

If you need our services,
please contact us at...

516-832-7777

212-233-6600 or

718-204-8000

www.ASK4SAM.net

SPRING
2016

*Drive safely
this spring—*

Traffic deaths are on the rise

The National Safety Council estimates that traffic deaths and serious injuries from traffic accidents rose for the first time in almost a decade. The Council reported that fatalities were 14 percent higher through the first six months of 2015 than they were during the same period in 2014, and serious injuries were 30 percent higher.

"The trend we are seeing on our roadways is like a flashing red light—danger lies ahead," said Deborah A.P. Hersman, president and CEO of the National Safety Council. "Be a defensive driver and make safe decisions behind the wheel. Your life really depends on it."

While the high death and injury toll could be due to many factors, the Council said that an improving economy with lower gas prices and unemployment rates has more people on the road. They also point to an increase in distracted-driving accidents. According to Injury Facts 2015, the Council's annual report on unintentional injuries, the three biggest causes of fatalities on the road are alcohol, speeding, and distracted driving. So slow down, drive sober, put your phone away, and enjoy safe travels this spring!



Sometimes, settling is a good thing!

All your life, you've probably been told to never settle. Usually it is good advice, but when two parties reach a fair settlement outside of court, it's a good thing. Settling a case can be beneficial to both defendant and plaintiff. The defense avoids the legal costs of going to trial, avoids paying punitive or pain and suffering damages, and avoids unwanted publicity, typically negative, that goes with a trial. The benefits to the injured party include a guaranteed award, which may not happen in the courtroom.

Here are a few tips to consider when settling a case:

- ➔ **Get an attorney.** Having an attorney negotiate a fair settlement is key to getting the money you need to pay for past, present, and future costs related to an accident or event. An attorney is also familiar with tactics used to avoid payment—for example, extending the process of settlement beyond the statute of limitations for filing a lawsuit. Without the threat of legal action, there is little reason to offer any kind of payment for damages.
- ➔ **Be flexible.** Your attorney will help you come up with a fair settlement amount, but things may change. Perhaps the claims adjuster for the defense points out a few weak points in your claim that you hadn't considered. Likewise, you may discover evidence supporting your claim after a demand letter has been sent.
- ➔ **Don't accept the first offer.** It is typically a flat-out denial of your claim or it is low. In these cases, ask for reasons why the offer is low or was denied so that a proper response can be made.
- ➔ **Show your cards.** Settlement amounts typically don't take into consideration things that don't have a monetary value—pain and suffering, for example. But nonetheless, the defense still needs to be aware of these issues, especially when there is strong physical evidence that supports your claims.
- ➔ **Get it in writing.** Send a confirmation letter as soon as an agreement is reached.

BROUGHT TO YOU BY

SILBERSTEIN, AWAD & MIKLOS, P.C.

Attorneys At Law

Silberstein, Awad & Miklos, P.C. Attorneys At Law

Roosevelt Field
600 Old Country Road
Garden City, NY 11530

516-832-7777

FAX: 516-832-7877

Email:

sam@ask4sam.net

Website:

www.ask4sam.net

OFFICE HOURS

Monday-Friday

8:00 a.m.-6:00 p.m.

Saturday & Sunday

By appointment

Executive Offices

140 Broadway, 46th Floor
New York, NY 10005

212-233-6600

337 East 149th Street
Bronx, NY 10451

718-204-8000

PERSONAL INJURY PRACTICE

- Free consultation
- Home appointments available
- 24-hour emergency service
- No recovery, no fee.
We do not get paid unless you do.
- Trial attorneys

Super Lawyers

2014

Lawyers lending a legal hand.

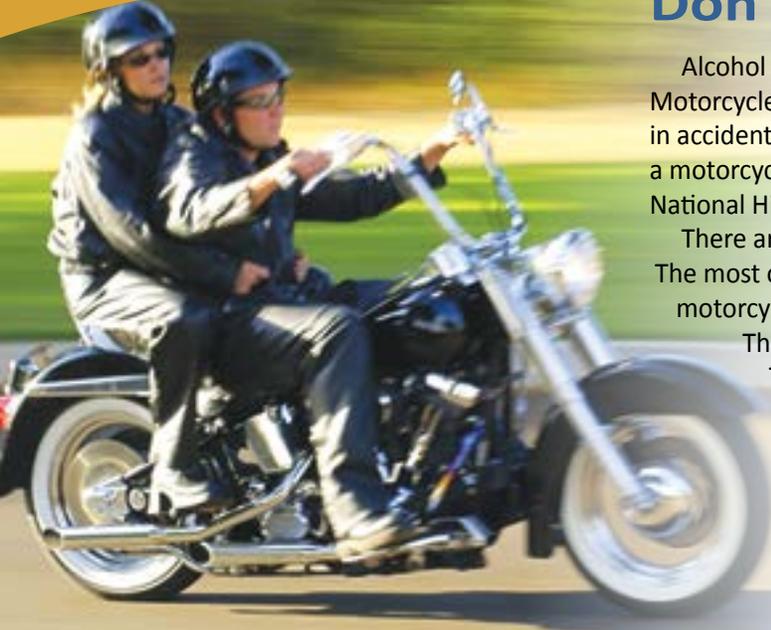
Don't DRINK and RIDE

Alcohol and motorcycles are a tragic—and common—mix. According to the Motorcycle Safety Foundation (MSF), 46 percent of motorcycle riders killed in accidents have alcohol in their system. The incidence of drinking and riding a motorcycle has increased 10 percent in the last decade, according to the National Highway Traffic Safety Administration.

There are several factors that make alcohol and motorcycles a deadly mix. The most obvious is that it requires more skill and coordination to operate a motorcycle. They are smaller and lack the stability of traditional vehicles.

The MSF also says that it takes less alcohol to impair a rider's ability. The organization said that statistics show that a blood alcohol content level of .05 (under the legal limit) increases a rider's crash risk 40 times, and that even a small amount of alcohol raises their crash risk fivefold.

If you're planning to ride, consider stopping for a meal rather than a drink, and only drink at festivals and rallies if you are camping onsite or have alternative transportation to your hotel.



CONSULTING WITH A LAWYER ABOUT A CAR ACCIDENT? *Here's what they are going to want to know...*

After an auto accident, if you are able, it is vital to write down and record everything you can remember while it is fresh in your mind. Take photos and video of the accident scene, vehicles, injuries, etc. While the trauma of an accident may make it seem as though you could never forget exactly what happened, the details will slip away.

WHO

An attorney will want to know who was involved in the accident, if the police were there, and if there were any witnesses.

WHAT

What happened and how? It's likely that everyone involved will have a slightly different story; that is why it is vital to write down, draw, photograph, and record anything that might be helpful in showing what happened.

WHEN

Know the date and the time of your accident. If you were taken to the hospital or a doctor's office, be prepared to say when you went and how you got there.

INJURY

Tell your attorney about all your injuries that were a result of the accident or worsened by the accident.

MEDICAL EVIDENCE

Aside from a police report and photos and/or videos of the accident scene, submit any diagnostic testing (X-rays, MRIs, etc.) or medical records that support your claim. Keep note of how your medical condition affects your everyday life. If your doctor believes that an injury is permanent, be sure your attorney is aware.

ADMISSION OF GUILT

If the other driver apologized for the accident, tell your attorney. If you are in an accident in the future and the driver admits fault, be sure to tell the police so that they can note it in their report.

INSURANCE

Provide a copy of your policy and the insurance information of other drivers involved in the accident.



The role of insurance adjusters in a personal injury case



“Insurance adjuster” is a rather pleasant-sounding title, but these professionals are tasked with finding the weak spots in a claimant’s medical evidence and testimony. Even if your case seems solid, they will be hard at work trying to disclaim and find inconsistencies in the evidence you present. While their goal may not be to personally sabotage you, they are hired to save the insurance company as much money as possible by devaluing a claim to reduce the settlement you get.

How do they do this? An adjuster looks for medical evidence and opinion to support every detail of the claim. If you claim that an injury is permanent, they look for medical evidence that says so specifically. For example, if a claimant says they have catastrophic and life-changing injuries, but their medical bills are less than \$10,000, an adjuster will point out that the amount paid for care isn’t consistent with a life-changing injury. An adjuster will also pore over your testimony and look for inconsistencies in information that you provided regarding the accident.

What can you do? Don’t give the adjusters anything to work with. Stick to the facts and don’t offer any more information than asked regarding the accident, get medical treatment right away, go to all follow-up appointments, follow the prescribed treatment plan, have your attorney submit the appropriate paperwork for claims, and keep a journal of how your condition is progressing and how it is impacting your day-to-day life.

Link between spinal cord injury and sleep apnea

Spinal cord injuries are complex and often go hand-in-hand with other conditions, including breathing and respiratory disorders. According to the Centers for Disease Control and Prevention, approximately 200,000 people are living with spinal cord injury in the United States.

In a recent study published in the *Journal of Clinical Sleep Medicine*, three of four people with spinal cord injuries also had sleep apnea, a condition where breathing slows or stops briefly but frequently during sleep, decreasing oxygen to the brain. Other studies have estimated that 25 to 45 percent of people with spinal cord injuries have the disorder. Weakened diaphragm muscles, sleeping flat on the back, nasal congestion, and excess fluid in the mouth and throat all contribute to a higher incidence of sleep apnea in those with spinal cord injuries.

“Sleep-disordered breathing may contribute to increased cardiovascular mortality in spinal cord injury patients,” said American Academy of Sleep Medicine president Dr. M. Safwan Badr, who was involved in the study. “All spinal cord injury patients should undergo a comprehensive sleep evaluation using full, overnight polysomnography for the accurate diagnosis of sleep apnea.”

Spring-break safety tips

Spring break is a tradition among college students and young adults, but alcohol, large crowds, and lots of sun often create a dangerous environment that can result in alcohol poisoning, sexual assault, and other serious injuries. Here are tips to have a memorable and safe spring vacation from SABRE, a security equipment corporation that provides personal safety, home security, and law enforcement products.

Arrive safely. Driving through the night to make it down to Florida or other sunny destinations is common for spring breakers. But the National Safety Council says traffic death rates are three times greater at night than during the day. If you can’t avoid night driving, at least one passenger should stay awake to talk to the driver.

Be smart about who you give personal information to. For instance, don’t tell new acquaintances your hotel or room number.

Make sure you know the name and address of your hotel or take a hotel business card out with you so you can give it to a cab driver. This is especially important if you don’t speak the local language.

Use the buddy system—it works! Never leave a party with a stranger. Travel with a friend or, better yet, with a group and stay at your intended destination.

Practice safe drinking. Designate one person in a group per night to drink minimally or not at all to look out for everyone. Also, always keep your drink in hand or where you can see it, and only accept drinks that were made or poured in front of you.

Hydrate and wear sunscreen. Heat stroke and melanoma aren’t happy spring-break thoughts, but too much time in the sun can leave you dehydrated with an increased risk of sunburn. Take sunscreen and plenty of water with you to the beach or pool.

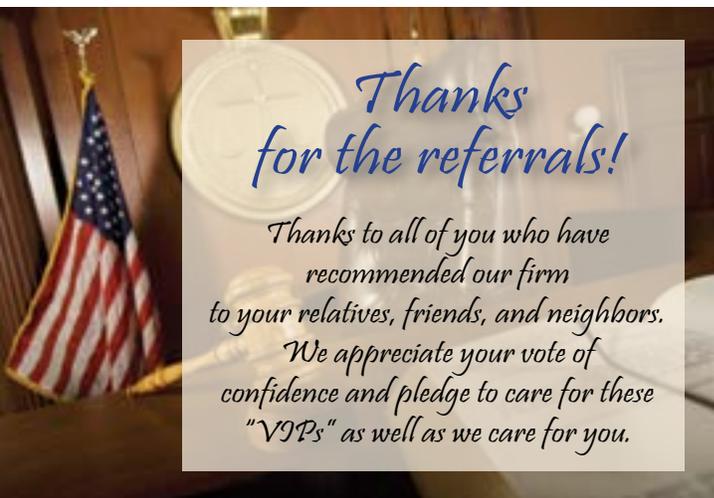
Source: sabrered.com

What is a deposition?

In the course of a personal injury case, the plaintiff and witnesses may be asked to give sworn testimony for use as evidence or as discovery (the process where each side gathers information to create a case). This is called a deposition. During a deposition, one is under oath, just as if he/she were in a courtroom, and the testimony is recorded, usually by a court reporter who prepares a transcript of the deposition, but sometimes by video.

Plaintiffs should keep in mind that a deposition is asked to build the defense's case. They will not ask questions or try to gather information that would hurt their case. For this reason, it is very important to just give brief answers and to always consult with your attorney before giving a deposition. They can teach you how to word answers so they can't be used against you.

After the transcript or video is prepared, all parties are given the testimony to review. An attorney should be able to tell whether a witness will be helpful or harmful to a personal injury case and will plan your case accordingly. In addition to pretrial discovery, depositions may be used in court as evidence and may be available as part of the public court record after a trial ends.



SILBERSTEIN, AWAD & MIKLOS, P.C.

600 Old Country Road, Suite 412
Garden City, NY 11530

PRESORTED
STANDARD
U.S. POSTAGE PAID
LANCASTER, PA
PERMIT NO. 23



3 common birth injuries

The labor and delivery unit is a very busy and, fortunately, usually a happy place; however, there are several common birth injuries that can be the result of negligent medical care that new parents should be aware of:

1. Brachial plexus injuries (BPI)—The brachial plexus is a group of nerves that control movement and sensation in the shoulders, arms, and hands. During vaginal delivery, the nerves can be damaged if the baby's shoulders become lodged or impacted by the mother's pubic bone, especially when excessive force is used to deliver the baby.

2. Fractures—A newborn's bone structure is made to handle the stress of birth, but on occasion babies do suffer broken bones during birth. This can be a result of medical staff not acting quickly to a breech birth, allowing a labor to go on for too long without intervening, or using forceps and vacuums to extract the newborn.

3. Cerebral palsy—Cerebral palsy is used to describe a number of conditions that result in movement and motor skills disorders due to muscle spasms and weakness. It may also be characterized by cognitive disabilities and by epilepsy. Cerebral palsy can result from reduced oxygen to the brain during birth from trauma or umbilical cord compression.

If your child suffered a severe birth injury due to the negligence of medical professionals, please contact an attorney immediately.