then you should not hesitate to seek the legal services of a personal injury attorney that can help you recover damages.

Side Effects of Actos®

Evaluate Your Symptoms

Many people who were prescribed Actos® for their type 2 diabetes were told that they would only suffer from mild side effects such as headache and muscle pain. In reality, the health risks were far more serious and many patients didn't find out until it was too late. The FDA warned in 2011 of the more serious side effects of Actos®, but the drug is still on the market and prescribed to many people every year. If you are suffering from any of the following side effects, it could be a sign that you are suffering from one of those more serious Actos® side effects:

- Distorted vision
- Changes in urination- painful, frequent or difficult
- Bloody or abnormal urine
- Intense abdominal or back pain

Actos® is a type of Pioglitazone, which the FDA has been warning about since 2007. This drug is known to increase the risk of blood clots and heart problems that could lead to stroke and heart attacks. It also is known to cause fluid retention which could result in anything from weight gain to congestive heart failure. One of the more recent and severe side effects of the drug is bladder cancer. Those who have been taking Actos® for at least a year could be at a 40 percent increased risk of developing bladder cancer. If you notice changes in urination and pain in your abdomen, this could be a sign that you have developed this disease. Seek the help of a medical professional for a diagnosis, and then call an experienced Actos® lawyer who can help you file a lawsuit and get the claim you deserve.

Actos® Bladder Cancer Risk

In a June 2011 warning from the FDA, Actos® was found to have a direct link to an increased risk of bladder cancer. Actos® is a drug prescribed to those suffering from diabetes. It contains the drug Pioglitazone which has long been known to cause blood clotting and other serious side effects. Those who have been taking the drug for at least a year are at the greatest risk for developing bladder cancer. According to the European Medicines Agency, two other European countries banned the drug around the same time that the FDA issued a warning in the United States. Those who are familiar with Actos® are likely familiar with its sister drug Avandia. Many people made the switch to Actos® because they thought it would be safer after Avandia was found to lead to many severe side effects such as heart attack.

Those who have been taking the drug for at least a year may be at a 40 percent increased likelihood of developing bladder cancer. The FDA has been analyzing data

for more than five years in order to find any link between the drug and serious side effects. This study is what resulted in the June 2011 warning. The FDA has not yet recalled the drug, but advises that those who have previously had bladder problems or bladder cancer should be careful when taking the drug. Many patients were not adequately warned about the risks involved in taking the drug, and if you were one of them and you developed bladder cancer, you are entitled to seeking legal help for filing a claim.

Symptoms of Bladder Cancer

Increased Risk of Bladder Cancer for Actos® Users

If you have taken or are currently taking the prescription drug Actos® for diabetes, you should know that you may be at an increased risk of developing bladder cancer. Bladder cancer develops when a malignant tumor develops in the bladder that chokes out the oxygen and nutrients of surrounding tissue. Although bladder cancer is already a specific kind of cancer, it can be broken down even further into types and degrees based on factors such as the stage of the tumor and its location. Since the bladder wall has several layers, bladder cancer is classified by how deep the cancer has penetrated into the layers. Bladder cancer is also classified by grade, which involves the degree of the tumor's abnormality. Unfortunately, bladder cancer has a reoccurrence rate that is higher than most other types of cancer (50-80%).

Are you at risk?

If you have been exposed to Actos®, then you need to be on the lookout for the following symptoms:

- Bloody urine
- Painful urination
- Change in frequency of urination

These symptoms do not necessarily guarantee that you have bladder cancer, but they can be good indicators. Visit a medical professional for an accurate diagnosis of your symptoms. Even if you are not displaying all the symptoms of bladder cancer, it may be beneficial to visit your doctor in order to obtain a more thorough examination. Sometimes patients develop bladder cancer with little to no symptoms to begin with, so it is always better to get a professional's opinion. If you find out that you have developed bladder cancer as a result of taking the prescription drug Actos®, then you are entitled to a claim and should seek the help of a personal injury attorney immediately.

Actos® Bladder Cancer Lawsuit

Negative Side Effects of Actos®

Actos® is a drug prescribed to treat type 2 diabetes. Although the side effects were said to be mild headache and body pain like many prescription drugs, many people

who used Actos® were suffering far more severely. In June of 2011 the FDA issued an official warning stating that Actos® was found to have a direct link to developing bladder cancer. The risk increases up to possibly 40 percent in patients who have been taking the drug for at least a year. Actos® is made from the drug Pioglitazone, a drug that doesn't have a good track record. As far back as 2007 the FDA warned that prescriptions featuring this drug were more likely to cause complications such as blood clotting and heart problems.

If you are an Actos® user or used the drug in the past, you may be at risk for developing bladder cancer. Watch out for symptoms such as blood in urine, painful urination, increased need to urinate or if you develop a urinary tract infection. If you are displaying any of these symptoms you should pay a visit to a medical professional and if you are diagnosed with bladder cancer you are definitely entitled to a claim. You will likely have to undergo surgery, chemotherapy or radiation depending on the stage and location of the tumor. Many Actos® users have filed lawsuits against the company in order to recover damages. If you were harmed by Actos® then you have every right to file a lawsuit as well.

Improper Warnings

Patients were not properly warned of the health risks involved in taking Actos® for their type 2 diabetes.

Drugs & Medical Devices

The sad truth is that giant pharmaceutical companies have put the public at risk by bringing dangerous or defective products to market. Each year defective and dangerous drugs and medical devices cause thousands of injuries and deaths in the United States. Too often in their efforts to rush new drugs onto the market, manufacturers ignore safe practices and fail to conduct adequate testing that could have revealed the dangers of their products. In certain cases, drug manufacturers and medical device makers are aware of dangers associated with their products before ever placing them on the market. Victims injured by the use of drugs & medical devices should contact a lawyer for legal advice as to the appropriate steps to take following an injury accident.

Injury Claims for Dangerous Drugs and Medical Devices

Some examples of harmful drugs and devices can include the following:

- Accutane
- Yaz
- Avandia
- Cold therapy injury
- Vioxx

- Medtronic defibrillators
- Pacemakers
- Bextra Celebrex
- Fentanyl/Duragesic Pain Patch

Consumers injured by the use of dangerous drugs or medical devices or the families of a member who died from the use of a harmful product, may be entitled to monetary compensation for injuries and suffering. Common injuries from the use of dangerous drugs or medical devices can be brain injury, paralysis, or other serious mental or physical impairment.

Accutane

Accutane (isotretinoin) acne treatment has been the subject of a large number of lawsuits because of the severe side effects associated with the drug. Accutane lawyers and law firms have filed numerous Accutane lawsuits across the nation against the drug maker, Roche Laboratories. Victims injured from the use of Accutane should seek legal advice and contact an attorney who is knowledgeable in all areas of personal injury laws, and experienced with Accutane injury cases.

Accutane Injury Claims

Product manufacturers have a duty of care to consumers to provide sufficient warning of potential hazards from the use of their products. In some cases, allegations about the failure of Roche to warn users of the drug Accutane and the side effects have led to large jury awards against Roche. Individuals injured by the use of Accutane suffer from severe stomach and gastrointestinal problems and other diseases. Accutane can cause issues with the following areas of the body:

- Liver
- Esophagus
- Pancreas
- Lower bowels

Side Effects of Accutane

In recent years, many people have claimed that the use of Accutane has resulted in disorders of their bowels and intestinal regions. Numerous lawsuits against the drug manufacturer, Roche allege that they failed to issue adequate warnings of possible harmful side effects. Unfortunately, the drug industry often places profits before consumer safety. Victims with serious side effects from using Accutane should contact a lawyer for legal advice and information about eligibility for monetary compensation.

Accutane Injury Claims

There have been thousands of lawsuits claiming the use of Accutane was responsible for the cause of the following:

- Severe stomach problems
- Gastrointestinal problems
- Inflammatory Bowel Disease (IBD)
- Ulcerative colitis
- Crohn's Disease

Inflammatory Bowel Disease

Accutane Side Effects

Inflammatory Bowel Disease, IBD, is a disorder that results in an inflammation of the intestines. The inflammation occurs in the small and large intestines. The disorder affects more than 1,000,000 people in the United States annually.

Symptoms of IBD can include:

- Abdominal pain and cramping
- Weight loss
- Poor appetite
- Fatigue
- Diarrhea
- Rectal bleeding
- Fever

IBD symptoms vary from person to person. Symptoms can be severe at times and a person should consult their physician immediately if they believe they have symptoms similar to the ones listed above.

If you or a loved one has experienced severe adverse Accutane reactions you may be entitled to compensation. It is important that you contact an experienced attorney as soon as possible. If you wait, evidence that could help establish your case may be lost, damaged, or even destroyed.

In addition, statutes of limitations put strict time limits in place by which lawsuits must be filed.

Accutane Side Effects: Ulcerative Colitis

Accutane has also been linked to ulcerative colitis. Ulcerative colitis results in inflammation and ulcers that usually occur in the lower part of the large intestine or colon. Depending on how severe the condition becomes, surgery may become necessary to remove all or a part of the colon.

Symptoms of Ulcerative Colitis, include:

- Unusual Bowel Movements
- Abdominal pain
- Blood in your stool
- Ongoing bouts of diarrhea that don't respond to over-the-counter (OTC) medications
- An unexplained fever lasting more than a day or two

Accutane FAQs

Common Questions about Accutane

Individuals with severe side effects caused by Accutane should contact a lawyer for legal advice and assistance as to the steps to take regarding a personal injury. We are glad to provide information about the product Accutane and the following are some of the frequently asked questions.

Can I file a claim?

In recent years there have been thousands of lawsuits filed related to many disorders of the intestinal and stomach region including inflammatory Bowel Disease (IBD), Ulcerative Colitis, and Crohn's disease.

Accutane falls under the retinoid classification. Accutane prescribed to people to treat severe acne works by decreasing facial oil production. Roche Laboratories manufactures Accutane. Clarais, Sotret and Amnesteem are generic versions of Accutane.

Is Accutane the only brand name of the medication?

Medical practitioners prescribe Accutane to treat moderate to severe acne that has not responded to other medications. Accutane includes isotretinoin, a compound related to Vitamin A. Accutane acts by drying up sebum, an oily material made by skin glands.

Generic formulations are available and sold under the brand names:

- Amnesteem (Mylan)

- Claravis (Barr Pharmaceuticals)
- Decutan (Actavis)
- Isotane (Pacific Pharmaceuticals)
- Sotret (Ranbaxy Pharmaceuticals)
- Izotek (Blau Farma)
- Isotrex topical gel (Steifel Laboratories)

Asbestos

Asbestos fibers upon inhalation attack the protective wall or the mesothelium that lines the abdomen, heart or lungs. These fibers have been known to cause several diseases including lung cancer, asbestosis, and mesothelioma. In the past asbestos was a popular product but upon recognition of it as the source of several diseases, the government imposed strict regulations regarding its usage and disposal. Victims affected by asbestos should contact a lawyer regarding possible legal recourse and available monetary compensation for injuries and suffering.

Asbestos Claims

Symptoms from asbestos can take decades to surface, so those affected often do not receive the proper diagnosis until the cancer is far advanced. Those between the ages of 50 and 70 are most commonly diagnosed with mesothelioma. Some mesothelioma treatments do exist, but there is no cure for this type of cancer. These treatment options are more successful for an early mesothelioma diagnosis. Doctors often struggle to make the correct diagnosis, as the symptoms of mesothelioma are shared with a number of other illnesses. Patients who receive a mesothelioma diagnosis usually survive between one and five years. Common symptoms can include the following:

- Cough, chest pain, shortness of breath, difficulty swallowing
- Swelling of the neck, face or abdomen
- Weight loss, fever, anemia

DePuy Hip Implants

On August 26, 2010 DePuy Orthopaedics Inc., part of Johnson & Johnson, announced a recall of 93,000 hip replacement systems due to a higher than expected number of people experiencing pain and other symptoms so severe that a second hip replacement surgery became necessary. Essentially, DePuy has acknowledged their hip implants are defective products.

Injury Claims in DePuy Hip Implant Cases

Some of the symptoms of a failing DePuy ASR hip implant are:

- Loosening or detachment of the implant
- Dislocation of the implant components
- [Fracture](#) of the bone around the implant

The ASR Hip Replacement System gained approval for use in 2005 with complaints starting around 2007, where there were approximately 100. The number of reported DePuy hip replacement problems had doubled by 2008 and tripled by 2009. Major newspapers such as the New York Times has published multiple articles about the problems and potential for more widespread problems for persons with these implants, practically forecasting the DePuy hip implant recall.

Victims experiencing serious pain or required corrective surgery following an artificial implant, may be entitled to compensation. There are time limits imposed by the laws regarding filing of lawsuits on behalf of the victims.

DePuy Manufacturer Recall Letter

Below is a letter from the manufacturer regarding the recall of the DePuy Hip Replacement:

ASR™ XL Acetabular System and
DePuy ASR™ Hip Resurfacing System Recall

Information for Patients

DePuy makes patient safety and health a top priority and is continually evaluating data about its products. Most ASR hip replacement surgeries have been successful. However, data recently received by the company shows that more people than expected who received the ASR Hip System experienced pain and other symptoms that led to a second hip replacement surgery, called a revision surgery.

For this reason, DePuy Orthopaedics is recalling its ASR™ XL Acetabular System and DePuy ASR™ Hip Resurfacing System. This recall means additional testing and monitoring may be necessary to ensure your hip implant is functioning well. In some cases patients may need additional surgery.

New data shows that five years after implantation, approximately 12% of patients (1 in 8) who had received the ASR resurfacing device and 13% of patients (1 in 8) who had received the ASR total hip replacement needed to have a revision surgery.

If you have received an ASR™ XL Acetabular System or DePuy ASR™ Hip Resurfacing System, both of which will be referred to as your hip implant, the following information will help you understand what this recall means to you and the steps you should take.

WHAT HAPPENS TO THE ASR IMPLANT AND WHAT SYMPTOMS SHOULD I WATCH FOR?

The patients who reported problems in the first five years and had revision surgery reported a variety of symptoms. These symptoms included pain, swelling and problems walking. These symptoms are normal if you have just had a hip replacement. But if the symptoms continue or come back, it is a sign that there may be a problem such as:

- Loosening, when the implant does not stay attached to the bone in the right position
- Fracture, where the bone around the implant may have broken; and
- Dislocation where the two parts of the implant that move against each other are no longer aligned.

Your hip implant is made up of ball and socket components that move against each other. These components are made of metal that wears over time and generates very small particles that can only be seen with a microscope. This is an expected process. These particles do not cause problems for most patients, but a small number of patients may react to these particles, causing fluid to collect in the joint and in the muscles around the joint. While this condition may initially be painless, if left untreated, this reaction may cause pain and swelling around the joint and could damage some of the muscles, bones, and nerves around the hip.

There are tests that will help your surgeon determine if your hip is working as it should and if you are having a reaction to the metal particles. Your surgeon may take x-rays of your hip. Also, a blood test can be done to indicate the level of microscopic metal particles around your hip. Your surgeon may also use an ultrasound or MRI to evaluate if you are having a reaction to the metal particles.

WHAT DOES THE RECALL MEAN FOR ME?

Please contact the surgeon who performed your hip implant to determine if you received the ASR Hip System. Most people with ASR hip implants do not experience problems. However, it is important that you follow up with your surgeon on an annual basis for the first five years after your ASR hip surgery – even if you are not experiencing symptoms – to ensure that your hip continues to work well. In some cases, your surgeon may order additional blood testing or imaging to evaluate how your hip is functioning. Your surgeon will determine the best monitoring plan for you and discuss treatment solutions should they be needed. If you don't know who performed your hip replacement surgery, ask your primary care physician or the hospital where the surgery took place.

Questions About DePuy Hip Implants

How do I file a claim for damages?

You should contact the DePuy hip replacement lawyers of our firm. We can help injured individuals understand their rights and find out if they have a DePuy ASR hip replacement or not. It is important to contact the doctor who performed the surgery and find out if the hip replacement is a DePuy hip replacement. If it is, follow up with the physician to see if you need corrective surgery to replace your implant. You should NOT contact or speak to a representative of DePuy Orthopaedic of Johnson & Johnson, fill out or sign any documents from them. Anything you do sign or fill out could be used against you and eventually hurt your claim.

How do I know if that is the implant I have?

First, check with your physician to see if you have a DePuy hip implant. If so, following up with your physician and report any symptoms you may be having such as pain, swelling, difficulty moving or difficulty walking. Severe symptoms can indicate that you may have a dislocation of the ball and socket, fracture of the bone surrounding the implant or loose implant. Your doctor may order an X-ray or MRI in order to see if your implant is defective and you may potentially require surgery.

Which implant was recalled?

The DePuy hip recall only involves the ASR Hip Replacement Systems specifically the DePuy ASR XL Acetabular and DePuy ASR Hip Resurfacing Systems sold between 2005 and 2009. The DePuy ASR Hip Resurfacing System was denied for usage in the United States, so most Americans need only be concerned if they have a DePuy ASR XL Acetabular Hip Replacement System.

Zimmer Durom Hip Cup

Understanding the Dangers

When joints fail, many people turn to artificial joint replacement systems in their efforts to regain mobility. These systems, however, are not always flawless and in some cases can cause their patients to suffer from serious injuries – sometimes requiring that the patients endure further surgeries for revision purposes. One example of this is Zimmer Holdings who released an artificial hip component in 2006 that was to be used in a hip replacement surgery.

This device has been implanted in over ten thousand patients since its release, however, has been found to be less than functional. Complications that were commonly associated with the Durom Hip Cup have mostly been association with the component loosening after the surgery. Not only was this painful, it would also cause the patient to suffer from stiffness in the joint and limping – making it difficult for them to participate in the everyday functions that they were used to.

Defective Product Lawsuits

In 2008, Zimmer suspended sales of this device, however, there has been no formal recall made. They claim that complications of the device are not actually from the

device itself, but rather from improperly trained surgeons. However, many still put the blame on the device, claiming it was defective in nature.

Propane Explosions

Propane is a highly flammable gas that if not properly contained, can create some of the most devastating injury accidents in the Austin area. Many use the gas to heat their homes or for other purposes, and when an accident occurs, they can suffer from terrible burns or even fatal injuries.

Personal Injury Claims and Propane Explosions

Propane and natural gas explosions are serious accidents which can have a significant impact on an injured individual's life or on the life of a family coping with the death of a loved one. Common causes of propane explosions are violations of safety codes or practices, a defective product often associated with cold weather use and storage, failures to warn, or a minimal or lack of training on how to safely handle propane.

The tragic results of a propane explosion can last a lifetime, with permanent scarring or loss of abilities. Every case will be given the full attention and focus that it deserves. Our legal team is committed to fighting for the best possible outcome for you and your family.

Generally, a propane explosion case involves fire. A fire resulting from an explosion can cause traumatic injuries that can take a lifetime to recover from. Unfortunately, companies rarely admit fault, and may actually attempt to cover up the fact that they are to blame. If this situation occurs, it is in your best interest to consult with a propane explosion attorney. They are experienced in state-of-the-art techniques that can determine the explosion's ignition source, the accelerant's physical properties and what led to the explosion happening. In addition, a skilled propane explosion lawyer can give you the best chance of winning your case and granting you and your family the compensation you desperately need. We will provide you with a skilled, experienced propane gas explosion attorney who will aggressively fight for your rights.

School Bus Accidents

School bus transportation is one of the most common forms of mass transit in the United States. Millions of school children ride school buses in this country's small towns, rural countryside and large cities every year. For many children, riding the school bus is both a convenient form of transportation and part of the school experience. Parents trust the drivers to take every precaution with their children, and they trust the school district to hire and train reliable and safe drivers. But when an accident occurs, the results can be tragic.

School bus accident victims may be entitled to legal damages.

Texas has more than 9,000 schools, and more than one million children and teens depend on buses to get them safely to and from school every day. They also depend on other motorists to follow the law and drive safely around school buses. For instance,

other motorists must stop for flashing red lights on a school bus, regardless of which direction they are headed. Violations can bring a \$1,000 fine.

More Information About School Bus Accidents

Most school bus accidents happen in one of two ways. An accident can happen while the child is on the bus or when the child is entering or exiting the bus and gets hit as a pedestrian. Either way, significant injuries or even fatalities can occur. That is especially true when another motorist fails to stop, striking a child as he or she crosses the road.

Litigation involving school bus accidents can be quite complex because there may be several victims as well as several parties liable for the harm. Special issues can arise when municipalities or school districts are involved. Bus drivers are required to use the highest degree of care to ensure the safety of their passengers. When drivers fall short in their duty of care, either because they are not properly trained or are careless in their driving, your child may be the victim. Your child may also be injured when another motorist fails to obey safety laws when a school bus is stopped.

Sexual Abuse

Representing Victims of Sexual Molestation & Misconduct

Unfortunately, in today's society, there are many perpetrators of child abuse who gain access to children as day care workers, teachers, coaches, priests, and youth leaders.

Unfortunately, predators who conduct these heinous crimes come in many different forms, including:

- Day care supervisors
- Clergy or priests
- Teachers
- Coaches
- Foster parents
- Neighbors
- Leaders of youth organizations
- Police officers
- Relatives

Information for Victims of Sexual Abuse

Often victims and their families believe that the criminal process will achieve justice in a child abuse case. However, a criminal prosecution will typically not affect the entity

that failed to properly screen the perpetrator of the abuse. It is important that organizations that act recklessly and allow predators around our children be held accountable. In the cases of public entities like school districts, it is often the case that a victim, even a child, only has six months (and sometimes less time) to file a claim or give notice to the public entity, even if the criminal case is still ongoing.

Swimming Pool Accidents

Swimming pool accidents occur far too often throughout the United States as a result of owner negligence. According to the Center for Disease Control, approximately 3,300 yearly deaths are attributed to drowning or submersion with children under the age of 16 making up nearly 25% of all drowning deaths. With approximately 5,000 additional children experiencing near-drowning that can lead to permanent disability, the need for compensation to cover costs associated with care may be great.

Whether on private property or in a public swimming pool, it is the responsibility of the owner to maintain proper safety precautions in order to keep swimmers safe. Even while the negligent party may be held liable for damages related to a swimming pool accident, this negligence continues in the form of inappropriately maintained safety gear, slippery walkways, broken or defective cleaning equipment and more. The types of injuries that can be sustained may vary, but those victims who suffer a near drowning may be faced with brain damage due to lack of oxygen to the brain. If you have been the victim in a swimming pool accident, talk to a lawyer to begin building your case for dependable compensation.

Drowning and Other Serious Injuries

Injuries suffered in swimming pool accidents can have lasting effects. These effects can last a lifetime in cases of serious brain damage, and may require significant, prolonged medical care. The costs associated with recovery or long-term healthcare in swimming pool accident victims can easily drive a family deep into debt.

Drowning & Liability

According to the U.S. Centers for Disease Control and Prevention, in 2004, there were 3,308 unintentional drownings in the United States, an average of nine people per day. According to one safety foundation, a swimming pool is 14 times more likely than a motor vehicle to be involved in the death of a child age 4 or under. It takes less than 5 minutes and under 2 inches of water for a child to drown.

A very alarming fact, according to the Drowning Prevention Foundation, is that 19% of drowning deaths involve children in public pools with certified lifeguards present. Swimming pools can be dangerous places, and besides drowning, other injuries can take place such as slip and falls, diving board accidents, a head or brain injury and electrocution.

Who was responsible?

This poses the question- if you or a loved one had a near drowning experience (if a family member died, see wrongful death), could a lifeguard, swim instructor, private

pool owner, public pool owner, gym, camp, resort, school, club or homeowner's association be held liable?

There are certain guidelines that public facilities should enforce- such as having flotation devices nearby, building a fence and repairing broken tiles and concrete. If any of the following factors were present in the drowning incident, you can sue for negligence:

- Poorly marked water depths
- Overly slippery surfaces without warnings
- No gate or fence
- Defective drains resulting in suction drownings
- Too few or no lifeguards
- Poorly trained lifeguards- were the lifeguards first aid and CPR trained?
- Uncovered vacuum outlets
- Failure to maintain pool area- obstacles, clutter, debris around pool
- Failure of flotation barriers
- Failure to supply emergency tools at the pool site, such as a first aid kit or telephone

Lifeguards in particular are responsible for keeping children safe in the pool and for keeping a vigilant watch out for any dangers. In the recent drowning of a young boy at a camp, the report surrounding the supervising lifeguard said, "The lifeguard did not inform the students that they could not swim to the island. He did not instruct them that they needed a counselor/coach to go with them. He did not provide them with rescue tubes. He did not inform the students that only competent deep water swimmers could swim to the island...The lifeguard either ignored, forgot or made a conscious decision to disregard the rules of lifeguarding which he learned from both the American Red Cross and while at the Camp." This example is the very definition of negligence- the lifeguard "ignored" or "forgot" or "made a conscious decision to disregard the rules..." The family of the deceased boy went on to sue the lifeguard and the camp for the terrible incident. Because the lifeguard did not respond to the drowning immediately, the boy died. Immediate resuscitation can often prevent injury or death.

Fight for damages today!

When drowning or a pool incident occurs, severe injuries can result- pulmonary edema, where the lungs lose their ability to exchange air, cardiac arrest, brain injuries, serious contusions, broken bones, paralyzation, coma, mental or emotional trauma, nightmares, personality changes, anxiety, and other psychological injury.

When determining whether negligence can be reasonably attributed, a judge will look to see why you were on another's property, how you were using that property, if the accident could have been foreseen and what the owner could have done to prevent that accident. If a lifeguard, swim instructor or public or private pool owner had a duty of care towards you and breached that duty- you could be eligible to receive compensation for the injuries and losses that were incurred.

Truck Accidents

Semi, 18-Wheeler & Tractor Trailer Accidents

Truck accidents can be some of the most dangerous, because of their size and weight. Along with SUV's, they are most likely to be involved in rollover accidents. Any collision involving a truck is likely to be much worse than if it had occurred with a regular automobile. Automobile drivers, motorcycle drivers, and truck drivers must be aware of how dangerous trucks can be and the devastating injuries they can inflict in an accident. Texas is frequently listed among the top five states for fatal truck accidents, according to the Fatality Analysis Reporting System (FARS). Thousands of individuals in Texas are injured or suffer wrongful death in truck accidents every single year. If you or someone you love has been injured in an accident with a semi accidents, 18-wheeler accidents or tractor trailer accidents, or truck rollovers you need to get in touch with an attorney.

It is important to contact a lawyer as soon as possible after an accident, no matter how it occurred. There are many possible underlying causes in truck accident cases, but there are a few major causes for truck accidents. Some of these causes are as follows:

- Tired driver: Drivers who do not take the time to get sufficient rest.
- Defective trucks: When there is a defect part in the truck, like faulty tires or breaks, it can create an accident.
- Negligent driver: A driver who uses his cell phone, texts and drives, plays with the radio or GPS, or even has his attention on the passengers in his car creates a danger for those around him on the road.

Accidents Involving Trucks: Statistical Analysis

The National Highway Traffic Safety Administration conducts studies each year to provide statistical analysis regarding traffic collisions and truck accidents in the United States. For the year 2009, NHTSA came to the following conclusions:

- Around 3,380 fatalities from truck accidents were recorded
- Over 70,000 injuries were reported
- 296,000 trucks over 10,000 lbs were involved in accidents

18-Wheeler Injury Accidents

Heavy 18 wheeler trucks are common in the Austin, Texas area, whether delivering goods or on the surrounding interstate highways. With most commercial trucks weighing as much as 25 times the weight of a standard passenger vehicle, 18 wheelers can cause a catastrophic amount of damage, including severe injuries and, in many cases, death. Even the slightest error in judgment by the truck driver can have devastating consequences. The smallest contact between a passenger car and an 18 wheeler can send a passenger car colliding into oncoming traffic, flipping over or crashing against the side of the road. All passenger vehicles on the roads in Austin and the surrounding roadways are, at one time or another, exposed to the risk of an accident involving an 18 wheeler. Some causes of 18 wheeler accidents are:

- Faulty equipment, such as a tire blow out or trailer problems
- Fatigue or recklessness on the part of the truck driver
- Insufficient training by the trucking company of their drivers
- Weather and road conditions.

Injured in an 18-wheeler accident?

Extreme caution should always be used when driving in the vicinity of an 18 wheeler. However, even then accidents may not be able to be avoided. In that case, it is important find an experienced attorney who can help you investigate the accident and gather evidence immediately so that your rights are preserved and your interests protected.

An accident involving an 18 wheeler is can be devastating and is often quite complex. There may be more than one party responsible for the accident. In addition, there are various laws and rules regulating the commercial truck industry, including driving restrictions for truck drivers, the type of training required to be certified to drive 18 wheelers and much more.

Truck Driver Licensing Fraud

Truckers Could Be Under-Qualified

A problem that has recently become a bit of an epidemic in the trucking industry is licensing fraud. It may be hard to believe, but it is estimated that thousands of drivers on the road operating huge commercial vehicles could actually be without the proper training and licensing. These types of vehicles can weigh up to 80,000 pounds. A regular passenger vehicle when operated by an inexperienced driver can pose an incredible risk, so think about how much more of a safety concern it is to have an inexperienced driver driving an 80,000 pound vehicle. So far, arrests have been made in 13 states and investigations are pending in 24 others.

How is it even possible for under-qualified drivers to get their licenses? The situations are different in each case. Some drivers purchase their licenses. In order to be hired as a truck driver for any business, you must show proof that you have the proper licensing. Many drivers give false licenses that employers fail to give a closer look. This could mean that employers of these under-qualified drivers are liable as well. Employers should be conducting thorough investigations of all of their drivers before they hire them, in order to decrease their liability. Other drivers were going through corrupt programs in which test administrators passed drivers who would not have otherwise passed. It is likely that they were given a monetary bribe in order to ensure that certain drivers passed their tests.

Driver Qualifications: CDL Licensing Program

In order to become a legitimate truck driver, you must go through a commercial driver's licensing program administered through the U.S. Department of Transportation and the Federal Motor Carrier Safety Administration. Prior to 1986, anyone who possessed a regular driver's license could also operate a large commercial vehicle such as a bus or an 18-wheeler. Then, the Commercial Motor Vehicle Safety Act was signed into law. This happened because a need was seen for specialized training for drivers of commercial vehicles. This act significantly decreased the number of injuries and fatalities that occurred annually as a result of large vehicles. Three major things that the act addressed were: drivers with CDLs could not possess any other license, states had to adequately provide programs and train those who wanted to drive commercial vehicles and there had to be minimum licensing standards for each state.

There are three classes of licenses, which means that even if a driver has a CDL, then may still be under-qualified to drive if they do not hold a class of license that matches the type of vehicle that they drive. There are Class A, B and C licenses. There are also additional endorsements that could be added to each license. These endorsements are additional qualifications that drivers of specialized vehicles may be required to have. For example, there are endorsements for school bus drivers, hazardous material drivers and tank vehicles. For a complete list of qualifications, please visit the FMCSA's CDL qualifications page. An accident investigation will reveal if the cause of your accident was a driver with a lack of the proper license. There are strict qualifications in the trucking industry, and if an employer failed to enforce them or an employee failed to execute them and that resulted in the injury or death of another, then the trucking company can and should be held liable.

Semi Truck Accidents

Accidents involving semi trucks and passenger cars can be extremely devastating and often fatalities are involved. The weight of a semi-truck, combined with the speed at which it is traveling and/or the fatigue of the truck driver, create a deadly situation. A semi-truck traveling at 70 mph is capable of causing twice as much damage as one traveling at 50 mph. This is compounded by the fact that passenger cars are designed and safety tested to meet the Federal Motor Vehicle Safety Standard. These government standards involve testing safety when a passenger car comes in contact with another passenger car, not an 80,000 lb semi-truck. Texas, including Austin and the neighboring areas, are common routes for commercial trucks, putting drivers in the

Austin area at risk for being involved in a semi-truck accident. According to the Federal Fatality Analysis Reporting System, Texas is in the top five states where fatal truck occur.

Injured in a semi truck accident?

Commercial trucking is a regulated industry. There are certain laws regulating the number of hours a truck driver is permitted to drive during a 24 hour period, the permitted weight of the truck and the amount and type of training a driver must have in order to operate a semi-truck. Also, having an investigation performed immediately after an accident involving a semi-truck is essential in order to preserve certain evidence that may be necessary to prove a case against the truck driver or trucking company.

Anyone involved in an accident involving a semi-truck needs an injury attorney who is experienced in handling semi-truck accident cases. You need an attorney who is knowledgeable about the law in this area and experienced in handling commercial insurance companies. In most cases commercial insurance companies will be involved and having an attorney who is experienced in dealing with commercial insurance companies is very important to the outcome of your case.

Speeding & Reckless Driving

The State of Texas has had more changes in their laws regarding truck speed limits than they have had changes in the weather. Formerly, there used to be separate speed limits for trucks and for passenger vehicles. This was a 60mph limit during the day which would decrease to 55mph at night. In 1974, the state capped all speed limits at 55mph for both passenger vehicles and commercial vehicles, but this was repealed in 1987 when the speed limit went back up to 65mph. In 2001, there was a bill that passed that allowed certain road to have a 75mph speed limit, but this did not include trucks, who still could drive only a maximum speed of 70mph. The most current speed limit regulation in Texas is that there are no special truck limits. All vehicles travel the same speed depending on the road.

Truck drivers also have to be extremely careful when operating their vehicles because they have larger blind spots as well as a wider turning radius than other vehicles. Reckless driving is a major type of moving violation, and it could constitute a driver getting their commercial driver's license (CDL) taken away. Rather than pure negligence, which connotes a passive style of driving, this is an active and purposeful type of dangerous driving. This can include exceeding the speed limit by more than ten miles per hour, it could include excessive lane changes, tailgating and the like. It is dangerous enough when drivers of passenger vehicles behave this way on the road. How much more dangerous is it when truck drivers do it?

The Size of an Average Semi-Truck

To put this type of dangerous driving into perspective, it would be helpful to evaluate just how large these vehicles are. The gross vehicle weight of the average semi-truck is 20,000 to 24,000 pounds, and this is when they are empty. These trucks can carry cargo that is up to 50,000 pounds. A payload can only be up to a maximum 80,000 pounds.

Depending on the type of vehicle that a driver drives, they will have to possess a specialized license. There are Class A, B and C licenses that differ based on the size of the truck. Class A is for vehicles that weigh 26,000 pounds or more or that tow vehicles in excess of 10,000 pounds.

Class B licenses are for those with the same weight requirements as Class A, but cannot tow vehicles in excess of 10,000 pounds. Class C is for those that do not meet Class A or B requirements but are designed to transport either 16 passengers or more or transport hazardous materials. Considering the incredible size of these vehicles, it also takes them longer to come to a complete stop, which makes tailgating extremely dangerous. If a truck is tailgating a passenger vehicle when they suddenly have to stop, chances are, the truck will collide with the vehicle.

Tired Truck Drivers

One of the major causes of truck accidents in the United States today is fatigued truck drivers. Truck drivers are under an intense amount of pressure to deliver their cargo on a deadline, which means they often skip the mandated breaks. Legislators are constantly trying to develop new regulations to decrease the amount of fatigue-related accidents, but drivers still continue to drive while they are tired. New legislation has recently been approved that will change the way truck drivers across the continent operate. For one, the 82 hour maximum driving limit per week will now decrease to 70 hours per week. There are also new rules when it comes to taking breaks. Truck drivers will be required to take a minimum 30 minutes as a resting break for every eight hours that they are operating their truck.

The Dangers of Driver Fatigue

Despite these regulations, truck drivers still know that they are on a deadline. Truck drivers are required to enter their driving and resting hours into a logbook so that their employers can keep an eye on whether or not they are following regulations. Not following regulations can mean steep fines for both drivers and trucking companies. However, there have been some recent cases of truck drivers forging these logbooks so it looks like they are taking breaks when they actually are not. If you are a passenger vehicle driver then you are at a great risk of being involved in a collision with a truck because of their fatigue. The truth is, many truck drivers fall asleep at the wheel on a regular basis.

Truck drivers and trucking companies alike should be held responsible for the ways that their truck drivers operate.

Tractor Trailer Accidents

Accidents involving tractor trailers can be very serious. And fatalities often result when they involve passenger cars, often multiple fatalities. Different things can contribute to a tractor trailer accident. Some of the causes of a tractor trailer accident can be:

- a tire blow out, or some other mechanical problem with the truck

- the reckless or aggressive driving of the truck driver
- lack of sleep on the part of the truck driver
- road conditions, such as road work or debris on the road
- inclement weather conditions

Often more than one factor can contribute to a tractor trailer accident. The seriousness and severity of accidents involving tractor trailers and passenger vehicles is compounded by the fact that passenger cars are designed and safety tested to meet the Federal Motor Vehicle Safety Standard. These government standards involve testing safety when a passenger car comes in contact with another passenger car, not a loaded 40 ton tractor trailer! According to the Federal Fatality Analysis Reporting System, Texas is in the top five states where fatal truck injuries occur.

Injured in a tractor trailer accident?

Anyone involved in an accident involving a tractor trailer needs an attorney who is experienced in handling tractor trailer cases. There are many laws regulating the commercial trucking industry and if your attorney is not familiar with it, he or she will not be able to protect your rights and see that you are compensated fairly. Therefore, you need an attorney who is very knowledgeable about the law in this area and also very experienced in handling commercial insurance companies.

Truck Accident Investigation

A car accident that involves a commercial truck weighing more than 10,000 pounds is considered a trucking accident. Because of the size and weight of semi-trucks, they can cause extensive damage to both people and objects. If a person claims that a trucking accident resulted in physical harm, he or she must evidence that claim with objective proof of injury, such as cuts or broken bones. At times, injuries incurred by trucking accidents can be terminal.

A person who has been injured by an accident involving an 18-wheeler may receive a settlement. For example, a victim of a trucking accident may be reimbursed for personal injury or hospital bills, among a host of other effects. However, not all states provide insurance for drivers who were not at fault in the accident. In that case, the victim may be more hard-pressed to receive financial assistance. Hiring a personal injury attorney is essential in the event of a truck accident because there is always more involved in a case than what initially meets the eye.

What causes truck accidents?

Negligence is the main cause of trucking accidents. Distracted or careless driving leads to negligence. The driver often does not intend to be negligent, but is not proactive about carefully adhering to driving laws. Another common factor in trucking accidents is the condition of the truck. Due to the vast size of the vehicle, there are many parts which can malfunction and, therefore, cause a disaster.

Trucks must be inspected in order to confirm their safety. A legitimate lawsuit may be raised in the event that a truck is not routinely inspected. Driving errors are a common factor in trucking accidents. Even a seemingly little driving error can result in enormous consequences, particularly because the size of the large size of commercial trucks. Fatigue is one of the leading causes of driving errors because it makes a person less alert and slower to respond. Driving errors may also be the result of illegal behavior, such as driving while intoxicated, or they may result from unplanned factors, such as a sudden distraction.

About the "Black Box" & Its Role in Accident Investigation

When looking to file a claim, it may be necessary for the plaintiff to prove that the truck driver was negligent and thereby the cause of the accident. While that may initially seem like a daunting requirement, it can actually be accomplished quite easily with the help of a lawyer. In some cases, commercial trucks will have on board what is known as an electronic on-board recorder, also referred to as the "black box." The purpose of this device is to continually record information relating to the operations of the truck – including everything from the engine speed to how much pressure was applied to the brakes, the speed and even whether or not a seat belt was being used. If your attorney is able to get a hold of this black box, it could play an immensely important role in accident investigation and could be invaluable in proving that the truck driver was negligent. For this reason, it is imperative that you get the legal assistance of a knowledgeable injury attorney immediately following a truck accident as immediate steps will need to be taken to ensure that this box is not tampered with or destroyed.

Trucking accidents are no small matter and can cause life-changing consequences. If you have been involved in a trucking accident, it is essential that find a reliable attorney who will explain your options and defend your rights.

Truck Rollover Accidents

Large commercial trucks, such as 18-wheelers, semi-trucks and big rigs can weigh up to 40 tons. The size and weight alone of these massive trucks makes them very dangerous on the roads. In the event of bad weather, incorrectly or overloaded trailers, the inadequate training and experience of the truck driver, or even a tire blow out, a devastating accident can result.

Truck rollovers involving 18 wheelers, big rigs or semi-trucks can and often do result in serious injuries and in many cases, a number of fatalities. In some cases a truck rollover will be found to be the result of the negligence of the truck driver. This is often due to fatigue as a result of the driver driving more hours without sleep than is allowed by law. Driver fatigue has been found to be the cause of driver negligence on the part of the truck driver in many cases. Constant driving and driving without adequate rest can also cause a truck driver to act recklessly, angrily and aggressively, which can be precipitating factors in truck rollovers.

The circumstances and factors that can cause truck rollovers are numerous and the cases can be very complex. It is very important to have representation from an

experienced Austin personal injury attorney to represent you if you or someone you loved has been involved with a truck rollover accident.

Legal Support for Victims

A truck rollover, especially, on the highway, can be catastrophic, resulting in serious injuries, even multiple fatalities. There are many complications, as commercial trucking companies and their insurance companies are experts at protecting the trucking company's interests. Therefore, you need an attorney who is very experienced in this area of the law and will work hard to make sure that your rights and interests are protected.

Truck Driver Drug & Alcohol Abuse

Illegal Truck Driving Practices

The largest vehicles on America's roads and highways today are commercial motor vehicles. Some of these can weigh up to 80,000 pounds when fully loaded, which necessitates extreme caution when navigating these on the road. Those who wish to drive these vehicles must be specially trained with the appropriate licenses. Any driver who is caught by police with drugs in their system or alcohol above the legal limit could have their licenses revoked. The legal limit of intoxication is different for these drivers than it is for others. For all other drivers of passenger vehicles, the legal limit of intoxication is 0.08 percent while for commercial drivers the limit is 0.04 percent according to the Federal Motor Carrier Safety Administration (FMCSA). Any driver who is found in violation of this will be issued a traffic violation.

Each driver is responsible for telling their employer about their violation within 30 days of conviction. It is then usually up to the employer what happens next. It is typical for employers to have little leniency when it comes to traffic violations. Safety and the driving practices of their employees is a direct reflection upon a company. Also, an increase in accidents and infractions is an increase in liability. This means that it may even cost a company more to insure drivers who have poor driving records. Employers that fail to report their drivers' traffic violations or employers who continue to hire drivers who have a history of drug and alcohol use while driving may be held partially liable for any accidents that ensue.

Drug & Alcohol Statistics in the Trucking Industry

With the possession of a commercial license, drivers are said to have implied consent when it comes to breath and blood testing for the presence of alcohol and drugs. Any driver who refuses to submit to any of these tests will have their commercial licenses automatically suspended. It is a statistical fact that around two percent of all truck drivers who cause fatal accidents had a blood alcohol concentration that was above the legal limit. Increased enforcement has shown a direct decrease in the number of alcohol-related crashes annually. Accidents involving large commercial trucks are serious no matter what the cause, but drug and alcohol impairment make these crashes worse. Statistics suggest that a vehicle being driven under the influence increases the risk of serious crash anywhere from two to six fold.

The Department of Transportation along with the trucking industry requires that employers conduct random and planned drug and alcohol testing among their route drivers. This is to ensure quality control and root out any drivers who may be participating in unsafe practices. Although this is required, many companies fail to do so. If you were involved in a truck accident because of an intoxicated driver, not only will the driver be liable but their employer may also be held accountable for failing to investigate their drivers and conduct random drug and alcohol tests.

There should be serious consequences for intoxicated drivers. If this was the cause of your accident, then you can make sure that the driver and their company is held liable for damages. It is tragic that so many drivers continue to populate our roads despite their poor driving records. You may be entitled to compensation.

Truck Accident Claims Process

Accidents involving large trucks are some of the most serious that take place on America's roads and highways. They often result in fatalities and catastrophic injuries because of the sheer size of these vehicles. Drivers of commercial vehicles are insured differently than other drivers are. Many insurance companies who provide automobile insurance also provide commercial auto insurance. Those who own small businesses or work for large corporations can get insurance for company vehicles such as 18-wheelers, dump trucks, tow trucks and more. There is owner operator insurance, motor carrier insurance or private carrier insurance. Trucking companies and companies who own trucks must make insurance filings in order to prove that they meet both state and federal insurance requirements.

Those who participate in interstate trucking, hazardous material transportation and contract trucking have different requirements for filing, as they each present a different level of liability. As an example, you can read more about Progressive's® commercial truck insurance filing services. Most trucks are required to provide physical damage coverage, cargo insurance and liability insurance. This will cover the cost of damages in the event that you are involved in an accident with a commercial truck. If you are a driver of a passenger vehicle and are involved in a collision with a commercial truck, then the claims process is similar to filing a regular auto insurance claim. First, you must report the incident to your insurance company, then an adjuster will assess the damages in relation to your insurance policy as well as the insurance policy of the trucking company.

Common Causes of Trucking Accidents

Trucks are one of the leading causes of motor vehicle fatalities annually. Extreme caution must be taken, because one slip can mean a severe accident. Trucking companies can be liable for negligent hiring practices if they hire someone who has obtained a fraudulent license or has a poor driving record. Licensing fraud is actually a huge issue in the trucking industry. Currently, arrests have been made in 13 states and investigations are pending in 24 other states. Truck accidents are also commonly caused by fatigue, since they work such long hours. Despite federally-mandated resting periods, truckers are still prone to tired driving accidents. Truckers may also be at fault for negligent driving practices similar to those common with passenger vehicle drivers

such as speeding, excessive lane changes and other moving violations. Faulty brakes, tire blowouts and other mechanical failures may also present a liability on behalf of the truck driver or company.

What to Do to Maximize Your Recovery

What can happen at times is that your insurance company will offer you a settlement that is less than what you believe you need and deserve to cover the cost of damages. One important thing to remember is to ask your insurance company for reasons. They should be able to articulate to you why they offered you the amount that they did. The trucking company may be claiming that you were partially at-fault for the accident, which would significantly deduct from the amount that you can be compensated. This is where procuring the services of an attorney can come in. An attorney can not only assist you in filing all the necessary forms with your insurance company, but they can also ensure that you are not wrongfully deemed liable.

Types of Trucks and Commercial Vehicles

Following are the types of vehicles that are typically involved in Texas trucking accidents:

- **Dump Truck:** A dump truck is a type of commercial vehicle used for hauling loose material such as sand, gravel, dirt, or construction and demolition debris. A typical dump truck has an open box bed operated by a hydraulic lift. When fully loaded, dump trucks may weigh more than 33,000 pounds and need much more time to slow down at intersections than passenger vehicles do. Among heavy-duty work trucks such as cement mixers, tow trucks, garbage trucks and utility trucks, dump trucks are the most crash-prone.
- **Semi-Trailer Truck:** A semi-trailer truck is a large commercial truck also known as an 18-wheeler, a semi, a tractor-trailer or a big rig in the U.S. A semi-trailer does not have a front axle. Its front end is attached to the back of a road tractor by means of a fifth wheel on the back of the tractor. Semis are used to carry freight. Types of semi-trailers include dry-freight vans, refrigerated trailers, flatbeds and tank trailers.
- **Eighteen-Wheeler:** Eighteen-wheeler is a colloquial name for a large commercial truck used in interstate and long-haul shipping and freight movement. An 18-wheeler has a semi-truck configuration consisting of a tractor and a trailer with 18 wheels.
- **Flatbed Truck:** Flatbeds are large commercial trucks that pull open-bed trailers. They are used to transport large pieces of machinery and equipment and bulky cargo that would not fit in an enclosed trailer.
- **Tanker Truck:** A tanker truck or cargo tanker is used to carry liquids, compressed natural gas and fuels, including gasoline, diesel and fuel oil. Tanker trucks may be insulated or non-insulated, pressurized or non-pressurized, and designed for single

or multiple loads. Tanker trucks have a high center of gravity and are more prone to overturning on a banked curve. The external pipes on tanker trucks, which are the loading lines, are often filled with flammable liquids and may cause a catastrophic fire in the event of an accident.

- **Garbage Truck:** A waste collection truck or sanitation truck is specially designed to pick up and compress large quantities of household waste and haul it to a landfill or recycling center. Some are equipped with mechanical arms that pick up and empty garbage cans into the back of the garbage truck.
- **Panel Truck:** A panel truck is a windowless cargo van. It is built on a truck chassis, but it is smaller and lighter in weight than a large commercial truck such as an 18-wheeler. Panel trucks are often used for the delivery of flowers, laundry, and other consumer goods.

Types of Injuries

If you have suffered from the negligence of a third party, then it is likely that you have grounds to file a claim. Personal injury claims can arise from a variety of different types of accidents and can center on many different types of injuries.

Catastrophic Injuries & Personal Injury Claims

There are numerous different types of injuries that our firm is able to help with. If you have been a victim of the following, or any type of serious injury that could have been prevented, we encourage you to call us today:

Back Injury: Due to the size of the back and complexity of the muscles, bone and nerves that encompass it, any type of injury that focuses on this area of the body can be severe. If you have sustained this from heavy lifting at work, a serious motor vehicle accident or from any other type of accident, you deserve to have your rights legally protected under the law.

Birth Injury: In cases of negligence or delivery room error, there are instances where the child has suffered from improperly used forceps, lack of oxygen or other types of birthing trauma.

Broken Bones: Although a fairly common injury, broken bones and fractures should not be taken any less seriously. Especially should the bone that is broken be something significant, such as the spine, pelvis or leg, you could require surgery for treatment and could be unable to return to work for a while, if ever. In these causes, you deserve compensation to cover these damages.

Burn Injury: A burn can range from first degree to third degree - one thing, however, remains the same and that is the severe physical pain and the psychological trauma that can stem from scarring and disfigurement. For burns that result in surgical means of treatment and skin grafts can be costly and can cause the plaintiff to be saddled not only with the pain, emotional distress, but also the cost.

Catastrophic Injuries: While no injury is ever desired, should a plaintiff sustained an injury that results in time lost from work, life-altering pain and long-lasting consequences, it could be deemed as 'catastrophic.' These types of injuries include brain damage and life-threatening illnesses.

Cerebral Palsy: The injury of Cerebral palsy is a type of birthing trauma that affects the brain, as well as the nervous system. This can result in weakness, difficulty moving and a complete loss of coordination and / or movement. This is considered a non-progressive disease and there is currently no cure.

Child Injury: Statistics show that a harrowing 6,000 children die every year as a result of injury - and over 14 million suffer injuries that do not result in death. Unfortunately, a vast majority of these injuries could have been prevented had the proper care and caution been taken. From defective toys to inadequate security at pools and even blind cord strangulation, these are tragic accidents.

Mesothelioma: Exposure to asbestos at a jobsite or in home construction has been linked to the causing of mesothelioma, a cancer affecting the lungs and stomach lining. This is a serious type of illness that can become apparent as late as 50 years after the exposure and it is therefore extremely important that you get representation on your side that you can trust to deal with the legalities of this type of claim.

Spinal Cord Injury: Due to the importance of this body part, any injury that is sustained by the spinal cord is serious and should be treated seriously. Should the damage be severe enough, a spinal injury could result in paralysis - either complete or incomplete. This is life-altering and will require that the victim not only acquaints themselves to an entirely new skill set, but also causes them to suffer from emotional and physical pain.

Traumatic Brain Injury: If you or a loved one have sustained damage to your brain, you should not hesitate to consult with a knowledgeable lawyer. Brain injuries stemming from blunt force trauma, penetration and other can result in difficult to maintain employment and can even lead to risk of serious disorders such as Alzheimer's, Parkinson's and epilepsy.

Back Injuries

Sprains, Strains & Herniated Discs

The back is one of the largest continuous parts of the entire human body - do to this immense size and the intricate weave of bones, muscles and tissues, back injuries can be catastrophic. Common causes of injuries to the back range from sports-related injuries, car crashes and even workplace accidents. According to Premier, Inc. an estimated 80 percent of all adults will suffer from a back-related injury in their lives; beyond that, 10 percent are estimated to suffer from a re-injury. Some of the most common types of back injuries include the following:

- **Sprain:** A sprain occurs when a ligament is either stretched or torn. As a ligament connects all the bones, should you get hit, abnormally twist or should you fall, it is

likely that you will suffer from a sprain. Many people claim that they hear a "pop" at the time of injury.

- **Strain:** Similar to a sprain, a strain occurs in the event that a muscle or tendon is stretched or torn. It has been found that this is an injury that can occur in a sudden accident, but can also occur from wearing the muscles down over time. Continually heavy lifting or car accidents are common sources of this injury which results in pain, spasms, swelling and difficulty moving.
- **Herniated Discs:** In between the 26 vertebrae that make up your back are small discs that cushion this vital piece of bone. Should these discs slip out of place or should they rupture, they are described as herniated. This results in severe back and neck pain, tingling, numbness and spasms.

Birth Injury

The birth of a child should be a time of immense celebration. However, an injury during birth can turn these feelings of extreme happiness into feeling of devastation and uncertainty.

Birth Injuries and Malpractice

If your child suffered a serious injury or lifetime disability due to a mistake before, during, or after delivery, a lawsuit may be the best way to find out once and for all what happened and who is to blame. We will fight for the truth and for the compensation your family deserves. The use of forceps, allowing a pregnancy to continue beyond a safe period of time, or allowing a fetus to be deprived of precious oxygen can cause long-term physical, mental, emotional and psychological damages, and other serious conditions. Injuries to the fetus can affect the respiratory system, cardiovascular system, digestive system, nervous system and musculoskeletal system, and can cause hematologic disease, cerebral palsy, and stillbirth.

It is important to act quickly to remain in compliance with the statutes of limitations in Texas. The steps you take immediately after this accident can influence how this injury will affect your life farther down the road. Do not hesitate to receive the justice you deserve in such a devastating experience.

Broken Bones

An individual requiring medical attention for a broken bones injury may be experiencing one of the most painful experiences in their life. Once the broken bone or fracture is tended by medical professionals, the injured party is now faced with a myriad of follow up appointments, rehabilitation, pain and suffering. Endless hours may then be spent on the required paperwork for insurance companies or workers' compensation. Countless communications with various agencies through phone calls and emails may be involved in your case.

Burn Injury

Approximately 4 out of 100 burn victims in the U.S. succumb to their injuries each year. Burns are painful injuries to the flesh and the more serious types of burns can affect muscles, bone and blood vessels.

Burn Injury Claims

Burns are injuries that require immediate medical attention because of the risk of infection and other complications. The three categories for burns: 1st degree burns affect the first layer of skin; 2nd degree burns affect the second layer of skin; and 3rd degree burns affect all layers of the skin, often require skin grafts and can be fatal. Common accidents that result in injuries can include:

- Heat
- Chemicals
- Electricity
- Radiation
- Friction

Most burns result in some form of scarring but serious burn injuries can cause disfigurement, amputations, shock, respiratory distress, and damage to internal organs, and other significant injuries. A burn victim too injured to work can have concerns about paying mounting medical bills and place financial hardship on a household. It is important to have legal representation from a trusted personal injury attorney who can focus on protecting the rights to monetary compensation from insurance companies or responsible individuals.

If a burn accident was the result of negligence, the responsible parties may be liable to the victim in the form of damages for loss of income, medical costs, and pain and suffering. Before settling an insurance claim, it is best to seek legal advice from an experienced and qualified personal injury attorney. An insurance offer may be insufficient compensation for the pain and suffering caused by the accident injuries. Make an appointment today for a consultation with an injury lawyer regarding burn injuries.

Catastrophic Injuries

Spinal Cord Injury, Burn Injury, Traumatic Brain Injury

The injuries which are severe enough to affect a person's ability to function in life and in the most serious cases, the victim loses their life, are considered to be catastrophic injuries. Paralysis—partial and full, spinal cord injuries, traumatic brain injuries, burn injuries, loss of ligaments, and the loss of hearing or eyesight are all catastrophic injuries.

It is devastating to both the victim and their family to have such life changing effects on one's life, especially when full time medical care is required. It is very important that you consult with a lawyer if you are thinking about filing a catastrophic injury claim. A lawyer who is knowledgeable in the field of personal injury and catastrophic accidents will be able to help you.

Spinal Cord Injury

Spinal cord injuries usually occur in a traumatic event such as a sports-related head injury, bullet or stab wound, car accident or electric shock which results in injured cells within the spinal cord, or severing of the nerves that relay signals throughout the spinal column. The most common types of spinal cord injuries include compression which is caused by pressure on the spinal cord, and contusions, or bruising of the spinal cord. Other types of spinal cord injuries include central cord syndrome which refers to specific damage to the corticospinal tracts of the cervical region of the spinal cord, and the severing, or tearing of nerve fibers.

Legal Help for Claims

Spinal cord injuries often have serious, long-lasting consequence. Many victims suffer from paraplegia, a type of paralysis resulting in limited mobility in the legs and lower extremities. Paraplegics may experience difficulty walking, problems with continence and impaired sexual function. Quadriplegia is more severe, and causes a partial or complete loss of mobility below the neck. In addition to the challenges a paraplegic faces, quadriplegics may also have no use of their arms, or may not be able to breathe without assistance.

One of the greatest consequences of a spinal cord injury is the costs associated with them. Those who suffer from long-term or life-long disabilities will most likely incur monumental debt in medical bills and other costs associated with caregiving. Additionally, many of these injuries make it impossible for the victim to continue making a living, which makes it even harder maintain a familiar lifestyle.

Traumatic Brain Injury

Traumatic brain injuries occur in motor vehicle accidents, head injuries and other scenarios where an external force or sheer acceleration in some cases, impacts the head and injures the brain in a very serious way. It can be difficult to identify TBI's because in many cases, the victim may not even be aware that anything is wrong for days, weeks or even months. If the victim does not notice any symptoms for an extended period of time and thus does not seek medical care, the risk of death as a result of the injury increases exponentially, and can happen quite suddenly.

TBI Injury Claims

The Center for Disease Control estimates that approximately 5.3 Million Americans currently require long-term care due to a TBI. Those who suffer from this type of serious injury may have problems with memory, decreased problem-solving skills, increased

emotional response or difficulty controlling temper. It may also be difficult for victims of traumatic brain injuries to maintain employment due to these side effects, or have constructive personal relationships with family or loved ones. Those who suffer from TBI's are also at greater risk for neurological issues or brain disorders such as Alzheimer's, Parkinson's and epilepsy. If these injuries have been caused as a result of negligence from another person, speaking with an attorney may be the first step toward compensation.

Workplace Injury

Workers' Comp

In Texas, the workplace fatality injury numbers are very alarming. The Federal Bureau of Labor Statistics reported that the state of Texas has had two years in a row of the most fatal occupational injuries in any state in the nation. The number of fatal occupational injuries in Texas increased over this time while the number of fatal occupational injuries decreased overall in the United States. Every year, many more Texas workers are injured while on the job. These are startling statistics and show extreme outcomes of on-the-job injuries. Victims of on-the-job injuries may be entitled to legal damages. The best way to find out is to get in touch with an injury lawyer.

On the Job Injury Claims

Most companies maintain workers' compensation insurance that can be accessed for benefits. In other cases, a third party has liability and legal action can be taken against them. It can be very difficult to seek reimbursement for damages when you are injured or ill and do not have the assistance from an experienced attorney. It can also be difficult to obtain the compensation you deserve if you do not have all the necessary information regarding your case, such as what counts as an on-the-job injury. An injury or fatality that occurs while an employee is in the course of his or her employment is considered to be an on-the-job injury. The common causes of work place injuries include the following:

- Car and truck accidents
- Chemical leaks
- Falling debris
- Oil and gas explosions
- Toxic injuries, such as those from ammonia, petrochemical compounds, and asbestos
- Construction site accidents, such as scaffolding collapses and crane malfunctions
- Manufacturing accidents involving defective tools and faulty machinery
- Slip and fall accidents

Electrocution Accidents

Unfortunately, electrocution accidents take place far too frequently. Often incidents occur in the workplace or they involve defective products. No matter the cause, the consequences of such a catastrophic injury are devastating to the victim. Severe burn injury, heart damage, and even wrongful death can all be caused by an extremely high electric current. Individuals who suffer severe burn injuries often are unable to completely recover, even through extensive medical care, physical therapy, and cosmetic surgery. Electrocution and burn injuries are often the result of another individual's negligent, reckless or irresponsible actions, and there is something that you can do about it. An attorney can help you fight to recover the compensation you are entitled to, if you or someone you love has suffered a serious burn injury or has been electrocuted.

Industrial Accidents

Manufacturing plants, industrial plants, drilling rigs, and oil refineries often cut their costs at the expense of their employee's health and safety. There are federal laws which exist to protect workers from the inherent dangers of working in these environments.

Workers' Compensation Victims of Industrial Accidents

Our firm works directly with victims of industrial accidents to ensure they receive compensatory damages, which are designed to put you back in the position you were in before the accident. One of the most important things we do is educate you on how the laws protect you and what your rights are. Part of what we do is to take action against the wrongdoer so they cannot continue to commit the same negligent and irresponsible actions. You may be wondering what the most common causes of injuries in industrial accidents are. They are as follows:

- Chemical spills
- Fires
- Operator errors
- Gas explosions
- Improper maintenance
- Machinery problems
- Poorly executed repairs
- Pipeline explosions
- Defective parts

- Improper training
- Slip and fall accidents
- Violations of federal safety codes and
- Inappropriate safety systems

Occupational Illness

Toxic Exposure at the Workplace

While physical, tangible danger is a reality at the workplace, there is something just as potentially harmful that cannot be seen. Thousands of workers each year are exposed to harmful levels of chemicals and particles that could cause chronic illnesses- some even fatal. Occupational disease usually comes in two major forms: skin and lung. Skin disease occurs when workers' skin is directly exposed to harmful toxins, while lung diseases can occur when workers inhale or ingest a toxin. So who is at risk for developing these diseases? For one, those who work in any type of industrial occupation could be at risk. Those who work in the oil and gas industry could be exposed to harmful levels of gasoline as well as toxic fracking fluid, which is the chemical, sand and water mixture that is pressurized into the ground.

Those who work in the manufacturing industry could also be at risk. Manufacturing and construction workers could be exposed to harmful levels of lead and silica, among other things. Those who work in the railroad or transportation industries could be exposed to harmful levels of exhaust and benzene. These are just a few examples of industries that may be at risk for occupational diseases. Most people who develop these diseases in relation to their jobs are entitled to either workers' compensation or another form of third party insurance provided by their employer.

Common Types of Work-Related Diseases

One of the most major types of occupational diseases is mesothelioma and other asbestos-related diseases. For years, the harmful substance asbestos was heavily used in the manufacturing industry because it was both affordable and effective. It wasn't until the latter half of the 20th century that asbestos was banned from use, but workers are still suffering the effects of it. Typically, it takes about 30 years from initial exposure to actually start to display symptoms. Asthma is another common, although much less deadly, disease. Occupational asthma is a particular kind of respiratory illness that causes tightness of breathing, wheezing and the like. There are at least 10 to 15 percent of Americans in the workforce who suffer from this type of asthma. There is also lead poisoning. There are many different causes of this disease, but occupational exposure is the leading cause.

Occupational Safety and Health Administration Regulations

The branch of the U.S. government that is responsible for regulating occupations is the Occupational Health and Safety Administration (OSHA). This division of the U.S. Department of Labor was established in 1970 in order to impose regulations that would

hopefully decrease the number of illnesses and injuries that workers suffered annually. One of the things that this agency does is regulate safe levels of different substances. Employers are not allowed to have an exposure level that exceeds the standard safe level. If they do, then they would be liable for any worker disease that resulted from it. Employers are also responsible for providing their employees with the necessary safety equipment. This can include body suits, gloves, breathing masks and goggles.

Those who become ill while on the job may be unsure how the process works, since it differs significantly from being injured on the job. An injury is obvious, but it takes time to discover an illness and effort to prove that it was caused by exposure at the workplace.

On-the-Job Injury Cases

The preliminary workplace fatality injury numbers are in for 2008 and the news is not good for Texas. The federal Bureau of Labor Statistics reports that the state of Texas reported the most fatal occupational injuries of any state in the nation for both 2007 and 2008. The number of fatal occupational injuries in Texas actually increased from 2007 to 2008 at a time when the overall number of fatal occupational injuries decreased overall in the United States. These statistics are startling and only show the most extreme outcomes of on-the-job injuries. Many more Texas workers are injured every year while on the job.

On-the-job injury victims may be entitled to legal damages.

Causes of On-the-Job Injuries

Any injury or fatality that occurs while an employee is in the course of his or her employment is considered an on-the-job injury. Some common causes of workplace injuries include:

- Car and truck accidents;
- Chemical leaks
- Falling debris
- Oil and gas explosions
- Toxic injuries, such as those from asbestos, ammonia, and petrochemical compounds;
- Construction site accidents, such as scaffolding collapses and crane malfunctions; and
- Manufacturing accidents involving defective tools and faulty machinery.

The law in Texas provides for reimbursement for your actual damages when your employer does not maintain workers' compensation insurance or when a third party causes your injury in the workplace. It can be difficult to navigate the workers'

compensation program or to seek reimbursement for damages outside of the workers' compensation system at a time when you are injured or ill.

Wrongful Death

Wrongful Death Claims

When an individual has suffered from wrongful death, the families affected deserve justice. We understand how devastating it can be for a family who has unexpectedly lost a loved one. A wrongful death is one that occurs as a result of negligence or purposeful action on behalf of another person or entity. If your loved one died because of the actions of another individual, you may have a wrongful death claim under Texas law. This unfortunate circumstance may have brought about many questions. An experienced and compassionate lawyer has the knowledge and skill to help you answer those questions and to file a wrongful death claim.

Have you lost a loved one through negligence?

The main causes for wrongful death are car accidents, drunk driving accidents, use of dangerous or defective products, child abuse, nursing home or elder abuse, construction of an unsafe structure or building, negligent upkeep of premises, such as in an apartment building, and the negligent upkeep of a public, apartment complex, or hotel pool. When a loved one passes away unexpectedly, the family is often left with many expenses, such as hospital bills, funeral or burial costs, and lost wages. If there are children involved, they may be unable to support themselves or pay for their schooling. The family members or beneficiaries of the decedent generally file a wrongful death lawsuit or claim in order to help with these tragic and unfortunate burdens. We may be able to help you to obtain financial compensation for the expenses associated with death such as: medical and funeral bills, loss of income that the family would have received, lost insurance benefits, loss of inheritance, and pain and suffering.

It is very important to your case that you retain the services of an experienced and compassionate lawyer whose goal is to help you and your family through this difficult time.

Maximizing a Wrongful Death Recovery

In common law, wrongful death is a type of claim that surviving family members can make on behalf of their deceased loved ones. A type of personal injury claim, this distinction was made because the deceased cannot file a claim on their own behalf. While the liable or negligent party may also be guilty in a criminal sense, this is a type of civil trial that allows for the possibility of recovering more compensation.

Most wrongful death accidents come by way of job-related accidents. Those who work in dangerous occupations such as the construction industry, the maritime fields or in industrial plants are at a high risk of being seriously injured on the job. To prevent serious liability, a company can have their employees sign a waiver saying that they cannot have a lawsuit filed against them in the event of an employee death. Now a lawsuit is

different than a wrongful death claim. Workers are insured by either workers' compensation or another type of workers' insurance. In the event of injury, illness or death, this will cover the cost of damages.

For example, those who work in the maritime industry may qualify for compensation under the Jones Act. This portion of admiralty law provides certain benefits for families of deceased maritime workers. Technically, workers' compensation is a way for employers to limit their liability. By providing workers' comp benefits, an employee or family of an employee no longer has the right to bring a lawsuit against the company in question. Sometimes, however, there is a possibility for lawsuits against other contributing parties such as a manufacturing company whose defective part may have contributed to the death of an individual.

Types of Compensation for Death Claims

Depending on the type of insurance policy your loved one was covered by, there are a variety of different benefits that you may be able to receive. One of those is a pain and suffering benefit. Losing a loved one is an incredibly traumatic experience. Emotional wounds are sometimes just as harmful as physical ones, therefore you may be entitled to a settlement based on the emotional anguish that you and your family are suffering from. Another type of benefit is to make up for lost earning capacity. The loved one that you lost likely contributed to your source of income.

With the loss of an entire person's salary, you will likely be struggling to pay your bills. You may be entitled to receive weekly or monthly payments in lieu of your loved one's salary. Another major source of compensation that a family can recover is funds for funeral costs. Losing a loved one is just as much a financial burden as it is an emotional one. You want to lay them to rest properly, which means that you will need compensation for a casket, a memorial service and other costs.

Who do I negotiate with?

You will need to negotiate with your loved one's insurance company with the help of an attorney in order to get your best chances at maximizing your recovery. You may also have to involve the employer if the insurance falls under the realm of workers' compensation.

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About Zinda & Davis, PLLC

Representing All Types of Clients in Personal Injury Matters.

The lawyers of Zinda & Davis, PLLC represent people who have suffered all kinds of injuries. We know firsthand that these injuries can be severe and life-altering for both the victim and his or her family.

Experienced Personal Injury Litigators

Our experienced attorneys will determine if someone is responsible for your injuries. If someone is responsible, they may owe you monetary damages. These can include compensatory or punitive damages. Compensatory damages attempt to put an injured person back in the position he or she was in before being injured. They include lost wages, past and future medical expenses, and pain and suffering. In some cases, punitive damages are also awarded. Punitive damages are given to the injured person in order to penalize wrongdoers and deter others from repeating the offense.

