



BUCKFIRE & BUCKFIRE, P.C.

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

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Brought to you by
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you up-to-date
on important
legal news.

Season's Greetings!

*Celebrate the peace and beauty
of the holiday season!*

*We wish you and yours happiness
and good health in the coming year.
We would also like to say thank you
for choosing our legal services and
for referring your family, neighbors,
and colleagues to us.*

Buckfire & Buckfire, P.C.

Black ice: the "invisible" hazard

The winter weather in Michigan poses a number of hazards to Michigan residents. Blowing snow and icy roads create significant dangers for motorists on our streets and highways. Pedestrians who encounter icy sidewalks and snow-covered parking lots are also at great risk. The injuries from slip-and-fall accidents on ice and snow are often severe and life-changing.

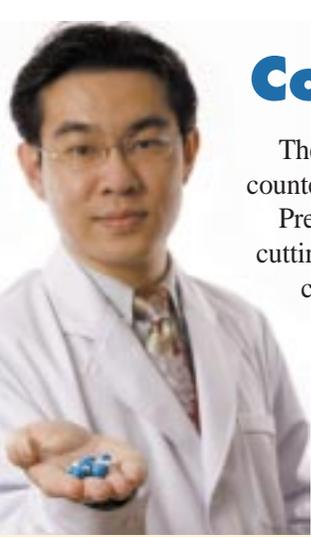


One of the greatest dangers is "black ice," a term that refers to ice that is often thin and transparent. The average person stepping onto a sidewalk, walkway, or parking lot does not even see it before stepping on it. Because this is an unseen and unanticipated hazard, the unsuspecting pedestrian has little or no time to compensate for a slip and often falls straight down, suffering serious injuries.

Under Michigan law, a person who is injured due to "black ice" at a place of business, an apartment, or someone's home can often file a claim against the owner of the property for failing to salt the area to melt the ice. The insurance company for the property typically pays a settlement to the injured person.

Our firm recently obtained a substantial settlement for a client who fell on black ice at his apartment complex and suffered a fractured arm.

Michigan's Best Injury Lawyers



Counterfeit medications

There's a "perfect storm" of conditions for makers of counterfeit medications to do their harmful work.

Prescription-drug costs keep rising. Employers are cutting back on medication plans as employee-benefit costs increase. Drug wholesalers are seeking alternative drug suppliers to maintain profit margins. As a result, counterfeit medications are appearing on the market.

For genuine medications, purchase only from trusted pharmacies or online retailers. Patients should also be aware of caution signs of fake

prescriptions or over-the-counter medications:

1. Change in a drug's normal color, size, texture, or taste.
2. Alteration in packaging or labeling color, size, or style.
3. Broken or tampered-with seals or packaging.
4. Onset of unexpected allergic reactions or unusual symptoms and side effects after taking medications.

A patient should contact the pharmacist immediately upon suspicion they have taken a questionable medication. Seek medical help if conditions become serious. Consult with an attorney.

Nursing home injuries

Residential care for elderly nursing home residents is not always delivered as promised, and accidents sometimes occur.

To be sure that staff will safeguard their loved ones' safety and health, adults who help parents enter assisted-living or nursing homes should investigate residences carefully.

Should a safety or injury problem arise, it may not always be easy to determine causes of safety or health problems. Staffs are reticent to talk, and the elderly may be unwilling or unable to explain problems.

Responsible adults who suspect that nursing home care is insufficient or has resulted in an injury should take three steps:

1. Get medical care for the loved one.

2. Notify residence management of concerns.
3. 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.

Common concerns

- Decubitus ulcers
- Dehydration
- Falls, dislocations, and broken bones
- Inappropriate physical-restraint use
- Infections
- Physical, emotional, or psychological abuse
- Malnutrition
- Pressure sores



American juries

Fair and effective

American juries are doing an excellent job. Although the right to a jury trial is a cornerstone of our democracy, some critics claim civil juries are irrational, unreliable, and biased against business.

American Juries: The Verdict (Prometheus Books 2007), a new work by two leading jury-research experts, Neil Vidmar of Duke University School of Law and Valerie Hans of Cornell University Law School, reveals that American juries are alive and doing very well indeed.

Book highlights

- Legislation and computer technology have improved juror selection, which more fairly and closely reflects the broader range of our communities' populations.
- Once citizen-jurors get into the facts and data of a trial—no matter what their personal views were prior to empanelment—the jurors' focal point in decision-making and reaching their verdict is the evidence presented by both sides in a dispute.
- Jurors generally believe that corporations should be held to a higher standard of care than individuals because businesses have the potential to hurt more people than any one individual can.





How to complain EFFECTIVELY

Many of us who are dissatisfied with a product or a service may not get the best results from our complaints because we don't complain well enough.

Here are negotiating tips to get better results from your efforts:

1. Register your complaint as soon as possible.
2. Be sure you are talking to the right person—the customer service representative who has the authority to resolve your problem.
3. Get ready to negotiate by preparing several alternative solutions to suggest to the customer service rep.
4. Know which solution you will accept.
5. Be polite but assertive.
6. Use the customer service person's name to establish rapport.
7. Avoid becoming angry.
8. Inquire about the business's customary procedure for resolving complaints, then use it to your advantage.
9. Get the customer service representative to commit to a solution with you.
10. Keep records of your phone calls and letters.
11. Ask for a supervisor only if you feel you will not succeed with the rep.
12. If you do not succeed, file a complaint with authorities such as your state's consumer protection agency or a Better Business Bureau.

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.
- ✓ **Provo Craft & Novelty, Inc.,** has asked buyers to return 730,000 Candsense Warmers, which have internal candle heating elements that can detach, melt their plastic casings, ignite, and burn consumers.
- ✓ **Hearth & Home Technologies, Inc.,** recalled 22,000 IntelliSwitch Fireplace Wall Controls with faulty wall control systems, which can cause the fireplace to turn on by itself and damage property and harm users.
- ✓ **Specialty Lamp International, Inc.,** has recalled 371,000 counterfeit circuit breakers labeled "Square D," which can fail to trip when they are overloaded, posing a fire hazard to consumers. Counterfeit circuit breakers are black and are labeled Square D QO-series models 115, 120, 130, 215, 220, 230, 240, 250, 260, and 2020, and Square D QOB-series models 115, 120, 130, 220, 230, 250, 260, and 1515.



Auto accident repairs

Parts and labor

If you are in an accident and your car is towed to a repair shop, there are two things you should know about parts and labor:

Parts charges

Parts manufactured by a vehicle's original equipment manufacturer (OEM) are best because they fit properly and are installed by authorized and trained mechanics. However, insurance companies urge repair shops to use generic or even salvage-yard parts to save money. Check your insurance policy. Although you can demand that a repair shop use OEM materials, you may have to pay more for OEM parts. Your family's safety is well worth the added cost.

Labor charges

Insurance companies recommend some repair shops because these shops have signed a contract with the insurer to "cap" their charges for specific kinds of work. That also saves money for insurers, but may result in repairs that meet a bare minimum in quality and safety. Select a repair shop you know or people you trust have recommended.

OR CURRENT RESIDENT

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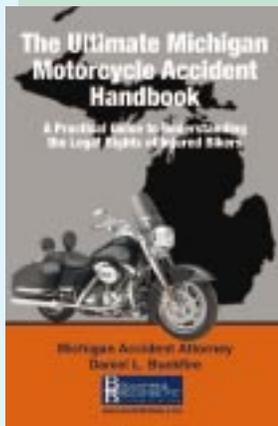
Premises liability

People who are injured through the negligence of commercial business owners, property managers, or property owners who fail to protect visitors and passersby from physical harm can call on attorneys for help.

Businesses have a legal duty to provide sensibly safe passage for those who enter their grounds.

Hotel negligence

A motorcycle passenger suffered traumatic brain injury when road flooding caused the vehicle on which she was riding to lose traction and flip. The victim, who incurred just under \$1 million in medical expenses and will require millions in future care costs, sued a hotel employee and trust beneficiaries who owned the hotel for negligence. Her attorney alleged that the hotel's swimming pool water had been illegally pumped onto the road, and responsible parties never warned drivers of the danger. The parties reached a significant settlement.



Motorcycle accident injuries

Motorcycle riding is a great thrill and adventure for thousands of bikers in Michigan, but careless motorists cause a significant number of serious accidents with bikers on our streets and highways. In 2007, there were 3,821 motorcycle accidents in our state. In the last ten years, the number of motorcycle accidents that resulted in death grew by an alarming 98 percent. These are frightening statistics.

Our firm handles a significant number of Michigan motorcycle accident cases. These cases require special expertise because the insurance laws are very different for motorcycle accidents than they are for a typical motor vehicle accident.

Determining whether an injured biker is entitled to Michigan no-fault insurance benefits is a complex issue. Other legal issues relating to the rights of injured bikers and their passengers require special analysis.

Attorney **Daniel L. Buckfire** of our firm recently completed his newest legal book, *The Ultimate Michigan Motorcycle Accident Handbook*, to explain these difficult issues in plain English to those injured in Michigan motorcycle accidents. The books are in the process of being published and will be available for FREE to our clients shortly.

Our firm has also published a new blog Web site, **The Michigan Motorcycle Lawyer Blog**, which is a valuable resource to bikers, lawyers, and the general public on every issue from how to register a motorcycle to how to get your medical bills paid after an accident. Please visit the site at <http://michiganmotorcyclelawyerblog.com>.

CONTEST WINNERS

Thanks to everyone who entered our e-mail contest in the last issue. We are pleased to announce the winners:

Valeretta Frazier, portable DVD player
David Dooley, Willie Mays autographed photo
Patti Jo Carmen, movie passes
Anne Beauchamp, Starbucks gift card

Your prizes will be arriving shortly.

