

THE ADVOCATE

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SPRING 2010

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SPECIALIZING IN:

- Medical malpractice
- Family law
- Personal injury
- Wrongful death
- Nursing home litigation

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Auto accidents

Who's really at fault?

While driver errors cause many vehicle accidents, other accidents occur because of factors outside any driver's control.

Drivers who believe they have been injured because of others' carelessness or negligence should seek counsel from an experienced auto-accident attorney.

Here is a case in point. An 18-year-old driver swerved to avoid a head-on collision with a truck that careened into his lane. He steered to the shoulder, which was six inches below the road. His car spun around and collided with a guardrail, which sliced through his car's left side and nearly severed his left leg and arm, and fractured his right leg. He underwent 34 expensive surgeries and extensive rehabilitation. His accident attorney sued the county, alleging the road's shoulder and guardrail were dangerous and failed to meet state highway standards. A jury recommended a multimillion-dollar award to cover past and future medical costs and pain and suffering.



TAILGATING AUTO ACCIDENTS

Tailgating, driving too closely behind another vehicle, may contribute to a third of all accidents.

Drivers may tailgate because they are driving while impaired, enraged, or hurrying.

A driver being followed by a tailgater should change lanes, make a turn, or get out of the tailgater's way.

Anyone injured in tailgating accidents should obtain legal counsel.

Tailgating leads to a death

A nurse assistant, who slowed to pass a disabled vehicle blocking the road, died a half hour after being violently struck from behind by a speeding tractor-trailer. Her husband sued the driver of the tractor-trailer and his employer, alleging the tractor-trailer driver followed too closely. The parties settled after a jury trial awarded significant compensatory and punitive damages.

Wrong-way drivers

Stop! You're going the wrong way!

Driving the wrong way on highways became a problem when our interstate highway system was built in the 1950s.

National Highway Traffic Safety Administration data show that about 350 people die each year when vehicles erroneously drive into oncoming highway traffic. Thousands more are seriously injured annually.

Drivers who are confused, inattentive, or intoxicated cause these serious accidents. Poor on-ramp planning, unclear signage, and temporary construction areas also contribute to collisions.

To prevent wrong-way access, highway departments post prominent wrong-way signs on exit ramps, and some states have experimented with tire-flattening spikes. Other states are experimenting with video-detection systems and flashing lights to warn law enforcement and oncoming traffic that a wrong-way vehicle has entered a highway.

If you or a loved one has been injured in a wrong-way vehicle accident, obtain legal counsel to protect your rights.



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Medical ID THEFT

Safeguard yourself against this fast-growing crime.

In 2008, more than a quarter million Americans were victims of medical identity theft, a fast-growing crime. They discover theft when they receive large, unpaid bills for out-of-state emergency-room visits or air-ambulance charters in foreign places.

A victim is hurt when an unscrupulous wrongdoer steals their Social Security number and health insurance information, such as member identification and group policy numbers.

The perpetrator sells this information to someone who needs medical treatment or who works with a clinic or health-care supplier that colludes in fraudulent billing.

Unlike ordinary identity theft, few safeguards exist to detect fraud. Unlike credit-card theft, the victim's liability may not be capped at \$50.



To protect your records:

- Secure your health insurance cards.
- Examine claims statements closely.
- Scrutinize "Explanation of Benefits" reports.
- Ask for an annual benefits summary from your health insurer.
- Check your credit reports.
- If you are a victim, file a police report.
- Consult an attorney.

Roof-crush vehicle ACCIDENTS

To minimize injuries in a collision or rollover, automakers have a legal duty to design and construct car, truck, and SUV roofs that provide structural protection to drivers and passengers. Sadly, that's not always the case.

Partial quadriplegia

A 16-year-old was a belted front-seat passenger in a 1998 Ford Explorer rollover accident. She suffered a spinal fracture and head injury that caused partial quadriplegia, memory loss, and impaired ability to organize and process thoughts. She has limited use of her arms, uses a wheelchair, and requires assistance with daily living activities. Injury to her lungs paralyzed torso muscles, so she trained herself to breathe using her diaphragm. Her past medical expenses totaled about \$1 million, and future life-care costs are estimated at \$20 million. Her attorney sued, alleging the Explorer's roof was not crashworthy and could not withstand the impact of a foreseeable rollover collision. The parties agreed to a confidential structured settlement before her suit was filed.





When jury duty is an economic burden

CREDIT REPORTS *and auto insurance*

Our firm believes that every citizen should serve as a trial juror to safeguard everyone's liberty, rights, and property. Most jurors on criminal or civil cases find their experiences rewarding and agree to serve again.

Believe it or not, your credit score can affect your auto insurance rates. What's a credit score? It's a risk rating calculated from credit reports using special mathematical formulas. Lower scores result from paying bills late, having few or no credit references, or poor credit-card practices. Even fiscally responsible consumers suffer premium increases of more than 100 percent when insurers credit-score them. For 34 years, Mattie Grainger from South Carolina insured her autos with Allstate. She had a perfect driving record, few insurance claims, and enjoyed safe-driver discounts. Yet Allstate raised her premiums, telling her she didn't qualify for a lower rate because of a low credit score. Grainger's credit score was low because she simply didn't need extensive credit. Many argue that applying credit-scoring in preparing insurance quotes or policy premiums is inherently unfair. We do, too.

During hard economic times, however, many who are summoned to jury service may face severe fiscal insecurity. If you believe jury duty will harm you financially, you can ask a judge to excuse you from service. Here are some examples:

- You are unemployed and need to look for work.
- You were recently employed and cannot take time off now.
- You will miss a mortgage payment because of lost time at work.
- Your employer, who used to pay for jury-service days, can no longer afford to.

There's a proviso: When the economy recovers, you accept the call to serve as a juror.



Sexual harassment at work...STILL ILLEGAL

Half of all sexual-harassment lawsuits are filed in companies with fewer than 200 employees. This illegal conduct usually occurs when someone with power and authority introduces an unwelcome sexual element, unrelated to an employee's work, into the relationship. Harassment may take the form of verbal comments, physical brushing or touching, e-mail abuse, a hostile work environment, retaliation, or even firing.

Please contact an attorney for assistance with sexual-harassment issues.

A case in point

A female overnight shipping-firm employee sued her employer, claiming that her male supervisor retaliated against her after she resisted his kissing her at an outside-office event. A jury awarded significant punitive damages when her attorney proved the supervisor gave her undesirable work schedules and late paychecks after the harassment.



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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.

Patient-safety legends

Seemingly outrageous lawsuit fables spread like wildfire. Few question them, never realizing that they are fictitious “tort reform” messages spread by corporations and insurance companies.

We’ve all heard them. “Runaway juries award huge monetary verdicts.” “Medical-negligence lawsuits hike health-insurance costs and drive doctors out of business.”

We want to correct two fabricated claims about doctors and reduced patient safety.

Q: *What do lawyers have against doctors?*

A: Lawyers aren’t against doctors. Attorneys and doctors are equally committed to protecting patients and improving lives. Both groups have witnessed how insurance companies raise doctors’ premiums, deny patients’ coverage, refuse payments to doctors, and do everything they can to hoard profits.

Q: *But isn’t it true that junk lawsuits are driving doctors out of business?*

A: No. Insurance companies and other special-interest groups spread this untruth. It’s just a scare tactic. The American Medical Association reports that the number of doctors has increased in every state for years. Forty-six of 50 states have seen growth faster than their overall population. In all specialties, the number of doctors has either held steady or risen year by year.

Parental alienation

Custody disputes often feature parents exchanging serious criticisms of each other. In some instances, though, custody disputes can lead to a much more serious problem: parental alienation.

Parental alienation is a psychological disorder that occurs when one parent, consciously or subconsciously, engages in systematic damaging behavior, such as vilification and brainwashing, that serves to alienate a child from the other parent.

If conducted over a long period of time, such behavior can have a devastating impact on a child, leading him or her to literally “hate” the other parent and fear any time spent with them.

Parental alienation can manifest itself through constant complaints regarding a lack of financial support, or statements that the other parent does not love the child.

While parental alienation was first recognized by mental-health professionals by the mid-1980s and had been considered controversial, more and more judges now recognize it as a legitimate psychological disorder. As a result, many judges have begun to impose orders to reduce the risk of it occurring.

If you are concerned about the risk of parental alienation in your custody dispute, please contact our office.

