



THE LEGAL INSIDER

Serving the Delaware Valley for Over 35 Years

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WHEN THE UNTHINKABLE HAPPENS --- SPINAL CORD INJURIES

Although Christopher Reeve brought national attention to the injury, most of us rarely consider the extraordinary ramifications that would occur if we were to become the victim of a spinal cord injury.

Imagine if you suffered a "complete" (meaning both sides of the body are affected equally and both sides are rendered useless) spinal cord injury. You would have NO function, NO feeling, NO sensation, and NO movement below the site of the injury. You could also suffer bladder or bowel problems, as well as sexual dysfunction and breathing problems. Needless to say, it would dramatically change your life and the lives of your loved ones who would have to care for you.

Why is a spinal cord injury so serious? Because the spinal cord and the brain make up the central nervous system in the human body. The spinal cord is a "superhighway" of sorts, through which nerve impulses travel from the brain down through the body. It is surrounded by a protective column of bones called "vertebrae." You can suffer injuries to your vertebrae such as a "broken back" or herniated disc which are generally less serious than a spinal cord injury.

The degree of severity of a spinal cord injury usually is related to the place on the spinal cord where the injury occurs – the higher up your back and spinal cord, the more damage you

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WHAT YOU NEED TO KNOW ABOUT WILLS & ESTATES

Where there is a will...there's a way...a way that is... to see your affairs handled in accordance with your wishes.

Before there is time to experience the full brunt of the loss of a loved one, family members or sometimes friends face responsibility for addressing the affairs of the deceased.



Whether the death comes following a protracted illness or as a sudden event, the aftermath becomes a minefield of paperwork, creditors, tax obligations and legal procedures. Add to that mix expectations that are not being met and/or estate administration complications and you have a recipe for family discord and potential legal action. Ask any attorney what is the key to before and after death management and you will hear a resounding, "preparation ... preparation ... preparation".

Most people are familiar with the concept of a will; however, few are conversant with the legal terms associated with the document. A few basic definitions should help erase some of the mystery.

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DANGEROUS DRUGS? It seems as though every day there is a new story about some drug that causes serious side effects, even death. Although the majority of drugs are safe and effective, many are dangerous to certain users. The following medications have all been associated with certain health problems:

Cialis, Viagra, Levitra: blindness

Celebrex, Vioxx: stroke; heart attack

Ephedra: heart trouble; hypertension

Fosamax: spontaneous fractures

Lamictal: skin disease; Stevens-Johnson syndrome

Ortho Evra, Prempro: embolism; stroke

Paxil: birth defects; addiction; violent outbursts

Rezulin (a/k/a Prelay): hepatitis; liver problems

Yasmin/Yaz blood clots; pulmonary embolism; strokes; cardiac problems

Zyprexa: diabetes; stroke

Of course, this is only a partial list, and the dangerous effects of some drugs may (as yet) be unknown. If you have reason to suspect that you or someone you love has been harmed by a medication, call us.

ADVICE FOR THE INJURED

No one wants to be injured in an accident, and no one wants to have to hire a lawyer to pursue a claim against the person who caused the injury. However, people are occasionally injured by someone else's negligence and may have to pursue a claim. If this has happened to you, keep in mind the following tips:

Be Careful To Whom you Speak

As strange as it may sound, you have to be careful who you talk to about your injuries. Of course, you are going to talk to family members and friends about what happened. Out of concern, many of them will offer you all kinds of advice about your medical care and legal matters. Although they are well-intentioned, your family and friends are not usually doctors or lawyers, and, even if they are, their advice may not be correct. Instead of relying on advice from non-experts, rely on a doctor and a lawyer you trust to help you make medical or legal decisions.

BE VERY CAREFUL when speaking with an insurance adjuster who works for the insurance company of the person who caused your injuries. No matter how friendly he or she seems, he or she works for your opponent and is trying to pay you as little as possible. The best tactic is to tell the adjuster to call your lawyer.



Keep Good Records

If you are being treated for injuries, you will generate a lot of paperwork, much of which is relevant to your case. If you can keep your records in good order, this will help your lawyer tremendously.

Of course, keep copies of medical records, especially your bills, from all of your doctors and other health-care providers. Records from your health insurer are also important.

If you have missed time from work and are trying to recover your lost wages, a pay stub showing how much you would have earned can be valuable, as is a statement from your employer

telling how much time you have missed from work. Income tax returns from current and prior years are also helpful, allowing a comparison between what you earned before you were injured and what you earned afterwards.

In addition to this, keep any documents that you receive from an insurance company, whether your own or that of the person who caused your injuries. If you receive anything in the mail that looks as if it is related to your case, hang onto it.

Help Your Lawyer to Help You

Finally, don't overlook the obvious. Make sure that your attorney has your current address and phone number, and let him know if they change. Your lawyer will do everything possible to give you plenty of notice about things he may need, and you will have to meet any deadlines the court might impose.

If you need to speak with your lawyer, make an appointment. This ensures that your attorney will have time to speak with you and will be prepared to discuss your case. Lawyers have other clients and other commitments, and "dropping by" without notice may waste your time.

Keeping all of these things in mind will help your case go as smoothly as possible and help to ensure that you recover everything that you deserve.

Be Very Careful About Posting on Social Networks

Social networks like Facebook and My Space are very popular these days. Be aware that *anything* you place on a social network might later be used against you. Insurance adjusters and attorneys frequently look at postings by those making injury claims. Courts have allowed even "private" messages between friends to be subpoenaed. Do not put anything on a social network or the internet that you might later regret.

When the Unthinkable Happens

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will suffer because everything below the injury will be affected. "Paraplegia" results from an injury to the middle of your spinal column which renders the lower part of your body paralyzed. "Quadriplegia" results in total paralysis of your body and is caused by damage to the cervical portion of the spinal cord located near your neck.

More than 450,000 Americans live with a spinal cord injury. Statistically, young males are more likely to suffer such an injury. (In fact, over 80% of spinal cord injuries happen to males between the ages of 16 and 30.) Approximately 10,000 new spinal cord injuries occur every year. Many of these injuries are caused by the negligent conduct of others.

Obviously, the financial impact of a spinal cord injury can be catastrophic. In addition to medical costs during the lifetime of the victim, there will be lost wages, loss of enjoyment of life, emotional damage, and pain and suffering. All of these can add up to a considerable amount of money.

A spinal cord injury can be linked to several different causes. Some spinal cord injuries are the result of a disease or a birth defect, such as polio or spina bifida. Medical mistakes and medical malpractice can also cause spinal cord injuries. However, most spinal cord injuries are caused by a physical trauma, such as a fall or a car accident. In fact, 36% of these injuries are the result of a motor vehicle accident.

In some cases, the trauma that causes a spinal cord injury is the result of someone's negligence. For example, if a big-rig truck driver falls asleep and runs into your car and you suffer a spinal cord injury, that truck driver and his trucking company could be liable to pay you compensation for your injuries. Or, if an obstetrician makes a mistake when delivering a baby and the baby is partially paralyzed, that doctor and the hospital may be required to compensate you for your child's injuries. If you or a loved one has suffered a spinal cord injury because of someone else's negligence, please call us to discuss your situation and legal rights. *Remember, there are strict time limits for bringing a claim, so do not delay consulting with an attorney.*

\$3.25 MILLION RECOVERY FOR BACK INJURIES CAUSED IN PA. TURNPIKE CRASH

Following 3 days of trial in Montgomery County, a \$3.25 million settlement was reached by Harry Dorian* for a 32 year-old man who suffered significant back injuries when his pickup truck was rear-ended on the Pennsylvania Turnpike near the Willow Grove exit. Our client suffered a disc herniation in the low back which ultimately required lumbar fusion surgery approximately 7 months after the accident. He later underwent implantation of a spinal cord stimulator to control ongoing pain.

Our client, who was a plumber, was unable to return to his occupation as a result of his injuries. We retained several expert witnesses, including an economist and a vocational rehabilitation specialist, to provide opinions in the case regarding the amount of past and future wage loss suffered as a result of the accident, and the level of his disability.

The defendant disputed the wage loss figures, and hired a vocational expert who gave the opinion that our client was not totally disabled, and could perform light duty, full-time work. During the trial in Norristown, Pennsylvania, following testimony from the plaintiff and some of the medical experts, the case settled for \$3.25 million, after three years of litigation.

(* Harry Dorian is a managing shareholder of Dorian, Goldstein, Wisniewski; & Orchinik. He was recently again named a "Pennsylvania Super Lawyer" as reported in Philadelphia Magazine.)

THANK YOU FOR THE REFERRALS

Unlike some law firms, we do not advertise on TV. Slick TV commercials by lawyers do not provide much information to consumers, and many of those TV ads are for lawyers and law firms not even based in Pennsylvania.

Many of our clients come to us because of a recommendation by past clients or another attorney. We are very grateful to those who have recommended our legal services. We certainly appreciate their confidence and trust.

For detailed information about our law firm and our attorneys please go to our website at www.doriangoldstein.com.



What You Need To Know About Wills & Estates

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- **Testator** - person of male gender who makes a will
- **Testatrix** - person of female gender who makes a will
- **Executor** - person of male gender designated in a will to assume the responsibility for the proper administration of the estate
- **Executrix** - person of female gender designated in a will to assume the responsibility for the proper administration of the estate
- **Bequest** - a gift by will of personal property
- **Devise** - a gift by will of real estate
- **Codicil** - a supplement or addition to a will
- **Fiduciary** - a person or entity given the responsibility to act prudently for the benefit of another, especially with regard to financial matters
- **"Issue"** - lineal descendants
- **Minor** - in Pennsylvania, a child under eighteen years of age.
- **Probate** - method of estate administration through the legal system after death

With some of the mystique removed, discussions about preparations for your incapacity or death should be less daunting. However, you want to be certain to "get it right". The importance of consulting with a knowledgeable attorney cannot be overstated. As helpful as the internet is, it will never be a replacement for documents prepared with the expertise of a lawyer. You want your will to be customized to your desires and legally enforceable. This means careful selection of language to make clear your intentions and avoid ambiguities.

The selection of your executor and designation of someone to manage the inheritance of a minor or an incapacitated person are all important considerations when making a will. You should provide alternate selections in the event your first choice is unable or unwilling to assume the responsibility.

Witnesses, signatures and notarization are all critical parts of a will. An error in any one of these has the potential for turmoil. The goal is to make a will "self proving" which requires specific provisions and formalities.

Wills can range from basic to quite complex. A simple will is frequently all that is needed to address one's desires. Distribution of assets, large or small, whether they be in the nature of investments, bank accounts, real estate, etc. can all be addressed with a simple will, as well as division of jewelry or other valuables, disposition of remains and donations.

At the time of your passing, the will becomes the roadmap for the estate administration process. The executor/ executrix takes charge to see to it that your wishes are followed. You should keep your original will in a safe place where it can be located upon your death. Generally speaking, only an original is authoritative. When you make a new will, the old one should always be destroyed.

Dorian, Goldstein, Wisniewski & Orchinik charges a very reasonable fee for preparation of a will, living will and power of attorney. For a single person the fee is \$150. For a married couple, \$250. For more than 35 years, our law firm has been helping families and individuals prepare for the future. We also provide full estate administration services. Please give us a call to discuss your needs.

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We at Dorian, Goldstein, Wisniewski & Orchinik, P.C. handle a wide variety of legal matters including motor vehicle accidents, medical and nursing home malpractice, slip and falls, wills and estates, family law, and criminal defense.

BICYCLE SAFETY

When a car or truck has a collision with a bicycle, the bicycle rider usually loses, no matter who legally had the right of way. Bicycle riders should take extra care to obey the following safety tips:

Remember: Bikes Are Vehicles, Too

Legally, bicycles traveling on a road are required to be treated in the same way as any other vehicle. This means that, as a bicyclist, you must obey the same laws as other drivers. Do not run red lights, change lanes without signaling, or commit other infractions. If you would not do it in a car, don't do it on a bike.

Always Wear a Helmet

An important way to protect yourself is to always wear a helmet when you ride. Some jurisdictions require all riders to wear helmets, but even where it is not required, wearing an approved helmet can significantly reduce the chance of serious head injuries in the event of an accident.

Be Visible

Because bicycles are so much smaller than cars and trucks, it is important to make sure that others using the road can see you. Make sure that your bicycle has reflectors on the front and back and even on the wheels. When riding at night, wear light-colored clothing and use a light.

Be Aware

The best safety advice is to be aware of the conditions around you and be very careful when riding. Always look both ways when entering a street and stay on the correct side of the street when riding. Keep a lookout for drivers who may not be looking out for you. Like other drivers, bike riders should ride defensively.

DORIAN, GOLDSTEIN, WISNIEWSKI, & ORCHINIK, P.C.

*Serving clients in Bucks, Philadelphia, Montgomery, Delaware,
Chester, Northampton and Berks Counties.*

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**** Approved Attorneys - *AARP* Legal Services Network ****