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# SCOTT MULLINS & COMPANY, L.P.A.

Exceptional Representation For the Injured

## 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.

## Settlement liens

Just when your case finally appears to be near settlement, you find out that several liens have been placed on the money. Can someone put a lien on your anticipated settlement? Yes, they can. Chances are, your accident has caused other parties, namely insurance companies, financial loss. In order to get that money back, a court order is placed on a settlement for the amount owed.

The third parties most likely to put a lien on your settlement are insurance companies and medical providers, although any company/person that paid the plaintiff's bills can file for a lien.

### Healthcare providers

If you don't have insurance, or your insurance doesn't cover your medical bills, the provider may try to recover the money by placing a lien on your settlement.

### Insurance carriers

Your medical and automobile insurance companies state their rights to place a lien on any settlement or judgment from a party at fault within the policy. At first you may think that unfair; after all, isn't that what insurance is for? But, if an injured party has his or her medical bills paid by an insurance company and then again by the party at fault, they've been reimbursed twice.

### Medicaid and Medicare

These programs require applicants to give any money from a third party to the state or federal government, depending on the program, in order to repay money spent on medical care.

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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](http://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.



# Scott Mullins rates highly among peers

Attorney Scott Mullins was selected to be a member of the Ohio Super Lawyers, a peer-reviewed attorney rating service. Attorneys earn the distinction of "Super Lawyer" when they are considered by their peers to be within the top 5 percent of their practice field.

Mullins also has an 8.2 "excellent" rating with AVVO, a similar peer-review attorney rating service.

Mullins' selection to the 2016 Super Lawyers list highlights a 28-year career representing more than 1,000 injury victims. He has achieved 11 verdicts and settlements in excess of \$1 million. Notable verdicts have been obtained in cases involving medical malpractice, auto accidents, and toxic well poisoning. Notable settlements have been obtained in wrongful death cases, dental and medical malpractice cases, and a case involving a fatality due to a trench collapse.

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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.



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

## Consumer recalls

Before you break out the sweatshirts and the fall gear, be sure that these recalled products aren't still in your home.

### **Children's zipper hooded sweatshirts from Kroger**

The sweatshirt zipper pull can detach, posing a choking hazard to young children.

Contact: **(800) 576-4377** or **kroger.com**; click on the "Recall Alerts" link at the bottom of the main page.

### **Holmes oil-filled heater**

The oil-filled heaters can spray heated oil, posing a scald hazard.

Contact: **(800) 515-4715**, online at **holmesproducts.com**; click on "Oil Filled Heater Recall."

### **Ameristep Hyde Cliff Hanger and Sky Walker tree stands**

The cast aluminum platform can break, causing the user to fall to the ground and suffer serious injuries.

Contact: **(866) 972-6168**, or **primalvantage.com** and click "For Hyde Recall Click Here."

### **BleacherBack™ Stadium seats**

The backrest can fail, posing a risk of injury.

Contact: **(800) 956-7328**, online at

**gcioutdoor.com** and click on "Recall for Repair."

### **Mima Moon 3-in-1 high chairs**

The high-chair seat can loosen and dislodge, allowing the seat and child to fall. The chair can also fall onto a child crawling underneath the seat, posing an impact hazard to the child.

Contact: **(800) 392-1206**, online at **mimakidsusa.com** and click on "Menu," then "Product Recall."

For more information on consumer recalls, please visit the Consumer Product Safety Commission at **cpsc.gov**.