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A t t o r n e y s A t L a w

SPRING 2009

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DANGEROUS *automobile accident myths*

Myth #1

If you didn't cause the accident, you have no obligation to do anything. You still need to protect your rights by checking for injuries, calling the police, notifying your insurance agent, making notes about the accident, and never admitting fault or signing anything.

Myth #2

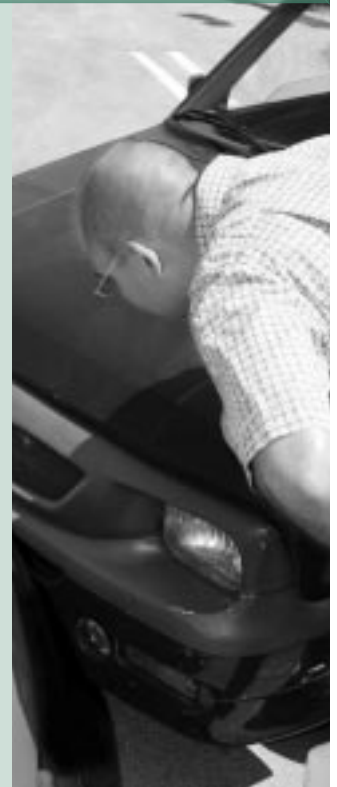
If the accident was the other driver's fault, someone should compensate you for damage and injuries. It's more likely if the driver at fault has insurance or assets and you have uninsured motorist coverage.

Myth #3

A fast settlement is always in your best interests. By signing off on a settlement too quickly, you may give up important rights, particularly if medical conditions appear weeks or months later.

Myth #4

If the accident is really minor, you can probably negotiate a settlement on your own, without an attorney. The other driver's insurance company will assign legal representation to protect its interests. Who will protect your legal rights?



Child medical malpractice claims

A recent article in *Pediatrics*, the official journal of the American Academy of Pediatricians, describes the most common lawsuits involving pediatricians in the United States. Medical malpractice occurs when a doctor is negligent and fails to follow the standard of care in the treatment of a patient. This often involves failing to make a proper diagnosis, failure to order required testing, and the failure to provide necessary treatment.



The most common childhood illnesses that are misdiagnosed include:

- ★ Jaundice in newborns
- ★ Bacterial meningitis
- ★ Hip dysplasia
- ★ Appendicitis
- ★ Pneumonia

Medical malpractice claims involving children are often significant because of the lifelong injuries and damages that will be encountered over the child's lifetime. There are strict time limitations for filing medical malpractice lawsuits in Michigan, so it is important to contact our office immediately if you suspect a child is the victim of medical malpractice.

Michigan's Best Injury Lawyers

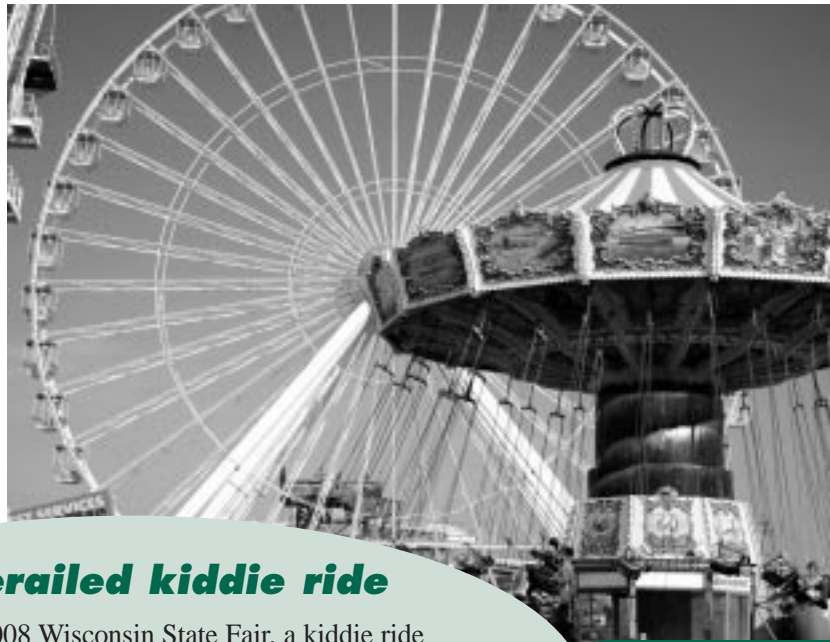
Theme-park injuries

Parents and kids love the excitement of the rides, the food, and the noise of theme parks.

As parks add attractions to compete for thrills and uniqueness, visitors suffer 7,000 injuries every year. Inflatable-slide rides collapse and injure toddlers. Slow kiddie-ride cars derail and harm youngsters. High-acceleration roller coasters and free-fall drop towers subject adult riders to back and neck harm.

Injuries may come from a combination of inappropriate rider behavior, inadequate operator training, poor maintenance, ride malfunctions, and design defects.

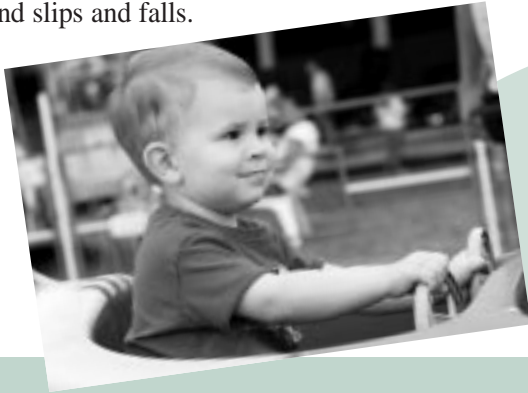
Park guests are also potentially subject to injuries resulting from personal assaults, negligent security, and slips and falls.



A derailed kiddie ride

At the 2008 Wisconsin State Fair, a kiddie ride malfunctioned, injuring a five-year-old girl. The accident happened when the girl's car derailed and crashed into a fence, leaving her with a bruised knee and injuries to her neck, back, and elbow. The girl was treated at a local hospital; her injuries were not serious.

If you have been injured at an amusement park, please contact legal counsel.



NEGLIGENCE

Under the law, negligence is inattention that causes a person harm.

Negligence can take two forms: *action*, such as a mason carelessly dropping a heavy brick off a scaffold; or *failure to act*, when a business owner disregards repairing a broken step on a stairway in a dimly lit corridor.

A crushed foot

As directed, an auto-repair patron moved his car to a numbered parking spot. As he left his car, a dealership employee driving another vehicle failed to see him and ran over his foot. His crushed foot developed into a complex injury, damaging the peroneal nerve and causing constant pain, color and temperature changes, and loss of hair on his foot.

A former highly paid stockbroker, the injured man attempted to work for more than a year, but medications and burning pain forced him to stop. His attorney then sued the dealership, alleging its employee negligently failed to keep a proper lookout. The parties reached a significant settlement prior to trial.



When insurers won't pay MEDICAL BILLS

According to the law, insurance companies have a good-faith responsibility to deal fairly with customers.

This means coverage providers and their agents must actively seek ways to pay all fair benefits promised to policyholders, not to disallow them.

Sometimes, when policyholders need them most, insurers redefine their obligations and services to avoid paying promised benefits. Common tactics include denying claims or dragging them out so long that insureds simply get tired of fighting and give up.



Her insurer said "No"

A 32-year-old doctoral student suffered career-ending brain injuries in a head-on collision with a negligent driver. When the other driver's insurance failed to cover all her medical expenses, she filed an underinsured-motorist claim with her own auto insurance plan, which entitled her to \$1.5 million in benefits. Her insurer refused to pay for several years, claiming she had no head injury. Her attorney sued the insurer and its agent, alleging bad faith, breach of contract, and violations of a state unfair trade practices statute. A jury awarded her significant compensatory and punitive damages, plus attorney fees and prejudgment interest.

FOR YOUR SAFETY

Recalled product roundup

Here are some recently recalled products you may have in your home or at work:

- ✓ **TWIE, also known as Tradewinds International Enterprises, Inc.**, has recalled 152,000 “Sky Champion” Wireless Indoor Helicopters. Onboard rechargeable batteries can catch fire and burn consumers
- ✓ **Babies “R” Us, Burlington Coat Factory/Baby Depot, Meijer Distribution, Inc., Nebraska Furniture Mart, ShopKo, Target Stores, and Wal-Mart** have voluntarily recalled 600,000 Simplicity Brand Drop Side Cribs with sides that can detach and trap or suffocate infants.
- ✓ **Worldwise, Inc.**, has called back 223,000 SlyDog™ Retractable Dog Leashes that have metal collar clasps which can bend or break, causing the leash to recoil suddenly and forcefully, and harm users.
- ✓ **Wolf Appliance, Inc.**, has recalled 24,000 Wolf Appliance Gas Ranges. Delayed gas ignition in the 18-inch oven can cause a burst of flames when the range door is opened and burn users.
- ✓ **Razor USA, LLC**, asks buyers to return 103,000 Razor® PowerWing™ Three-Wheeled Scooters, which have sharp edges on foot-platform undersides that can cut children.
- ✓ **Giftco, Inc.**, recalled 36,000 Harry Potter Bookends. The paint contains excessive levels of lead, violating the federal lead-paint standard.

ID THEFT

The Federal Trade Commission’s (FTC) 2006 Identity Theft Survey Report showed that 8.3 million adults were victims of some form of identity theft in 2005.

According to the FTC’s Consumer Response Center, five common ways that wrongdoers steal unsuspecting victims’ legal, financial, and personal information are:



If you believe you have been a victim of fraud through ID theft, seek legal counsel.

- 1 Dumpster diving**—rummaging through trash containers for bills or other personal papers.
- 2 Skimming**—stealing credit/debit card numbers using special electronic storage devices while processing actual transactions.
- 3 Phishing**—imitating real financial institutions or companies by sending fraudulent e-mails or pop-ups to computers.
- 4 Changing addresses**—using postal forms to divert mail to unlawful addresses.
- 5 Theft**—stealing purses, wallets, and mail—even employee records.

AS WE SEE IT

Some politicians or media commentators complain one-sidedly about our civil justice system and trial attorneys. Often, they phrase the issues as they appear in the left-hand box of the chart below.

We have had the benefit of helping people who have been harmed by others’ carelessness, such as people injured by drunk and reckless drivers, negligent property owners, or by the actions of uncaring corporations.

We think the way we view our civil justice system and trial attorneys is more accurately stated in the right-hand box.



HOW SOME PEOPLE SEE IT.

- Insurance companies vs. trial lawyers
- Pharmaceutical manufacturers vs. trial lawyers
- Car makers vs. trial lawyers
- Doctors vs. trial lawyers
- Nursing homes vs. trial lawyers
- Manufacturers vs. trial lawyers
- Railroads vs. trial lawyers
- Corporations vs. trial lawyers
- Small businesses vs. trial lawyers

HOW WE SEE IT.

- HMOs vs. patients needing care
- Drug makers vs. patients requiring safe medications
- Car makers vs. driver and passenger safety
- Physicians vs. health insurers
- Nursing homes vs. elderly residents and their families
- Manufacturers vs. injured consumers
- Railroads vs. drivers injured at crossings
- Unsafe products vs. harmed consumers
- Small businesses vs. injured employees

OR CURRENT RESIDENT

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Nursing home **NEGLIGENCE**

Residential care for elderly nursing home residents may not be delivered as pledged.

Should a safety or injury issue arise, it may be hard to determine causes of problems. Staffs are reticent to talk, and the elderly may be unwilling or unable to explain what happened.

Responsible adults who suspect that nursing home care is insufficient or has resulted in an injury should get medical care for the loved one, notify residence management of concerns, and seek legal counsel. Attorneys familiar with nursing homes can help elderly loved ones receive a high level of care, or determine the bases of injuries and hold the responsible parties accountable.

GANGRENE

A 75-year-old nursing home resident died after developing painful gangrene and undergoing an above-the-knee amputation. Her daughter sued the facility, alleging negligence for staff reductions and failure to provide adequate treatment. A jury awarded a significant amount for pain and suffering.



Stop-sign accidents

According to Insurance Institute for Highway Safety 1999-2000 research estimates, nearly 700,000 vehicle accidents occurred at stop signs. About a third involved personal injuries.

Drivers who failed to stop at stop signs or who stopped at stop signs but failed to see oncoming traffic accounted for approximately 70 percent of all automobile accidents.

Broadsided *After being broadsided by another vehicle that ran a stop sign, a driver suffered multiple serious injuries that required her being placed in a drug-induced coma for several months, followed by six months of rehabilitation and physical therapy. Unable to ever work again, she enlisted the services of an attorney who filed suit against the responsible driver. A jury awarded significant damages.*

Buying car insurance

Michigan consumers are often sold auto insurance policies that do not have the most important coverage and which do not protect them in the event of an injury accident. Most consumers ask their agent for "full coverage" and buy exactly what the agent recommends, but quite often this is simply not enough.

For example, many drivers purchase a policy without uninsured motorist (UM) coverage or with low limits on that type of coverage. UM coverage protects you in the event you are injured in an accident due to the fault of an uninsured driver. Many drivers with UM coverage have policy limits that are much too low. The cost of increasing that coverage is surprisingly minimal.

We wrote "*The Michigan Auto Insurance Report*" to help you buy your car insurance. You can download it for FREE at www.FreeCarInsuranceReport.com.