

News to Use

from the Frank Jenkins Law Office



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Auto Accidents | Personal Injury | Brain Injury | Workers Comp | Social Sec. Disability

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What you need to know about slip and fall accidents

It's a scary proposition – what if the air you breathed 30 years ago triggers your biggest health concern today? Unfortunately, that scary proposition has become a stark reality for many people, especially in cases in which they were exposed to asbestos decades ago.

Until the federal government began regulating its use in the 1970s, asbestos could be found in all types of work environments, especially in construction. Asbestos is a naturally occurring mineral product, and because of its heat resistant and anti-corrosive properties, it was used quite often in products like housing insulation, fire retardant materials, and cement.

When increased levels of asbestos are inhaled, tiny fibers from the material can become lodged in the lungs. The fibers accumulate in the alveoli – the tiny sacs where the exchange between oxygen and carbon dioxide in your blood occurs – and this can eventually lead to scarring and decreased levels of oxygen in the blood. In the most serious cases, the affected person may even develop a breathing disorder known as asbestosis.

It can take several decades for the long-term effects of asbestosis to become apparent. Once they do, however, symptoms can include short-

ness of breath, coughing, chest pain, and finger deformity.

According to the Centers for Disease Control and Prevention (CDC), construction workers, miners, mechanics, electricians, shipyard workers, boiler operators, and railroad workers typically were exposed to the highest levels of asbestos.

If you have developed severe breathing problems or other health issues as a result of exposure to asbestos, you may be entitled to compensation. ■

In May 2011, a Mississippi man was awarded the single-largest verdict in an asbestos-related case when a judge ordered his former employer to pay \$322 million in damages. The man was a former oil-field worker who for years worked in conditions with increased levels of asbestos. His employers never properly warned him of the effects of such long-term exposure to the fibers, and he was ultimately diagnosed with asbestosis, which has forced him to utilize an oxygen tank at all times.



tips for

AVOIDING PRESCRIPTION ERRORS

Most of us, at one time or another, have had to rely on a prescription medication to help us feel better or overcome sickness. Unfortunately, though, medication errors are far more common than you might think and can occur in a wide variety of places such as a hospital, the home, a pharmacy, a nursing home, clinic, or surgical center.

One study estimates that up to 1.5 million people are harmed by medication errors each year and that several thousand are killed as well.

There are several ways to minimize your chances of suffering from a medication or prescription error, including:

- Making sure your doctor knows about all other medications you are currently taking
- Reporting any medication-related allergies you have to your physician
- Always asking questions – know what the medication does and how long you'll be taking it
- Educating yourself on the medication's side effects
- Before leaving the doctor's office, making sure the prescription is easily legible
- When picking up, double checking with the pharmacist on the type of medication and dosage

Remember, by taking a few extra minutes to safeguard yourself, you may ward off a potential serious error.



jet ski safety

Beating the summer heat has long been accomplished by heading to the water as people flock to lakes, ponds, pools, or the ocean to cool off and have fun. While many simply enjoy swimming, floating on rafts, tubing, or even just wading in water, others prefer more adventurous activities such as surfboarding, speed-boating, and riding on jet skis.

While those last three activities all can be dangerous, jet skis can be especially tricky; they provide the acceleration of a speed boat with the protection of, well, a surfboard.

Jet skis, though small in comparison to boats, are very fast, powerful machines. If jet ski-riders follow safety precautions and stay alert while on the water, accidents can be cut down substantially. As it stands, however, distractions, inattentive jet skiers, and alcohol (whether consumed by the jet skier or by people driving boats) can all contribute to accidents and lead to serious injuries.

To stay safe this summer when out on the water, jet skiers should follow these safety tips:

- Avoid excessive speeds
- Keep a safe distance between yourself, other jet skis, watercraft, and people
- Be wary of hitting rocks and bumps in shallow water
- Be vigilant of traffic when making turns
- Never jet ski while intoxicated
- Communicate clearly with other drivers

In addition, jet skiers should always wear brightly colored life vests, drive slowly in "no-wake" zones, and be properly trained through a jet ski safety course.

If, despite your best efforts, you or a member of your family is injured on the water because of the negligence of a boater or a jet skier, you should contact a personal injury attorney with experience handling personal watercraft and boating injury claims. ■

concussions in sports—

A FORM OF TBI

Sometimes it's the injury you can't see that does the most harm. In sports, it's easy to spot a broken leg or a deep cut, but one of the most dangerous injuries often slips under the radar – concussions.

Serious head injuries can occur in any sport, but contact sports, such as football or hockey, are the most common culprits. Concussions are a type of traumatic brain injury (TBI) often brought on by the head hitting another object with a great amount of force. Failing to identify a concussion can lead to further injury or even death if the player attempts to play through the injury.

What many don't realize is that most concussions occur without any loss of consciousness. Since many players would rather play through an injury than be taken out of a game, it's primarily up to the coaches and training staff to identify a concussion when one is suspected to have occurred.

According to the Centers for Disease Control and Prevention (CDC), if a player seems dazed or stunned, is confused about positions or assignments, forgets instructions, seems unsure of the score or opponent, moves clumsily, answers questions slowly, or loses consciousness at all, it is possible that a concussion has occurred. Other signs include personality or behavioral changes and failing to recall events either prior to or after the collision or fall.

According to the CDC, a concussion may have occurred if the injured player complains of any of the following symptoms:



- Headaches
- The sensation of pressure in the head
- Nausea or vomiting
- Poor balance or dizziness
- Blurry vision or double vision
- Sensitivity to light or noise
- Feeling sluggish, hazy or groggy
- An inability to concentrate
- Memory problems
- Confusion

If an athlete exhibits any of the above signs or symptoms, he or she should not return to the field until having been seen and cleared by a medical professional who has been adequately trained in diagnosing concussions. ■

July Important Dates

July 4 – Independence Day July 14 – Bastille Day July 24 – Parents' Day

FAQ

If you file a lawsuit on my behalf, will the case go to trial?

Probably not. Most of the cases our firm handles do not end up going to trial. However, it is important to note that we prepare and handle each case as if it may end up being necessary to go to trial to obtain fair compensation for our clients. Our attorneys have participated in many jury trials over the years, and we understand that a trial is sometimes the only recourse when insurance companies have acted in bad faith or fail to live up to their obligations. ■

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



WHAT YOU NEED TO KNOW ABOUT slip and fall accidents

It is estimated that over one million Americans suffer an injury due to slip and fall accidents each year. Of those accidents, approximately 17,000 end up being fatal.

Though they can occur anywhere, slip and fall accidents are common in the workplace. In fact, nearly 25 percent of all serious work-related injuries are due to slips or falls and more people die on the job annually because of slips or falls than all other work-related deaths combined.

Among other things, slip and fall accidents can be caused by:

- Slipping on spilled food or drinks
- Tripping on objects that have fallen from shelves or displays that are improperly stacked in aisles
- Slipping on ice or snow just outside of a building
- Falling down stairs due to poor maintenance or the lack of

a handrail

- Slipping and falling on recently mopped floors with no “wet floor” sign displayed

Slip and fall accidents are grouped under “premises liability” cases, and several truths must be established in order for a slip and fall case to be successful in court.

First, the defendant must have had some official duty to conform to a standard of conduct and must have failed to adhere to that standard in the event of the injury. It also must be established that the defendant’s breach of conduct was the proximate cause of the plaintiff’s injury. Finally, the plaintiff must also be able to prove the existence of the injury.

If you have questions about a slip and fall accident you were involved in at work or on someone else’s property, contact our office to discuss your situation. ■

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