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Back-to-School Pedestrian Safety

Every year around this time, there is a lot of attention on back-to-school safety—mostly aimed at students and parents. According to Safe Kids Worldwide, in the United States 44 kids are hit by cars every day while walking. With more kids on the sidewalks and commuter traffic returning to normal after summer, there is a lot that drivers can do to help keep kids safe.

Back-to-school safety tips for drivers:

- Watch for children on and near the road in the morning and after school hours.
- Slow down and be especially alert in school zones.
- School zones generally have a lower speed limit than surrounding areas. Pay attention and obey the speed limits.
- Enter and exit driveways and alleys slowly and carefully.
- Reduce any distractions inside your car so you can concentrate on the road and your surroundings.
- It is illegal to pass a school bus that is stopped to pick up or drop off children.
- Traffic is heavier in the city when school is in session. Be sure to allow for extra travel time.



- In a school zone, when a warning flasher or flashers are blinking, you must stop to yield the right-of-way to a pedestrian crossing the roadway within a marked crosswalk or at an intersection with no marked crosswalk.

Source: press release, City of Worcester, Massachusetts

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What Happens if You Are Injured in a Car Accident While Out of State?

Recovering damages for property loss and personal injury after an auto accident can be a lengthy and frustrating process, to say the least. If that car accident happened while you were out of state, recovery can be even more complex. What if you live in Ohio but were injured in Florida by a driver who lives in Virginia? In what state would the case be heard? Where would you even file?

In the case of auto accidents, state courts (where most injury cases are heard) have jurisdiction to decide cases when accidents occur on their roadways—even when the plaintiff and defendant live in different states. If it is closer, the case could also be heard in the state where the defendant lives. Be aware that you may have better luck working with police and other first responders and witnesses if the suit is filed in the state that the accident occurred. In either case, this means that you will have to travel to attend hearings. You will also have to abide by the other state's laws. For example, statutes of limitations (how long you have to file a claim) vary by state. Also be aware that you will need to secure representation in the state that you choose to file suit in.

Deciding jurisdiction in the case of a car accident can be difficult. Please call our office for recommendations on out-of-state representation. A search for "legal directory" on the Internet will return many resources.

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Dogs (and Ducks!) on a Plane



Incidents of airline passengers being attacked by emotional-support animals have doubled in recent years. The increase is due to more animals traveling in the cabin for emotional support.

Why the rise in emotional-support animals? The cost to have a pet registered as an emotional-support animal is less than \$100 online. The registered animal can then fly for free as their owner's support animal. The only requirement is that the applicant must state that they feel stress or anxiety and that their animal behaves in public. The animal, be it a dog, cat, or duck (yes, they've all flown as emotional-support animals), requires no special training. In fact, to show how easy it is to register a pet as an emotional-support animal, a news crew from Washington, D.C., successfully registered a stuffed animal.

Delta Airlines stated in a recent *Washington Post* article that these animals have been causing problems by blocking aisles, urinating and defecating in the cabin, barking and meowing, causing passengers with allergies to have reactions, and attacking both passengers and staff.

In June 2017, an Alabama man was attacked by an emotional-support dog soon after taking his seat. The 50-pound dog was seated on the lap of its owner in the middle seat when it attacked a man who was sitting in the window seat. The attack lasted 30 seconds and caused significant wounds and scarring.

On the Hunt? STAY SAFE!

In many parts of the United States, fall is hunting season. Because it requires a weapon and split-second reactions, hunting is inherently dangerous. Every season, hundreds of accidents occur.

Hunters are accidentally shot by their own weapon or that of another hunter. If you are injured by another hunter, that person can be held liable for your injuries. If the person is not licensed to hunt or not following legal restrictions, didn't use their firearm safely, or failed to act in a reasonable and safe manner while hunting, he or she may be considered negligent. Hunting accidents are typically covered by a homeowner's policy. If you are a hunter, you should contact your insurance company to make sure you are covered in case of an accident.

Not every accident is the fault of a hunter. If a manufacturing error or design defect causes a weapon to misfire, a product liability suit can be filed. Twisted ankles and broken limbs—or even death—can occur while trekking on properties that are poorly maintained. If a property owner allows hunting on their land, they are responsible to provide hunters with safe grounds and buildings.

Maternal Injury and Death

Maternal death due to complications from childbirth has been in the news frequently. Media reports by NPR and ProPublica have found that women in the United States die during childbirth more than any other developed nation. According to the Centers for Disease Control and Prevention (CDC), 700 to 900 women die annually in childbirth or from pregnancy-related causes. The CDC says 60 percent of these deaths are preventable. Women in high-poverty areas are twice as likely to die during pregnancy or childbirth, and African-American women are three times more likely to die than white women.

One of the reasons cited in media reports for high maternal death rates is that hospital care is primarily focused



on delivering a healthy baby, not on maintaining the health of the mother. Other reasons include increased maternal age, pregnancy coupled with complex medical conditions, and high prevalence of birth by C-section.

According to a Joint Commission report, which studied unanticipated events in healthcare settings that resulted in patient injury or death, cases of maternal injury and death can also be attributed to hospital staff incompetency, poor staff communication, inadequate fetal monitoring, and delayed response to emergency situations.



Red-Light Cameras Aim to Reduce Accidents, but Can Also Be a Reliable Witness

According to the Insurance Institute for Highway Safety (IIHS), in 2015, 771 people were killed and an estimated 137,000 were injured in crashes that involved running a red light. To deter drivers from running red lights, many local governments use red-light cameras. A comparison study conducted by the IIHS found that cities that had red-light cameras had a 21 percent lower fatal crash rate due to red-light running than cities that did not have red-light cameras.

The use of red-light cameras can be a deterrent to drivers tempted to run a red light, but they can help law enforcement determine the cause of an accident and help injured parties prove liability. A camera provides unbiased documentation.

An accident attorney can obtain photographic or video evidence to support your case.



A camera provides unbiased documentation.



How to Identify Nursing Home Abuse

Placing a parent or other loved one in a nursing home is hard for every family, and stories about nursing home abuse make it even more frightening.

According to the National Ombudsman Reporting System data, within the year 2014, 7.6 percent of approximately 188,599 complaints reported to Ombudsman programs involved abuse, gross negligence, or exploitation. It is estimated that many cases go unreported. Elder abuse can be physical, sexual, emotional, or come in the form of financial exploitation and theft. In the long-term-care setting, abuse can come at the hands of caregivers, but abuse by other residents is also an issue.

SIGNS OF ELDER ABUSE INCLUDE:

- Bruises, broken bones, abrasions, or burns from abuse or neglect
- Bedsores, unmet medical and hygiene needs, dehydration, weight loss
- Resident displays anxiety around caregivers
- Sudden change in financial situation, including changes in legal documents and large gifts
- Changes in sleeping or eating patterns
- Withdrawal, changes in behavior or alertness, depression

NURSING HOME RESIDENT RIGHTS:

- Private communication
- Independent decision making
- Social, community, and religious participation
- Manage personal finances
- Know medical condition and treatment and accept or refuse medication or treatment

If you or a loved one has experienced abuse or exploitation from a caregiver, please contact our office to discuss your rights.

Feeling Lost in Legal Speak?

The words *loss* and *damage* are thrown around a lot by personal injury attorneys. Aside from medical bills, you may be able to recover much more if you have suffered losses and damages in an accident. Here is just some of what is included in the terms *loss* and *damage*:

LOSS OF INCOME AND COMPENSATION

If you've been injured in an accident that causes you to miss work, you have a right to ask to be compensated for your loss. You can recover lost wages (income) and other forms of compensation that you had to use due to the accident (sick days, personal days, etc.). Loss of compensation also includes bonuses and other incentives that you would likely have received had you not been injured.

LOST FUTURE EARNING CAPACITY

If you have a long-term or permanent disability as a result of the accident, you can claim the income you could have earned had you

not been injured. Likewise, if you find that you must switch jobs and earn less money as a result, you can claim the loss.

LOSS OF CONSORTIUM

If an accident causes you to lose the ability to be intimate with your spouse, enjoy time with your family, or enjoy life in general, you can sue for loss of consortium.

PROPERTY DAMAGE

Any personal property that was damaged in an accident can be claimed.

PAIN AND SUFFERING

If you or a loved one sustains catastrophic injuries from an accident, you may receive compensation for pain and suffering.



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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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Concussions and College Athletics

College sports are a huge part of campus life and can create a lot of revenue for a college, but athletes can sustain brain injuries that last a lifetime. Chronic conditions related to head trauma include depression, headaches, memory loss, dementia, neurological problems, change in personality, and impaired judgment.

In 2014, a class-action suit was brought against the NCAA for failure to protect its athletes by providing care for those suffering concussions and head trauma. The suit resulted in a \$70 million fund to diagnose sports-related brain trauma in current and past college athletes. A positive diagnosis can allow the individual to seek damages for their injury.

Originally, only athletes in contact sports were eligible for testing through the fund, but in 2016 the agreement was modified to include all collegiate athletes. The update also required the NCAA to develop rules for return to play after a concussion and required student athletes to take a baseline neurological test at the beginning of each year.



Athletes can sustain brain injuries that last a lifetime.