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TAKE A HIKE! Park and Trail Safety

According to the National Park Service, as of 2017, over 300 deaths per year occurred at national parks. Most were a result of accidental drownings, slip-and-fall accidents, and vehicle crashes. When determining if the government is partially or fully to blame, investigators will be interested in the maintenance records of the trail, proper placement of warning signs, whether hikers ignored posted warning signs, and whether there is a history of accidents occurring in the area of the park in question.

Here are tips that hikers can take to preserve the trails and stay safe:

- ▶ **Do not overestimate your abilities.** If you are a beginner or haven't been active in a while, don't take a long, grueling climb to the top of a mountain.
- ▶ **Wear comfortable shoes with soles that provide good traction.**
- ▶ **Bring a friend.** Although hiking can be a valuable solitary escape, many times the enjoyment and safety doubles when you hike with a friend.
- ▶ **Stay on the trail.** Wandering off the trail can have serious consequences. You could become injured or lost. Wandering off the trail could also disturb and destroy parts of delicate habitats you came to see.
- ▶ **Be sensible.** Take into consideration the weather and the duration of your hike. Bring along any extra clothing, water, or insect repellent as needed.



KIDS at Play

This time of year, neighborhood streets, sidewalks, and driveways are full of kids on foot, on bikes, and in strollers eager to play in the warmer weather. It's no surprise that pedestrian accidents increase in the spring; people spend more time outside and daylight lasts longer.

Pedestrian accidents in neighborhoods include driveway backovers as well as in-street accidents. Children are especially prone.

Pedestrian injuries are the second-leading cause of accidental deaths for U.S. children ages 5 to 14, according to Safe Kids Worldwide. The organization states that since 2001, an average of more than 15,500 children ages 14 and under have been injured as pedestrians each year.

According to the National Highway Traffic Safety Administration (NHTSA), most children are injured near their homes or on neighborhood streets.



Safety tips from the NHTSA:

- Teach young children basic safety principles (look left-right-left for traffic) and model the behavior.
- Discuss pedestrian safety; point out examples of safe and not-so-safe practices.
- Actively supervise children at play.
- Hold a child's hand when crossing streets, walking along streets with no sidewalks, and in parking lots.
- Teach children to walk facing traffic when there is no sidewalk.

Impatient or distracted drivers and roadway defects often play a part in pedestrian accidents. If your child was injured in a pedestrian accident, call our office to discuss your situation.

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What Is Car Accident FRAUD?

Staged accidents? It really does happen! In fact, the problem is so widespread that just a few years ago Los Angeles County received a \$6.9 million grant to crack down on staged accidents and other types of car insurance fraud.

One common scenario is when two motorists work together to create a crash in slow-moving traffic. One con artist intentionally cuts in front of another, who is prepared for the maneuver and slams on their brakes, which causes an unsuspecting third party to slam into the con's car in front of them. Another common ploy is when cons wave a driver into merging traffic or out of a parking space but don't stop, so the driver sideswipes or backs into their vehicle.



IF YOU SUSPECT FRAUD, be sure to get the license plate numbers and car insurance information from everyone involved. Take photos of all the vehicles and the scene, and call the police. If you suspect fraud, be sure to tell the police so it is documented. Never settle an accident with cash at the scene.

Negotiating with an Insurance Company

If you were injured and have filed a personal injury claim, you, or preferably a skilled attorney, will work with an insurance company to negotiate a fair settlement amount. Here are a few helpful tips:

Know what you want — Before you do anything, you should know the lowest amount of money you'd be willing to accept. An attorney can help you determine this figure.

Write a demand letter — A demand letter to an insurance company states that you've been injured, that their client is legally responsible (and why), what your losses are currently, what you expect them to be, and includes documents that support your claim. The letter ends with a demand for settlement. The demand is usually set higher than what you anticipate receiving and is a starting point for negotiations.

Listen — When you begin communicating with an insurance adjuster, listen. They will present weaknesses in your case that you may not have considered. It is important to be flexible when

you are presented with information that could work against your case. Weaknesses will lower what you can expect to receive. Likewise, if the adjuster offers no arguments to your case and makes an offer at or close to what you were prepared to accept, you may be safe to negotiate for a higher amount.

Don't jump at an offer — It's tempting to grab ahold of the first number thrown at you when medical bills and expenses are mounting. If the offer isn't fair and reasonable, don't take it.

Know your worth — Once you know why the company is offering you a low figure, you can dispute the reasonings. Emphasize the things that work in your favor, such as if their client was completely at fault or grossly negligent, if the injury was particularly gruesome, or if it caused permanent disabilities or was disfiguring.

Need help with an injury claim? Contact our office for a case evaluation.

Pharmacy Negligence

Pharmacists and pharmacy technicians working in a retail environment face long hours and are pressured to fill more prescriptions in less time to appease customers who expect fast service. Couple this with lack of quality control and, in some cases, technicians who receive very little training, and deadly mistakes are bound to occur.

Prescription-drug errors happen all the time, but patients and doctors notice the error before injury occurs. But many aren't so fortunate. In 2007, an Arizona jury awarded \$6 million in the case of 31-year-old Eric Warren, who died of a toxic mix of drugs when he was given two drugs that should not be taken together. It was found that the pharmacist failed to follow company procedure to ensure patient safety.

In addition to drug interactions, pharmacy errors include incorrect dosages, filling a prescription with the wrong medicine, being given incorrect instructions, or placing the wrong warning labels on drugs.

If you or a loved one has been injured by a pharmacy error, contact our office for a case evaluation.



Considering a Personal Injury Lawsuit? *Here's What You Can Expect*

There is a lot more to a lawsuit than a day in court — in fact, hopefully you are able to reach a fair agreement without stepping foot in a courtroom. Here's an overview of how a typical case might proceed:

✓ **CONSULTATION**

Be prepared to discuss your accident, injury, and treatment in detail. In return, an attorney will be able to tell you if your claim is viable and discuss how to best proceed. They will also discuss their fees and payment structure.

✓ **REVIEW**

Once you've retained a lawyer, he or she will begin to gather information about your claim. You will be interviewed in great detail about your accident, injury, treatment, and prognosis. Your attorney will have questions about your life and background. They will also be gathering medical bills and records, police records, and statements from witnesses. They will use all of this information to consider the next step.

✓ **DEMAND**

If your case is really strong, an attorney may not even file a suit, but instead submit a letter of demand to the defense's attorney or insurance company. During the negotiations, your attorney will advise you as to whether a settlement offer is fair and reasonable.

✓ **FILE SUIT**

If you and your attorney aren't comfortable with the settlement offered, a

lawsuit is filed. At this point, your attorney is familiar with your case and has the opportunity to learn about the case that the defense has built. Likewise, defense lawyers will begin their own process of discovery. They will ask to see documents regarding your case and interview people important to the case, most notably you.

✓ **SETTLEMENT**

After both sides have built their cases and shared information, another round of settlement negotiations begins.

✓ **TRIAL**

If all else fails, a trial will be scheduled for your case. Depending on the complexity of your case, the entire process can take more than two years.



CHAIN-REACTION AUTO ACCIDENTS

You're sitting in traffic and suddenly you get hit from behind; your car slams into the vehicle in front of you. Who is at fault? Can you be held liable for any damages?

In some cases, fault lies with the first or last car in a pileup. But every accident is a little different, and determining fault can be difficult. For example, if you are slowing down for a traffic jam and get hit from behind, you may assume you aren't at fault, but you could be found fully or partially at fault if your brake lights are out. Likewise, if you are in stop-and-go traffic and hit the vehicle in front of you in a chain reaction, it may be determined that you are partially



WHO'S AT FAULT?

take on the responsibility of driving safely regardless of road conditions or weather.

If you are in a chain-reaction accident, get insurance information from all drivers involved, and take photos of skid marks and damage to all vehicles involved. If you are found to be at fault in a multivehicle pileup, you can challenge the decision. Our office can help you build a case.

at fault because you were traveling too close to the car in front of you.

Weather conditions can make it more difficult to stop your vehicle during the winter. Keep in mind that you

SELF-DRIVING TRUCKS

A large limitation in the transportation industry is human drivers. Humans need to sleep, need breaks to refresh their bodies and minds, need to eat, need to use the bathroom, and have other obligations outside of the truck cab. Humans are also accident prone. Despite these limitations, the public isn't ready to share the road with big rigs that are driverless.

Commercial fleets will likely slowly begin to incorporate more levels of automation under the watch of trained drivers, rather than going fully autonomous. In fact, many consumer and commercial vehicles are already equipped with automatic features such as emergency brakes, adaptive cruise control, and lane-departure warning.

As use of automation increases, safety levels should follow. In testimony to the U.S. Senate Committee on Commerce, Science, and Transportation, the National Safety Council said that

many truck accidents could be reduced or prevented by using automation technology. The National Highway Traffic Safety Administration found that 94 percent of all investigated truck crashes were attributable to human error (alcohol consumption, speed, fatigue, or distraction).

Closed environments that have predictable routes, such as ports, construction sites, and mines, will most likely be the first to see truly driverless vehicles. According to an article in Trucks.com, "Such applications could not only offer proof of concept and prompt wider adoption in industry, but also ease the public into acceptance of the technology."

Fewer accidents and injuries are welcome, but who will be held at fault when technologies fail will be a factor in injury cases in the future.



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REFERRALS

We want you to think of us as your law firm.

If you have legal matters that need attention, please let us know. If we do not specialize in that area of law, we will refer you to a firm that does.

Please feel free to refer us to your family, friends, and neighbors for their legal needs. We welcome the opportunity to help.



**CALL US. YOU'RE GOING
TO FEEL A WHOLE LOT
BETTER ABOUT THINGS.**

PLAY IT SAFE *On the Side of the Road*

Pulling your car to the shoulder of the road when there is an emergency is proper procedure, but motorists and pedestrians should never consider themselves safe.

According to AAA, about 600 pedestrians are killed annually on America's interstates. After studying a three-year sample of 400 police accident reports in three states, the association found that 18 percent of pedestrians killed were on the side of the road with or in a disabled vehicle. They also noted that when pedestrians were struck on the shoulder of the interstate, inattentive, impaired, or drowsy driving was often a factor. About 17 percent of the drivers involved were truck drivers.

SAFETY TIPS

- Never pull over on an interstate unless it is a true emergency.
- Stay calm, activate your hazard lights, and move the vehicle to the side of the road as far as it can go. If a parking lot is nearby, that's even better.
- It's safer to be on the right shoulder than the left.
- Call roadside assistance.
- Don't get out of your car if you can help it.
- Do not attempt to change a tire in an unsafe location. Changing a driver-side tire on the right shoulder, just a few feet from cars and trucks going 75 mph, is not safe.

