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A Premier Plaintiff's Firm Recognized and Rated Over Sixty Years for the Highest Level of Legal Skill and integrity.

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Personal Injury
Wrongful Death
Auto and Truck Collisions
Medical Malpractice
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Nursing Home Negligence
Wills & Trusts
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Goldberg & Goldberg has consistently earned the Preeminent AV Rating, the highest awarded by the Lexis-Nexis Martindale-Hubbell Peer Review Ratings, based on our legal ability and devotion to professional ethics. Since Martindale-Hubbell bases assessments on surveys of members of the bar and of judges, we take pride in our colleagues' recognizing and respecting the quality of our legal work.

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WHEN BUYING AUTOMOBILE INSURANCE

Just last week, we received a phone call from a client who sustained multiple fractures to her arms and leg when another motorist crossed the center line, striking her vehicle head-on. The at-fault driver carried a minimal \$30,000 liability insurance policy with which to pay for our client's medical, hospital and surgical bills, lost wages and other expenses. Although our client purchased a \$300,000 liability policy which covered her in the event that the accident was her fault, she carried only \$30,000 in uninsured/underinsured coverage to protect herself against an uninsured/underinsured driver. As a result, she could not recover up to \$270,000 in additional benefits to which she would have been entitled had she obtained the same uninsured/underinsured coverage as liability coverage. The law requires that your insurance company offer you uninsured/underinsured coverage in the same limits as your liability coverage, but unfortunately she had waived the greater coverage in order to save just a few dollars.

The beginning of the new year is the perfect time to sit down and review your automobile insurance coverages to make sure you are properly and adequately protected.

When buying automobile insurance, most people are only concerned about the amount of their liability insurance, which represents the maximum your insurance company would pay on your behalf in the event that an accident is your fault. Understandably, everyone wants to make sure that they are financially protected in the event

that they cause an accident.

The critical error that many people make is failing to carry the same limits of uninsured/underinsured coverage to protect you, your family, and any of your passengers should you be the victims of an accident caused by an irresponsible uninsured driver or one carrying minimal coverage.

Through the years, we have represented, and continue to represent numerous clients who have sustained serious and disabling injuries due to the clear negligence of drivers who had little or no insurance.

It is extremely important for you to protect yourself by purchasing insurance coverage that is adequate to pay your medical costs, lost wages and other expenses if your are in an accident with an uninsured or underinsured driver.

Always ask your insurance agent the costs for higher coverage limits. You will likely learn that the increased coverage is well worth the modest additional premium. We strongly recommend that you carry the highest coverage you can afford. Under no circumstances should you waive uninsured/underinsured coverage even if advised you may do so. You must protect yourself from irresponsible uninsured and underinsured drivers. Sadly, we have frequently seen what happens when clients fail to protect themselves with their own insurance coverage. If you have any questions, please feel free to call us. ■

winter slips and falls

We all know that getting around during winter can be tricky when inclement weather hits. But what happens if you slip and fall on someone else's property due to ice or snow? Was it just an unavoidable accident, or was it possibly due to the negligence of the property owner?

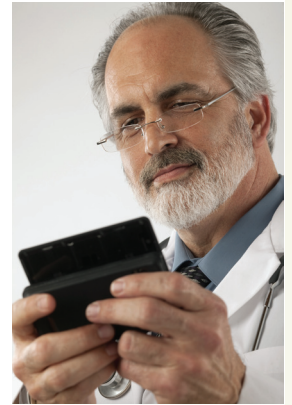
Some examples of negligence can include:

- Failing to clear sidewalks or parking lots when it is that person's responsibility to do so;
- When icy patches are left on a sidewalk or parking lot due to careless snow removal;
- If black ice is not removed when it should have been prevented in the first place;
- If structural defects, like leaks, cause unnecessary accumulation of ice.

For business owners, it only takes a handful of critical steps to avoid this type of negligence. Although it can depend on where you live, property owners are usually required to take reasonable steps immediately following a storm to clear public passageways. This includes sidewalks, parking lots, entrance areas, and exit areas. When removing ice and snow, it has to be done with consistency, so no icy patches are left behind, and the entire area must be cleared. In areas where ice will form from melting snow, substances like sand or salt must be laid down to counteract it.

It's important to note that these types of negligence cases have to be examined individually, based on the specific circumstances surrounding the fall. Pedestrians are always expected to exercise caution in the event of adverse conditions. ■

THE DISTURBING TREND OF distracted doctoring



With much of the future of medicine and science being funneled through new technology, more and more medical professionals are utilizing electronic gadgets at work. And while the benefits can be huge (for instance, having instant access to patients' medical histories through devices like the iPad could potentially enable doctors to cut down on medical errors), these devices also have the uncanny ability to distract medical professionals.

Whether it's a computer, a Smartphone or a tablet, most of these technologies have internet access and come with easy-to-manuever applications for social media sites like Facebook or Twitter. And that's on top of text messaging and personal cell phone calls.

According to a recent study on medical technicians who monitor bypass machines, approximately 55 percent admitted to talking on a cell phone during a heart surgery.

Though these distractions can become a problem for all age groups, those that seem the most susceptible to getting distracted are today's young health care professionals. Most medical professionals in this age group grew up being constantly connected through social media and cell phones, and therefore find it difficult to detach themselves from the outside world even for a few short hours.

Though the potential benefits of new technological devices in medical settings are very real, it's important to remember that they can come with unintended side effects and may ultimately be just as detrimental to patient care as they are beneficial.

Medical errors are a major problem in the United States, with some studies estimating that nearly 100,000 people are killed each year as a result of errors and hundreds of thousands more injured. If you or a loved one has been harmed by a medical error or mistake, you should consult with an experienced medical malpractice attorney to make sure your rights are protected. ■

what does your car say about you? MORE THAN YOU MIGHT THINK.

Did you know that most vehicles these days are equipped with event data recorders (EDRs), which are small devices that record important bits of data about a car at any given moment, such as its speed, whether the brakes are applied, or whether your seat belt is buckled?

The EDRs, which are currently installed in approximately 90 percent of cars, only record data for a few seconds at a time, but in the event of a crash, the device logs exactly what your car was doing in the crucial moments prior to the collision.

While some argue that EDRs enable safety researchers to get inside a crash and potentially improve aspects of the vehicle, like passenger restraint systems, others are concerned about what happens if the data from EDRs fall into the hands of others, like representatives from your insurance company.

That's exactly what many drivers are growing more wary of, since EDRs gather information that insurance

claims adjusters are looking for following an accident. In addition to the vehicle's speed, direction and brakes, the EDRs record the number of crash events that occurred and how far the acceleration pedal was compressed.

Officially, insurance companies can only access this data with the driver's consent or if required to do so by law, like in cases concerning vehicular manslaughter. In many states, though, insurance companies may have attained that consent from you when you accepted their policy and agreed to cooperate in insurance claims investigations.

As you would expect, the use of EDR data has become somewhat of a controversy, with many claiming if you drive lawfully, it shouldn't matter what the devices record or who has access to the data. There is plenty of oppositions, however, from those claiming such access is a breach of their rights by insurance companies and/or the government. ■

recent recall

Build-A-Bear Workshop® is voluntarily recalling over 20,000 swimwear accessory sets due to a strangulation hazard posed by an inflatable inner tube. The inner tube is part of the three-piece Fruit Tutu Bikini swimwear set for teddy bears, which includes a two-piece fruit-print bikini. The inner tube is 9 inches in diameter and pink with white and yellow flowers printed on it. The model number of the swimwear set is 017220, which can be found on the price sticker on the "Build-A-Bear" cardboard tag.

Consumers should immediately stop using the inner tube and return it to any Build-A-Bear Workshop® store to receive a \$5 store coupon. If it is not possible to return the inner tube to a store, consumers may contact the company for information about how to receive a refund. ■



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Important Dates – February 2012

February 2 – Groundhog Day February 14 – Valentine's Day February 20 – Presidents Day February 21 – Fat Tuesday/Mardi Gras
February 22 – Ash Wednesday February 29 – Leap Day

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winter slips and falls



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This publication is intended to educate the general public about personal injury, medical malpractice, and other issues. It is for information purposes only and is not intended to be legal advice. Prior to acting on any information contained here, you should seek and retain competent counsel. The information in this newsletter may be freely copied and distributed as long as the newsletter is copied in its entirety.

tips for using gift cards



If you happened to receive one of the most popular holiday gifts this season – a gift card – here are some tips to help you get the most out of your gift:

- ✓ Try to use it as soon as possible. It's far too easy to misplace a gift card or lose sight of it if it gets buried in your wallet or purse.
- ✓ Review the terms and conditions of your gift card to see if there are any fees associated with it.
- ✓ Remember that if you receive a gift card that is issued by one of the major credit card companies, you can use the card at any retailer that accepts their credit and debit cards.
- ✓ Don't blow your budget just because you are using a gift card. Many people end up spending far more than the value of the gift card when they use it.
- ✓ Be sure to write down the gift card number if it is from one of the major credit card companies since you may be able to get a replacement for a small fee if it is lost or stolen. Store gift cards usually can't be replaced since they are treated as cash.
- ✓ Hang on to your gift card even after you've used it just in case the retailer requires it for any returns you may have to make.
- ✓ If you have any problems with your gift card, you should contact the store or credit card company that issued it. If you still run into problems or can't get your issue resolved, contact the Federal Trade Commission at 877-FTC-HELP or our state attorney general. ■

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