

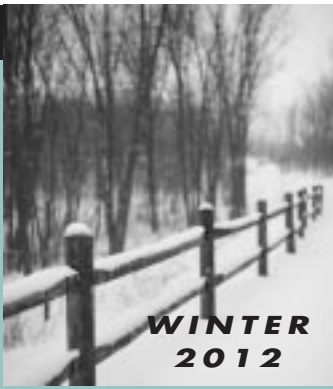
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# FOX & FARLEY

ATTORNEYS AT LAW

An Association

Your Injury and Accident Attorneys



WINTER  
2012

## Collecting evidence from an accident

**Whether you are a victim of a slip-and-fall or auto accident,  
collecting and preserving evidence is crucial.**

### Take photos

Go back to the scene as soon as possible and take photographs of anything that may have contributed to an accident. If outside, try to photograph the area at the same time of day and, regardless of location, take photos from multiple angles. Likewise, if you have physical injuries, take plenty of photos of cuts, bruises, swelling, and medical devices used, such as casts, braces, and bandages.

### Eyewitnesses

Find out if any neighbors, business owners or patrons, or pedestrians saw the accident or know of other similar accidents that may have occurred in the same spot. Someone may have seen or heard something before, during, or after the accident that could help your case. Look for witnesses as soon as possible to ensure the best recollections of an accident.

### Physical evidence

Don't throw away or wash bloody clothing or broken personal belongings, or try to improve the condition of a damaged car or bicycle. These things help tell the story of the extent of damages suffered in an accident. If you can't preserve evidence, take photographs.

### Document injuries

In addition to photographs, the best way to prove injury is to see a doctor so you have an official medical record. A visit to the doctor will also help prevent injuries from becoming infected or causing scars or disfigurement.

## Control a slippery situation

Driving in snow and ice is stressful, and going into a skid can leave drivers feeling completely out of control. This doesn't have to be the case, say experts from *Smart Motorist*.

In order to regain control of your vehicle during a skid, avoid trying to control it with braking and acceleration; focus on steering instead. Gently steer in the direction that you want to go. When you regain traction and can steer, then begin to use the brake if necessary. Many vehicles are equipped with antilock braking systems, which means that the driver need only apply gentle pressure. For those without ABS, slowly squeeze the brake until it feels as though it will lock, then release and repeat.

- ▶ Read the vehicle manual; know your control and safety features.
- ▶ Practice braking and maneuvering a car in a vacant, snowy lot.
- ▶ Accelerate using lower gears in slippery conditions.
- ▶ Don't be overconfident in an SUV.

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#### OFFICE HOURS

Monday, Tuesday,  
Wednesday, Thursday

8:00 a.m.-5:00 p.m.

Friday

8:00 a.m.-4:00 p.m.

- On-the-job injuries
- Workers' compensation
- Auto accidents
- Product liability
- Nursing-home neglect
- Wrongful death
- Serious injuries
- Out-of-state accidents
- Trucking accidents
- Motorcycle accidents
- Free consultation

# Protect your rights!



## SLIP-AND-FALL ACCIDENTS— *no laughing matter*

Slip-and-fall accidents often get a bad rap. Maybe because we tend to make light of people who fall down. “America’s Funniest Home Videos” has been capitalizing on humorous trips, slips, and falls for over 20 years. People may think a victim clumsy and frivolous when they file suit. But did you know that slip-and-fall accidents account for more than 1 million injuries a year and 16,000 deaths?

The fact is, most accidents of this nature are absolutely not caused by clumsy or opportunistic individuals, but by an unexpected change in the walking surface. If the change in surface is caused by negligence—not using a “wet floor” sign or not repairing a broken step—a victim has a right to be reimbursed for damages, such as lost wages and medical expenses.

Remember, slip-and-fall accidents can happen at any time of the year, inside or out, and on any type of surface. If you or a loved one has been injured in a slip-and-fall accident, call our office to discuss your legal rights.



***Did you know that slip-and-fall accidents account for more than 1 million injuries a year and 16,000 deaths?***



## LEGAL *resolutions*

It won’t make you work less, spend more time with the family, or lose weight, but tying up legal and financial loose ends can take some figurative weight off your shoulders.

***Resolve to do these things over the winter for peace of mind all year:***

### **WILL —**

If you don’t have a will, resolve to meet with an attorney as soon as possible. If you do have a will, look it over. Major life events such as marriage, having a baby, having grown children, and divorce require changes to this document. Be sure that the power of attorney is still capable and willing to do this task. Wills should be reviewed annually.

### **INSURANCE —**

Having adequate (not too little or too much) insurance is important, legally and financially. Moving, buying a new vehicle, a change in health, remodeling a home, a new job...just about every major renovation, purchase, and life event merits reviewing insurance policies to make sure that related financial and legal expenses are covered sufficiently. You may even save money by lowering car insurance on an aging vehicle or dropping life insurance when the kids are out of college and the mortgage is paid.

### **VIRTUAL SECURITY —**

If you shop or do taxes online, make sure that your computer and smartphone have antivirus software that is current.



# Social Security DISABILITY CLAIMS

Our practice can help referral clients litigate Social Security Disability claims.

*Our service approach includes:*

**Assessing impairments**—This incorporates both the physical and psychological aspects, as well as many other factors, such as age, work history, and education.

**Investigation**—Our staff will obtain all relevant documentation to present a client's case, including previous claims, physicians' reports, depositions, questionnaires, and other records.

**Benefits calculations**—Working with the Social Security Administration helps us understand how benefits are calculated so that settlements are accurate and fair.

**Representation**—We will represent claimants at administrative hearings, file appeals, and argue on a client's behalf at federal court, if necessary.

**Communication**—We keep clients informed at all times.

**Fees**—We collect our fee only if we win a claim for a client.

## Five mistakes that will hurt an SSD case

If you've been denied for Social Security Disability, you are in good company. Sixty percent of applicants are initially denied. Because of the low acceptance rate during both initial and reconsideration processes, it's wise to have an attorney help prepare your application, secure necessary documentation, and represent you during a hearing.

### Avoid these 5 mistakes when applying for SSD:

**1. Ignore work/income limitations:** You may be tempted to try to work through sickness or pain until you can secure SSD benefits, but making more than \$1,000 a month will make it difficult to prove that you cannot work full-time.

**2. Hide symptoms:** Many see sickness or injury as weakness and do not share the full spectrum of symptoms they are experiencing with their doctor. Hiding mental symptoms—depression, anxiety—or physical symptoms prevents you from getting proper treatment and hurts your case.

**3. Skip doctor's appointments:** Medical records are imperative to an SSD case. Not keeping appointments is a sure way to weaken your case.

**4. Ignore deadlines:** Adhering to deadlines is the easiest way to keep this sometimes slow process moving forward.

**5. Represent yourself:** Have one of our experienced attorneys help with your SSD claim. They will secure the right documents and guide you through the application and hearing processes.



## RECALL ROUNDUP

**Keep your family safe by making sure none of these recalled products are in your garage or toy box.**

### 2011 KTM and Husaberg off-road/competition motorcycles

The handlebar clamp can develop cracks, causing it to move from its set position, posing a fall or crash hazard.

Contact a KTM or Husaberg dealer, or call KTM North America Inc. at (888) 985-6090.

### Pottery Barn Kids Chloe, Sophie, and Audrey dolls

Hair on the Chloe and Sophie dolls may contain loops large enough to fit around a child's head and neck. The headband on the Audrey doll, if loosened, can form a loop that fits around a child's head and neck. The loops pose a strangulation hazard.

Contact Pottery Barn Kids at (855) 880-4504, or visit [www.potterybarnkids.com](http://www.potterybarnkids.com).

### Playsafe Dartmouth Swing Set

The sling-style swing seats can crack or split prematurely, posing a fall hazard. The set was sold exclusively at Toys R Us.

Contact Pacific Cycle at (877) 564-2261, or visit [www.pacific-cycle.com](http://www.pacific-cycle.com).

### Fiskars SmartPower String Trimmers

Engine vibration can cause wear on the fuel line, leading to a propane leak. The Straight Shaft Trimmers' propane canister can crack during use. High temperatures may develop near the Curved Shaft Trimmers' cutting guard, causing it to deform and fall off. These issues pose burn, fire, and laceration hazards.

Contact Fiskars Brands at (877) 495-6645, or visit [www.fiskars.com](http://www.fiskars.com).



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

## Don't let your Facebook status determine your employment status

Facebook is fun and Twitter is terrific, but they can be harmful to your career if you don't use them wisely—or at least keep them private. Not only have both of these social platforms cost people their jobs, they've also prevented job seekers from getting hired.

*Here are a few tips to keep your social profiles work friendly:*

### ➤ *Be nice*

Don't talk trash about your former or current employers or colleagues. Discuss job opportunities and pros/cons with your family and friends offline. Snagajob outlines the story of a young woman who posted this dilemma on Twitter: "Cisco just offered me a job! Now I have to weigh the utility of a fatty paycheck against the daily commute to San Jose and hating the work." Cisco saw the message and made the decision for her.

### ➤ *Be honest*

If you are going to tell your boss your great aunt Millie passed away and you need Friday and Monday off, don't post a photo on Facebook of you and the family at the beach or Tweet about how great girls' weekend is. Chances are good that someone in your company will see...and tell.

### ➤ *But not too honest*

Posts during business hours like "I have nothing to do today" seem like a fun way to fill down time, but there is a good chance employers will disagree.

### ➤ *Be private*

Go to a Web site's settings and select a privacy level that only allows friends to see your information. Know that this isn't foolproof and that "friends" can forward and share what you deem private.

*The bottom line is that if you don't want others to know it or see it, don't hit the "post" button.*

## RECENT SETTLEMENTS AND JUDGMENTS

- Workers' compensation settlement of **\$120,673** for an employee who fell off an oil rig and injured his back. *Anderson County, Tennessee*
- Workers' compensation settlement of **\$94,350** for an employee who injured his back, neck, and shoulder while lifting heavy merchandise. *Anderson County, Tennessee*
- Workers' compensation settlement of **\$124,500** for an employee who worked for a utility company and injured his right knee. *Scott County, Tennessee*
- Settlement of **\$90,000** for a woman involved in an automobile accident who sustained injuries to her right shoulder when the defendant pulled out in front of her and struck the right side of her vehicle. *Union County, Tennessee*
- Workers' compensation settlement of **\$122,914** for an employee with back and shoulder injuries from lifting. *Anderson County, Tennessee*
- Workers' compensation settlement of **\$128,592** for a truck driver who injured his neck, upper back, and shoulder while releasing pins to slide tandem wheels. *Monroe County, Tennessee*
- Settlement of **\$84,100** for an energy worker with lung disease due to exposure to asbestos and heavy metal dust. *Anderson County, Tennessee*
- Settlement of **\$100,000** to a mother and daughter who were rear-ended on an entrance ramp. The mother sustained injuries to her neck and back, and the child sustained a fractured leg. *Knox County, Tennessee*
- Settlement of **\$74,877** for an energy worker who was exposed to chemicals and heavy metals and was diagnosed with Parkinson's disease. *Anderson County, Tennessee*
- Settlement of **\$98,000** for a woman whose vehicle was T-boned. She injured her chest, collarbone, knees, and ankle. *Campbell County, Tennessee*