

Kerry H. Collins & Associates, P.C.

Attorneys At Law

"You will meet with your attorney about your case—I guarantee it."

SPRING 2002

Brought to you by
**Kerry H. Collins &
Associates, P.C.**
Board-Certified
Personal Injury Specialists

1301 Ballinger Street
Fort Worth, TX 76102

817-335-9700

TOLL-FREE: 877-988-1603

FAX: 817-335-3669

email: kcpc@txis.net

Web site:

www.lawyerkerrycollins.com

OFFICE HOURS

Monday-Friday

8:30 a.m.-5:30 p.m.

- Home & hospital visits available
- Voice mail responded to 24 hours a day

**OUR PERSONAL
INJURY PRACTICE
INCLUDES:
NURSING HOME
CASES**

- Abuse
- Neglect
- Malpractice

WE ALSO HANDLE:

- Medical malpractice
- Auto accidents
- Slip and fall
- Animal bites
- Construction injuries
- All serious injuries

Please call us with all your legal questions. No fee unless we negotiate a settlement or win a judgment in court on your behalf.

Construction site safety

Construction sites fascinate us all with their heavy equipment, swarms of hard-hat workers, excavations, and structures going up.

They can be dangerous, too. It's best to avoid them if you can. If you must pass near a site where construction is under way, however, take precautions for your personal safety.

- Try to pass by the site early or late in the day, or at lunchtime, when workers are on breaks.
- Walk past the site quickly. Don't dally.
- Pass beneath overhead protection or through safety barriers or outside warning tapes.
- Be particularly careful near heavy vehicle traffic at entrance ramps.
- Note any posted warnings about explosives or demolition, and avoid those times.
- Avoid sites with cranes doing exterior work.



An injured pedestrian

Construction companies don't always have the safety of passers-by in mind. A pedestrian sued after an automobile struck him because he was forced to walk down a temporary walkway—only partially protected by a concrete barrier—on a city street. A jury, citing both driver and construction company negligence, awarded a monetary verdict.

ROAD RAGE

Aggressive drivers vent their deep frustrations on others. They speed, tailgate, ignore traffic controls, and drive recklessly. If provoked, they make nasty faces and hand gestures, yell, honk, and even threaten other drivers physically with their cars.

What should you do if you encounter road rage?

- Prepare. Always wear seat belts, since aggressive drivers may test your driving skills.
- Avoid bad drivers at all costs. Slow down. Let them pass.
- Never stare or make faces.
- Never speed up or brake sharply.

- Disregard gestures.
- Try to remember a license plate number and car description, and report the incident to police or toll collectors. If you have a cell phone, call authorities immediately.

Taunting behavior

A motorist passed another vehicle and then repeatedly slammed on his brakes to taunt its driver. The following driver lost control, crashed, and suffered traumatic brain injury. When the plaintiff's attorney demonstrated that the defendant drove negligently because of road rage, a jury found the defendant responsible. The parties reached a monetary settlement after the verdict.

Proud Trial Lawyer—because fighting giants never goes out of style.



Americans and their courts

Most Americans recognize the value of preserving the right of each citizen to a trial in court by a jury of their peers. They also know that our civil justice system can force businesses or individuals behaving irresponsibly to compensate those they injure. Each of us is entitled to our own measure of justice.

But did you ever wonder just how and why many Americans actually go to court? *American Demographics* magazine reported a 1999 National Center for State Courts survey in which respondents gave answers.

- ★ 40 percent went to trials as observers just to see what happened.
- ★ 27.5 percent were called as defendants or plaintiffs in civil lawsuits.
- ★ 32 percent were summoned to traffic court.
- ★ 22 percent were embroiled in criminal proceedings.
- ★ 32 percent said they had not made an appearance in court in five years.
- ★ Only 17 percent could correctly name the Chief Justice of the United States Supreme Court.
- ★ **80 percent felt the U.S. justice system was the best in the world.**



Testing the waters— MTBE warning

Clean water is one of our nation's most precious commodities, and it is under siege by methyl tertiary butyl ether (MTBE).

MTBE is an organic chemical that manufacturers add to gasoline to improve air quality. Although it improves octane and reduces dangerous car exhaust emissions, MTBE has another effect which is harmful. It has been seeping into America's underground water supply since 1979, when it was first used.

The trouble with MTBE is that the U.S.

Environmental Protection Agency classified it as a potential human carcinogen, but is unsure about its potential health risk. What is certain is that MTBE at concentrations as low as five parts per billion gives pure water a turpentine taste and odor, rendering it unfit for consumption. Studies in Maine showed high concentrations of MTBE in groundwater where no gasoline infiltration was found.

MTBE class-action litigation to help protect and clean up groundwater supplies is under way in California, Connecticut, Florida, New Jersey, and New York. If research is valid, MTBE may be contaminating thousands of wells in the nation and compromising public and private water supplies. If you suspect contamination in your water supply, please contact an attorney as well as local environmental protection agencies.

Medical examinations...and privacy

Doctors and their patients have a set of expectations about medical examinations. Physicians expect their patients to arrive on time and to bring requested records or specimens. They want patients to honestly answer questions about symptoms or how they are feeling, and to understand all care, including diagnosis, treatment, and medical consequences. Doctors expect patients to comply with medical counsel or prescription directions. They also want patients to make arrangements to pay promptly.

Patients also have expectations. During routine or emergency medical examinations, they want to be treated with concern and respect, and obtain timely medical care in an appropriate medical setting. They expect their physician to provide all the care and treatment benefits that their medical coverage contract permits. They expect privacy during the examination and confidentiality regarding medical record access or release approval. They also want to be able to comment, complain, and seek redress when care doesn't meet their reasonable expectations.

Invasion of privacy

During an appointment, an oncologist permitted a pharmaceutical salesperson to sit in on the examination of a patient being treated for breast cancer. After the embarrassed patient sued for invasion of privacy, a state appellate court held that a salesperson's presence during the examination was sufficient to support a claim for intrusion based on a violation of a patient's right to, and expectation of, privacy.



All-terrain vehicle safety

Four-wheeled all-terrain vehicles (ATVs) are heavy, motorized machines designed for off-road riding. They are powerful and fun, but can be dangerous to children. According to the most recent U.S. Consumer Product Safety Commission report, which covers 1985 through 1997, 3,200 people died from ATV accidents and children under age 16 accounted for about 40 percent of the 887,000 ATV-related injuries.

Parents should encourage ATV safety by encouraging their children to

- ✓ observe manufacturer safety guides.
- ✓ take safety courses and wear helmets with face protection.
- ✓ ride only with adult supervision.
- ✓ obey traffic and safety laws and ordinances.
- ✓ never ride with passengers.
- ✓ drive at safe speeds and avoid taking risks.
- ✓ ride only during daylight and stay off paved roadways.

Parental supervision

On the basis of *negligent entrustment*, a state appeals court ruled that a parent who owned an ATV was liable for serious injuries sustained by a girl who rode as a passenger. The judge made this ruling even though the injured teenager was riding with a driver, unrelated to the owner, who had received permission to drive the ATV from the owner's son.

Medical errors



Managed-care organizations and hospitals do not comply with federal programs requiring them to protect patients from incompetent doctors.

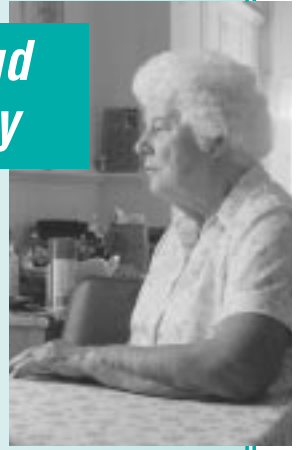
According to the National Practitioners Databank, 84 percent of all managed-care organizations—1,176 out of

1,401—have never reported a single disciplinary or censure action. Further, between September 1, 1990, and September 30, 1999, only 715 actions were actually reported. With 100 million individuals enrolled in managed-care organizations, and hundreds of thousands of doctors and dentists associated with them, fewer than 1,000 incident reports in more than a decade serves, for all practical purposes, as nonreporting. The Institute for the Advancement of Medicine reported that medical errors lead to approximately 98,000 deaths annually.

How can you select a good doctor?

- Get referrals from people you trust and verify hospital admitting privileges.
- Call state medical boards and consumer groups for names of disciplined physicians.
- Check credentials in the American Medical Association's *American Medical Directory*.
- Consult an attorney with any questions.

Insurance fraud and the elderly



We live in a time when our elderly are prime targets of fraud and misleading sales pitches. Criminal wrongdoers often victimize seniors by luring them into money-stealing scams involving charities, sweepstakes, home mortgages, investments, and many other dishonest schemes.

Increasingly, the elderly are falling for fraudulent insurance policy con games. One is surrendering years-old, high-cash-value whole life insurance policies for *low-value, final-expense life insurance* that allegedly pays higher benefits. Unscrupulous agents tell the elderly that this will reduce debts for their heirs. Known as “churning,” this sales practice serves only to generate multiple commissions for agents and increase insurance coverage costs.

Another fraudulent practice is defrauding older policy owners with so-called viatical settlements. Originally created to help sick patients raise cash for medical and other expenses, viatical settlements let a third party purchase an insurance policy from someone who is terminally ill and then collect the death benefits at their death. Full of scam potential, viaticals rank among the top ten frauds, according to The North American Securities Administrators Association.

A third scam is sale of insurance to the elderly that purports to have fixed premiums, but in actuality rapidly rises in cost over time. Cagy agents lowball initial premiums, but as premiums rise, so do policy cancellations. Agents collect commissions and companies benefit from canceled policies.

Advocates for the elderly

State insurance commissions and consumer advocates are fighting fraud through monitoring and education. In many cases, trial lawyers bring class- and individual-action lawsuits on behalf of seniors and their families to seek compensation for fraudulent practices. If you suspect an elderly relative or friend has suffered losses due to suspicious insurance coverages, please contact legal counsel.

Return Service Requested

© Copyright 2002. Newsletters, Ink. Corp. All rights reserved. Printed in the U.S.A. www.newslettersink.com

The information included in this newsletter is not intended as a substitute for consultation with an attorney. Specific conditions always require consultation with appropriate legal professionals.

Board certification

Board certification is important. Certification in a particular area of specialty by our state's bar association is the ultimate stamp of competency, qualifications, and professionalism.

Certification is granted only after years of trial practice, recommendations from trial judges and fellow attorneys, successful completion of examinations, and demonstration of professionalism.

Mr. Kerry H. Collins is a Board-Certified Personal Injury Law Specialist. He has had tremendous success in recovering money damages for personal injuries caused by the negligence of others. Mr. Collins' firm handles injury claims caused by:

- Medical malpractice
- Nursing home neglect and abuse
- Automobile, motorcycle, and all vehicular accidents
- Construction accidents
- Slip and fall
- Dangerous products and toys
- Swimming and diving accidents
- Shootings and inadequate security claims
- All types of serious personal injury and death claims.



PLAYGROUND SAFETY

Kids love playgrounds where they can climb, slide, swing, and have fun. But U.S. Consumer Product Safety Commission data show that more than 200,000 playground accidents occur annually, with many requiring emergency room treatment for injured children. More frightening is that in 1999 and 2000, nearly 150 child

fatalities occurred among children under age 15 at playgrounds—with 70 percent on home playground equipment and the rest at public-use facilities.

The National Program for Playground Safety suggests precautions parents can take to make sure their children are as safe as possible at home and at public playgrounds.

- An adult should supervise all play and assist in emergencies.
- Encourage children to play on equipment designed for their ages.
- Safety-inspect ground surfaces for hardness or hazards such as broken glass or other sharp objects.
- Monitor ladders, steps, platforms, handrails, ropes, barriers, and swings, slides, seesaws, and merry-go-rounds for condition, looking for sharp edges, loose connections, missing parts, and other dangers.
- Report and repair all hazards.

Injured children

Despite all precautions, child injuries may occur—but parents have legal remedies. A three-year-old in a Headstart program suffered head, neck, and brain damage from a fall off a jungle gym. The child's parents received a structured settlement after their attorney demonstrated that the preschool operators were negligent for failing to provide adequate adult supervision of children at play.