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Attorneys At Law

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School bus safety



The NHTSA reported that 174 school-age children died in school transportation-related crashes from 2003 to 2012. Fifty-five were occupants of school transportation vehicles, and 119 were pedestrians.

With recent media reports showing bus drivers speeding through red lights and viral videos of impatient drivers illegally passing buses and nearly running over children, parents wonder about the safety of school transportation. With school back in session, here are a few things to keep in mind about school bus safety.

First, the good news: According to the National Highway Traffic Safety Administration (NHTSA), school buses are one of the safest forms of transportation in the United States. The agency says that

approximately 450,000 public school buses travel about 4.3 billion miles to transport 23.5 million children to and from school and school-related activities every year. On average, there are six fatalities a year involving school transportation.

While that is a good statistic, no fatalities would be better. The majority of school bus-related fatalities happen when students are struck by the bus or other vehicle while waiting for, boarding, or getting off the bus. In many cases, unsafe school loading zones and distracted drivers are at fault.

If your child was injured in a school bus accident, please contact our office for a confidential consultation.

It's deer season (No, not *that* deer season!)

The days are getting shorter, the weather is crisp, and fall is in the air! Leaves aren't the only things that motorists have to worry about on the roads this season; deer are also more likely to wander (or dart!) into traffic. According to the National Highway Traffic Safety Administration, deer cause approximately 1 million vehicle accidents, 200 fatalities, and over 10,000 personal injuries each year.

The incidence of deer-related car accidents is at the highest in the fall not only because the animals move closer to roads in search of food, but also because it is mating season. Drivers should be especially cautious when driving in the evening, night, and early-morning hours, when deer are hidden in the darkness and can be spooked or confused by approaching headlights.

Unfortunately, one of the primary causes of human injury and death isn't caused by hitting a deer, but by trying to avoid hitting a deer. Drivers swerve and drive off the road or into oncoming traffic. Instead of hitting the deer, the vehicle collides with another car, the guardrail, or a utility pole.

According to the Minnesota Department of Natural Resources, here is what you can do to avoid hitting a deer this season:

➤ **Heed the signs.** Deer-crossing signs are often posted in high-risk areas. Drive with caution, especially in the posted areas.

➤ **Deer don't roam alone.** Deer often run together. If one deer is near or crossing the road, expect that others will follow.

➤ **Danger from dusk to dawn.** Be extra attentive at dawn and after sunset. About 20 percent of these crashes occur in early morning, while more than half occur between 5 p.m. and midnight.

➤ **Safety begins behind the wheel.** Always wear safety belts and drive at safe, sensible speeds for road conditions.

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Signs, signs, everywhere signs— but what do they *legally* mean?

Owners or occupiers of a property, whether commercial or residential, have a duty to care for others who come onto the property. But could something as simple as a warning sign make a difference if someone gets injured on your property (or vice versa!)? Like so many things, it depends.

One of the most important aspects of a premises liability case depends on why the injured party was on the property.

INVITEES: An invitee is on a property for the financial benefit of the owner/occupier. In this case, a well-placed, readable sign can protect the owner from a lawsuit. However, if you slip and fall on an uneven threshold when you walk into a store and there is a sign just inside the door, it may be deemed ineffective, as it was placed after the hazard. If the sign is well placed, the invitee assumes the risk of the hazard.

LICENSEES: A licensee is a legal term for someone who is permitted to be on the property (mail carrier, for example) or a family member or social guest. Property owners must warn

licensees of any known dangers on the property. A sign can protect the property owner, but again it must be large enough, readable, and well placed.

TRESPASSERS: A trespasser is someone illegally on a property. They have no business on the land and have not been invited. In this case, property owners have no duty to care for them, although they may not willfully harm them. Children are often an exception. An exception (though perhaps not for an adult trespasser) would be a sign warning of a dog. An owner is responsible for his/her dog, and a sign warning of a dog's presence doesn't protect the owner if his or her dog attacks.

As always, it's best to discuss any personal injury case with our office.



Dog bites could cause PTSD in children

Being attacked by an animal can cause physical scars, but for kids, emotional scars are just as damaging. According to the journal *Contemporary Pediatrics*, posttraumatic stress disorder (PTSD) in children as a result of being bitten by dogs is common.

Most dog-bite victims are children, and injuries often occur to the shoulders and head. To get an adult perspective of what a dog attack is like for a small child, experts ask adults to visualize a bear lunging and biting into their upper body.

If your child is attacked by a dog, ask the staff of the emergency room and your child's pediatrician to provide you with a checklist of symptoms of PTSD, and the name of a qualified counselor who can help your child.

According to modernmedicine.net, signs and symptoms of PTSD include excessive anxiety, irritability, decreased school performance, sleep disturbance, reduced creativity, withdrawal, altered appetite, depression, physical complaints, pronounced startle responses, and behavioral problems. These can impede the expected social, academic, and emotional growth of a child.

If your child has been injured by a dog, call our office right away for a confidential consultation.

Power of attorney

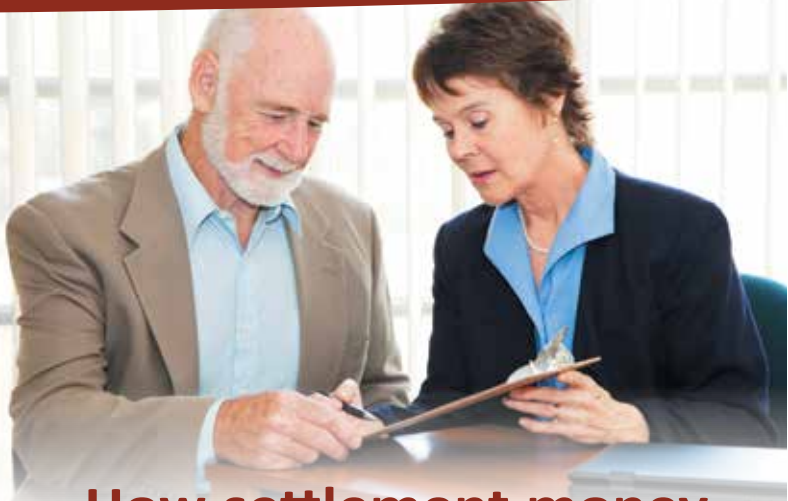
A power of attorney is a legal document that gives a designated person the authority to make personal, business, legal, and medical decisions on your behalf if you become unable to do so. It's advisable to have both medical and financial powers of attorney. If you become unable to make decisions for yourself and you don't have a power of attorney designated, your family will likely have to go to court to establish the right to make those decisions in your stead.

A medical power of attorney allows someone to make medical decisions for you should you become physically or mentally incapacitated. This person is bound to follow your treatment and end-of-life wishes. It is important to create a living will to outline such wishes.

A financial power of attorney designates an individual who will take care of financial decision-making on your behalf. When you draft the document with your attorney, you can give your power of attorney broad power or limited power. The duties of a financial power of attorney end at the designator's death. If you wish an individual to take care of your estate finances, you must also name him or her executor in your will.

For more information on power of attorney, consult with a family law attorney.





How settlement money is delivered

If you are at the beginning of legal proceedings for a personal injury, you are probably hoping, as many do, to settle quickly without a trial. In the meantime, as bills pile up, you are probably also wondering how and when you will get the money.

Here are the most common scenarios:

✓ Lump-sum settlement

While it is nice to get your settlement all at once, there are serious tax implications, so speak with an attorney or tax adviser. A lump sum is often deposited into a trust to provide ongoing financial support.

✓ Structured settlement

A structured settlement is paid regularly for a specified amount of time. It doesn't seem ideal, but it reduces the amount owed in taxes, and it does provide a dependable source of income. Structured settlements are placed into an annuity, and funds drawn are tax-free for as long as the fund is managed professionally.

✓ Combined settlement

As the name suggests, a combined settlement pays a portion of the money up front, and the rest comes in the form of structured payments. The benefit is that a victim receives money up front to pay debts incurred since the injury, but it still has the reliability of a structured payment.

✓ Presettlement funding

If bills are mounting and you are unable to work, you may find yourself in the position of needing money before settlement or trial. It is possible to get a cash advance on your case. The loans don't come due until a case has settled, or an amount has been awarded, and if you lose the case, the payment is waived altogether. Because interest is paid on the amount advanced, taking the least amount needed is advisable.

There's an app to get a ride... *but what if there is an accident?*



Until recently, if you needed a ride somewhere but weren't on a public transportation route, and couldn't convince a friend or relative to drive you, you called a cab. Rideshare apps that connect users in need of rides with those willing to provide rides have become a competitively priced alternate source of transportation. There is no doubt that apps like Uber and Lyft are a great way to get a ride, but what if you are in an accident?

The good news is that if you are a rider, you should be covered in the case of an accident. If you've considered making some extra money by becoming a driver for a rideshare service, you may want to reconsider or at least wait until better regulations come into play and insurance gaps are covered.

Rideshare drivers have personal insurance, but once the vehicle is being used for commercial use—picking up a passenger, driving the passenger, driving the vehicle back to where it started—private insurance no longer provides coverage. Instead, rideshare companies provide \$1 million excess liability policies to cover damages if an accident is their driver's fault. Typically, that million-dollar coverage is only good when a passenger is in the car and only covers damage and injuries to passengers, and other parties and their property. The driver is responsible for damage to his or her vehicle if in an accident that is their own fault. Plus, there is a gray area when drivers are driving to a rider and then returning to wherever they started from.

After an Uber driver struck and killed a 6-year-old San Francisco girl while he was between rides but available for service, Uber began extending its insurance policy to cover this gap.



Viagra linked to melanoma

A study published in 2014 by the *Journal of the American Medical Association (JAMA) Internal Medicine* showed that men who took Viagra had an 84 percent increased risk of being diagnosed with melanoma than men who did not take Viagra. Melanoma is the deadliest form of skin cancer. According to Harvard Medical School researchers, Viagra lowers protein levels that protect against melanoma.

Edward Corboy Jr., who filed suit against Pfizer after being diagnosed with melanoma, claims that the company should have known and warned the medical community and patients of the elevated risk. Had the drug maker provided warnings, physicians and patients could decide not to use the drug or monitor for signs of skin cancer while using Viagra. Melanoma, if caught in its early stages, is curable; however, once it spreads to the lymph system, it is often deadly.



According to Harvard Medical School researchers, Viagra lowers protein levels that protect against melanoma.



Thank you!

Thanks to all of you who have recommended our firm to your relatives, friends, and neighbors. We appreciate your vote of confidence and pledge to care for these "VIPs" as well as we care for you.

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Alarming children's TBI study may actually be good news

Everyone wants to encourage kids to be more active, and getting involved in a sport is a great way to increase activity level, but as participation increases, so does head-injury risk. In fact, in the years between 2002 and 2011, the Cincinnati Children's Hospital Medical Center reported that 15 percent of children's traumatic brain injuries (TBI) were sports related. During that time, the study found a 92 percent increase in the number of emergency-room visits for TBI in children as a result of playing a sport.

While this seems alarming, the study may be indicating a positive trend. While the increase was dramatic, the number of children admitted to the hospital for their injuries remained constant. This could indicate that parents and coaches are more aware of the dangers of brain injury and are being more

cautious. Also worth noting is that as the study progressed, the severity of head trauma in children admitted to the hospital decreased, indicating that the medical community takes TBI very seriously.

Signs of TBI

- Dazed, stunned
- Confused, clumsy
- Loses consciousness
- Forgets instructions
- Answers questions slowly

In the days and weeks after an injury, if your child shows mood, behavior, or personality changes, or if they have trouble remembering events prior to the injury, have them evaluated immediately.

Source: CDC