



THE LEGAL INSIDER

Serving the Delaware Valley for Over 35 Years

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"A Full Service Law Firm Serving Clients in the Delaware Valley for over 35 Years"

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FULL TORT VS. LIMITED TORT - ARE YOU REALLY COVERED?

Many of us have heard the terms "full tort" and "limited tort" and understand that they have something to do with our automobile insurance policy. What many people do not know is that if they have selected "limited tort" coverage rather than "full tort" coverage, they and their immediate family members will be severely restricted in their ability to seek and obtain any compensation for injuries caused by someone else's negligence. Selecting the limited tort option may save you a few dollars, but the rights you give up are substantial.

Normally, your automobile insurance policy will cover a pre-determined amount of medical bills, and may cover a certain amount of lost wages; however, your right to sue for your physical injuries, including pain and suffering, may well be forfeited if your policy has limited tort coverage. It is important to remember that it does not matter what type of insurance the other (at-fault) driver has, your right to recover compensation is based upon the terms of your own automobile insurance policy.

If you selected the limited tort option, the insurance company for the at-fault driver is only obligated to compensate you for pain and suffering if those injuries cause a "serious impairment of a bodily function" or involve noticeable scarring or disfigurement. The meaning of "serious impairment of a bodily function" is the subject of many court decisions in Pennsylvania; however, courts have held that even a fractured

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CHOOSING A NURSING HOME?

It can be a very difficult and confusing task trying to select a nursing home for a loved one. Of course, it is important to pick a nursing home which will provide safety and quality care. Nursing homes must comply with federal and state regulations regarding the type of care and environment they provide to residents. Inadequate care can lead to serious problems, including injuries caused by falls, pressure ulcers and nutritional deficiencies. The Pennsylvania Department of Health is responsible for oversight of licensed nursing homes in Pennsylvania. Surveys and inspections are conducted periodically and reports are issued by the Department of Health about violations and deficiencies. For survey findings and other important information about nursing homes in Pennsylvania, go to the Department of Health website at www.health.state.pa.us, scroll down and click on "nursing care facilities".

NEW LAW ON LIVING WILLS

The language of Pennsylvania's recently updated law on living wills starts with the clear reminder that "You have the right to decide the type of health care you want." The new law, which went into effect in January 2007, does not make your existing living will invalid, but it clarifies and expands the previous preferred legal format for living wills.

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RECENT VERDICTS AND SETTLEMENTS

\$600,000 RECOVERY FOR INJURIES IN A FALL ON BLACK ICE

Nathan M. Murawsky recently obtained a \$600,000.00 settlement for a 65 year-old female who was injured in a fall at a Philadelphia strip mall in December 2003. The fall occurred because the business at the strip mall and the property

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\$800,000 RECOVERY FOR FOOT INJURIES IN TRUCK /PEDESTRIAN ACCIDENT

Harry Dorian recently obtained an \$800,000 settlement for a 60 year-old woman whose feet were run over by a box truck at the corner of 7th and Chestnut Streets in Philadelphia, Pennsylvania. As she was crossing Chestnut Street a delivery

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THANKS FOR REFERRALS

Despite the modern age of marketing and advertising, the best source of our new business is word of mouth. We are grateful that many of our clients and friends feel confident in recommending our firm. Unfortunately, when many people need a good lawyer, they do not know where to turn. If you or someone you know needs legal help, please call us.



\$800,000 RECOVERY FOR FOOT INJURIES IN TRUCK /PEDESTRIAN ACCIDENT

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truck making a left turn from 7th Street ran over both of her feet. The truck driver denied any responsibility for the accident, claiming that our client negligently stepped off the curb without looking, walking directly into the truck's path. Our client testified that she had taken several steps in the cross-walk before she was struck.

Her injuries included several fractures to both feet. Ultimately, she required surgery to her right foot (including an amputation of her right great toe). She was out of work for approximately six months, but fortunately she made a fairly good recovery, eventually being able to return to work and walk normally; however, she still experiences periodic pain and numbness in her right foot.

A lawsuit was filed and pursued against the truck driver and his corporate employer. After one year of litigation, shortly before a scheduled jury trial, a lump-sum settlement was reached in the amount of \$800,000.

DORIAN, GOLDSTEIN RECEIVES TOP RATING

We are very proud that our law firm has again received the highest possible rating ("AV") by Martindale-Hubbell for high professional legal

standards and ethical integrity. The firm has been listed in the 2007 Bar Register of Preeminent Lawyers (91st Edition).

Fewer than 5% of all law firms in the United States qualify for an "AV" rating, which is based upon a confidential peer-review survey of practicing attorneys and judges.

We also congratulate Nathan Murawsky who has been named a 2007 "Pennsylvania Rising Star Pa. Super Lawyer" by Philadelphia Magazine, based upon a survey of practicing attorneys in Pennsylvania. Mr. Murawsky handles serious personal injury matters and has been practicing law for more than 12 years.

FULL TORT VS. LIMITED TORT - ARE YOU REALLY COVERED?

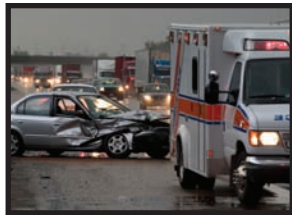
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skull, ruptured lumbar disc and a broken neck were not serious enough to meet the limited tort threshold. Therefore, those injured victims were not entitled to compensation from the other driver, despite the serious nature of their injuries. What is clear is that absent horrendous or catastrophic injuries, the other driver's insurance company will claim that your injury does not meet the "serious impairment" standard which would allow you to seek compensation.

What this means to you (and your spouse and children) is that if you have chosen limited tort coverage, and you (or they) are injured in an automobile accident, it is possible that you will be unable to recover any money for your injury, even if you experience significant pain, suffering and disability. Remember, the coverage you choose will normally also bind your spouse and minor children if they are injured in a motor vehicle accident.

Many of our clients believe that they have "full coverage", even though they have unwittingly chosen "limited tort" coverage. We at Dorian Goldstein strongly recommend that you review your automobile policy as soon as possible to see whether you have "limited tort" or "full

tort" coverage. If you have limited tort coverage, we suggest that you call your insurance company immediately and ask them to change your coverage to the full tort option. While it may cost a bit more to



make this change, you will be glad you did if you or a family member is injured in an automobile accident. Since there are several exceptions to the limited tort law, please contact us immediately if you are injured in an accident and feel free to call us at (215) 750-7200 to discuss any questions you may have regarding your existing auto insurance coverage, and the rights you and your loved ones have (or do not have) under your current policy.

EXAMINE YOUR AUTO INSURANCE COVERAGE

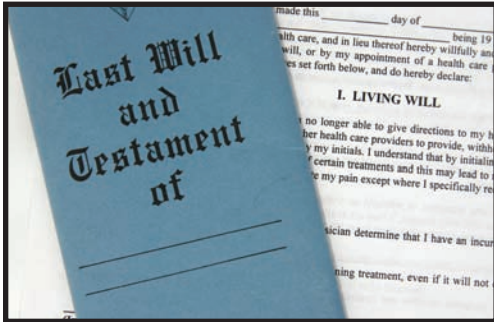
With most health insurance companies capping maximum lifetime benefits, and now that HMOs are allowed to seek reimbursement for medical bills, it is wise for Pennsylvania consumers to examine their choice of medical benefits coverage

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NEW LAW ON LIVING WILLS

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“Living wills” are not really wills at all—they have nothing to do with passing on your money and assets to your heirs. Instead, living wills are documents that state your preferences for end-of-life medical care.



The new law renames the recommended document title. The new title, “Durable Health Care Power of Attorney and Health Care Treatment Instructions,” more accurately describes the far more comprehensive document now recommended for use by Pennsylvania residents. The new document covers not only end-of-life decision making, but also permits you to appoint a health care agent to make medical decisions for you even if your condition is not life threatening. It also permits you to give specific directives and requests to your health care providers, as well as to include language regarding organ donation.

Because the newly recommended language for living wills is substantially expanded in the new law, it is a good time to review your living will or, if you do not have an existing living will, to arrange to draft one. All medical directive documents

are an important part of your health care and financial planning and should be tailored to your specific personal preferences, as well as to your health care philosophy and spiritual beliefs.

NEED A WILL?

Simple Will - Individual \$35.00
(includes Living Will and Power-of-Attorney)

Simple Wills - Married Couples \$50.00
(includes Living Wills and Powers-of-Attorney)

For your own peace of mind, please call us at (215) 750-7200 to have these important documents prepared for you.

EXAMINE YOUR AUTO INSURANCE COVERAGE

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under their automobile insurance policies. All Pennsylvania automobile policies must provide a minimum of \$5,000 in medical coverage. Especially if you have HMO health coverage, consider boosting your medical coverage under your automobile policy now. The change is often very affordable, and it is wise to maximize the medical coverage available to you for automobile accidents.

DID YOU KNOW?

The IRS recently began a pilot project that uses private debt-collection agencies to collect back taxes. The controversial program will employ three private collection agencies to target 40,000 delinquent accounts of taxpayers who are in the red to Uncle Sam for \$25,000 or less. The agencies get to keep up to 25% of what they collect.

Criticism of the program includes the fear that tax delinquents will be harassed illegally, even though the agencies will be subject to fair debt collection laws. There is also concern about turning over sensitive personal and financial information to private companies.

If you are one of the 40,000 accounts targeted, the IRS must inform you in writing. However, you will be allowed to opt out at that time and deal directly with the IRS.

They Said It

The following things were actually said by people in courtrooms across the country.

Q: Mrs. Jones, is your appearance this morning pursuant to a deposition notice which I sent to your attorney?

A: No. This is how I dress when I go to work.

Q: Trooper, when you stopped the defendant, were your red and blue lights flashing?

A: Yes.

Q: Did the defendant say anything when she got out of her car?

A: Yes, sir.

Q: What did she say?

A: What disco am I at?

Learn more about us on the web at

www.doriangoldstein.com

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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, family law, criminal defense and wills and estates.

\$600,000 RECOVERY FOR INJURIES IN A FALL ON BLACK ICE

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owner both failed to correct problems with a over head sign that leaked and caused a patch of ice to form on the sidewalk. This fact was verified by an independent witness at the scene who described the patch of ice and the condition of the sidewalk.

As a result of the fall, the plaintiff sustained injuries to both her knees requiring knee replacements. Due to the increase strain on her shoulders while rehabilitating her knees, preexisting but asymptomatic arthritis in the shoulders was aggravated to the point of requiring additional surgery. The treating orthopedic surgeon believed that all of the injuries stemmed from the fall and that the condition would only worsen over time.

After two years of litigation, the case was resolved the day before trial. The settlement provided not only for coverage of medical bills and lost wages, but also covered future wage loss until retirement and compensation for the pain and suffering involved with her multiple injuries.

If you have been injured in a slip and fall accident, it is very important that you contact an attorney immediately, since it may be necessary to conduct a prompt investigation and obtain photographs of the accident scene in order to preserve crucial evidence.

DORIAN, GOLDSTEIN, WISNIEWSKI, & ORCHINIK, P.C. Three Convenient Locations

2410 Bristol Road
Neshaminy Valley Commons
Bensalem, PA 19020
(215) 750-7200

2499B Aramingo Ave.
Port Richmond Village
Shopping Center
Philadelphia, PA 19125
(215) 425-5555

44 E Court Street
Doylestown, PA 18901
(215) 750-7200

**** Attorney Members - AARP Legal Services Network ****