

BACK ON TRACK

Shapiro, Cooper, Lewis & Appleton, P.C., NEWSLETTER
Attorneys At Law



FALL 2009

LAWYERS

RICHARD N. SHAPIRO
(VA, WV, DC, NC)

Board Certified as Civil Trial Advocate by
the National Board of Trial Advocacy

JOHN M. COOPER
(VA, NC, WV)

JAMES C. LEWIS
(VA, NC)

RANDALL E. APPLETON
(VA, NC, SC, WV, KY)

EMILY MAPP BRANNON
(VA)

Of Counsel:
FRANCIS P. HAJEK

1294 Diamond Springs Road
Virginia Beach, VA 23455-3701
757-460-7776
800-752-0042

101 East Elizabeth Street
Elizabeth City, NC 27909
800-752-0042

E-mail us at
HSInjuryLaw.com or
Carolina.HSInjuryLaw.com

View our law blogs at:
virginiabeach.injuryboard.com
norfolk.injuryboard.com
northeast-nc.injuryboard.com
Trucking accidents/Injuries:
virginiatruckingaccidents.com

INJURY PRACTICE

- Free consultation
- Home appointments available
- 24-hour emergency service
- No recovery, no fee.
We do not get paid unless you do.

MERCHANTS OF INTERSTATE DEATH OR INJURY **Wrong-way-drivers—usually drunk or drugged**

by Richard N. Shapiro

The recent New York State case involving a mother who was allegedly drunk and stoned highlights the outrageous dangers of wrong-way drivers.

If you have ever been driving on an interstate highway, like on I-64 or I-95, and suddenly noticed headlights coming in your direction, on your side of the highway, you may have experienced one of the scariest things that happens when driving on an interstate highway: a drunk or drugged wrong-way driver! My wife was driving in broad daylight on Interstate 64 near Richmond, Virginia, with my daughter when she suddenly noticed a lunatic driver coming straight toward her in a different lane, traveling in the wrong direction, and she watched several cars in what seemed like slow motion

(continued on page 2)

CURRENT CASES WE'RE WORKING ON

- Representing a woman with massive injuries from railroad-crossing collision of a train and a church van.
- Four medical-mistake cases in which clients were undergoing laparoscopic hysterectomies and the surgeon mistakenly cut the ureter (controls the flow of urine), resulting in major medical complications.
- Fourteen-year-old North Carolina girl was seriously injured when an SUV driver struck her bike. The young girl suffered a broken leg, broken jaw, broken clavicle, and broken arm, resulting in months of missed time in school.
- Railroad conductor/switchman suffering a blood cancer after working around radioactive substances, especially near the Oak Ridge nuclear-weapons facility in Tennessee.
- Several cases involving vehicle collisions which occurred on local interstates, pending in courts in Virginia Beach, Chesapeake, and Norfolk, Va., as well as car-accident cases involving Northern Virginia, Richmond, and eastern North Carolina.
- Railroad engineer disabled from cumulative trauma of repetitive types of railroad work, resulting in neck and back surgeries.
- Wrongful death of a woman struck by a car while riding as a passenger on a moped.
- Young man struck by a woman who ran a red light, causing serious brain damage.
- Several railroad-worker cases filed under the Federal Employers Liability Act involving injuries caused by track obstructions, poor walking conditions, defective locomotive parts, as well as railroad-crossing collision cases pending in Southeast U.S. courts.
- Trip and fall in North Carolina of a contractor at a hotel where the steps were of uneven construction, resulting in broken bones.
- Case involving a gynecological surgery in which the surgeon perforated/cut the bowel and did not realize it, resulting in horrible medical complications.
- Case involving an active military man who was injured in a fire at a shooting range recently settled. Cleaning up after customers use bays is essential because certain guns leave behind residue that is highly combustible. If the casings are not properly discarded, then the next person to use that bay could be at risk, which is what happened in this case and the entire bay area "blew up."
- During childbirth, a baby suffered shoulder dystocia (shoulder temporarily stuck in birth canal), resulting in severe nerve damage and some paralysis that limits arm motion.

ALL WE DO IS INJURY LAWSM
HSInjuryLaw.com

MERCHANTS OF INTERSTATE DEATH OR INJURY...

(continued from front page)

veering out of the way—all in broad daylight. More deaths and serious injuries occur than you think which are due to wrong-way drivers. Many of these wrong-way drivers are seriously drunk and cause terrible injuries or deaths.

One of my lawyer safety-advocate colleagues and Injuryboard editor friend, Steve Lombardi, has written some interesting articles about wrong-way driver-safety steps that have been taken. The German government has a safety plan that Steve Lombardi outlined in a major article on wrong-way drivers that I excerpt below:

“Wrong-way drivers on the autobahn (“ghost drivers”) trigger a radio announcement that interrupts whatever you’re listening to, warning you of the situation and that car’s approximate location. That way, you can pull off onto the shoulder and keep a close eye out for someone coming from the opposite direction at well over 100 mph on your side of the road.”

A geister fahrer—which translates from German into “ghost driver”—is a driver who drives in the wrong direction on an autobahn, often with headlights turned off at night. It’s usually a drunk driver but can also be a thrill seeker, suicide attempt, or horrendous driver error.

In November 2006, there was just such a head-on collision caused by a wrong-way driver of a Toyota Tacoma on I-64 near York, Virginia. The driver of the Ford Econoline van was killed in the wrong-way wreck, according to Virginia State Police Sergeant D. S. Carr.

Many of the personal injury lawyers who serve as editors on the Injuryboard blog network take the time to search for creative ideas that are being looked at to avoid serious injuries and to prevent wrongful death. I applaud Steve Lombardi for taking a different look at things and asking questions when he doesn’t know the answers. I personally had never heard of the phrase “ghost driver,” nor have I heard of the German autobahn system to warn oncoming traffic. I plan to address wrong-way drivers in a continuing series of articles. Maybe there are ways to save some lives.

Wii CARE!



Firm attorneys **Shapiro and Brannon** presented a Nintendo Wii system to Lake Taylor Rehabilitation Center’s recreation director. The Norfolk, Va., hospital serves many stroke and paralysis patients. Within minutes, 15 wheelchair-bound patients were either playing or watching. The donation was an instant success! The firm also donated another Wii system to the Norfolk Ronald McDonald House.

MEDICAL MALPRACTICE—SURGICAL ITEMS LEFT IN PATIENTS

Every year, doctors/surgeons leave more than 1,500 items inside their patients by accident, according to WebMD. These items include surgical medical clamps, needles, knives/knife blades, and sponges or towels. While some of the surgical tools are found quickly following patient pain and an x-ray, others are left for months or years, causing a second surgery or causing major medical complications such as infections. Sponges are particularly problematic, because they cannot be easily discovered except by reopening the surgical cavity, and Virginia law (like the law in some other states, such as North Carolina) does provide a special extension of the statute of limitations when the existence of the surgical tool or material is discovered at some later time.

The Agency for Healthcare Research and Quality estimates that surgical items are retained in one in every 100 to 5,000 surgeries. However, the number is hard to calculate because some items will sit dormant in the body for long periods of time without ever causing the patient pain.

A study in the January 16, 2003, issue of the *New England Journal of Medicine* sought to uncover some of the factors that increase a patient’s risk of having a sponge or other surgical item left inside them. Researchers found that emergency surgery increased the risk of retention by almost 900 percent and

unexpected changes in the surgical procedure more than tripled the odds of object retention.

Other studies have suggested that item retention is due to surgical precautions not being followed. Most commonly, a sponge miscount occurs. Four counts of the sponges are recommended. The first should occur when unpackaging the surgical tools/instruments. Before a surgery, one of the nurses attending the operating room is responsible for the second count of the sponges/towels. The third count should occur before the surgical cavity is closed. And a final count should follow the surgery, when the same nurse is responsible for counting the sponges again to ensure that none were left in the surgical cavity. Error occurs, however, when the initial count is misreported, a simple miscount occurs, or the sponge tears or rips inside the surgical cavity in the body and falls apart.

New technologies such as CT scanning, ultrasonography, and RFID tagging of the sponges are being developed to aid sponge counting.

If you or someone you know has suffered injuries due to a surgical tool, instrument, or sponge left in the body, or as a result of other medical malpractice by a doctor or physician, please contact our law firm, where you will receive a consultation at no charge to you.

AUTO ACCIDENTS

Time is of the essence

Anyone who is involved in an automobile accident should obtain medical care right away.

It is also wise to seek an experienced attorney's advice quickly as well. Here are two good reasons:

1 Serious injuries can take time to develop. Signing a medical release immediately after a potential injury may prevent a victim from obtaining compensation for a medical condition that shows up weeks or months later. An attorney can refer a victim to capable physicians or specialists for diagnosis and care, which cannot always be obtained in an emergency room.

2 When several people—drivers, passengers, and even pedestrians—are involved in a serious auto accident, injury compensation

can reach insurance policy payment limits quickly. In some cases, victims who believed that medical, rehabilitation, and other bills would qualify failed to receive payment because insurance dollars simply ran out.



Firm attorneys picked as Virginia Super Lawyers and by Best Lawyers in America 2010 edition

Both **James C. Lewis** and **Richard N. Shapiro** are attorneys with our injury law firm honored to be selected by our peers to the 2010 edition of the *Best Lawyers in America* publication (Lewis for injury law, Shapiro for railroad injury law). It is important to note that the lawyers listed in *Best Lawyers* have no say in deciding which specialties they are included in. They are voted into specialties entirely as a result of the votes they receive from their peers. The subspecialties listed after their names are based on information from a variety of sources. *Best Lawyers'* Web site claims it is the oldest and most respected peer-review publication in the legal profession.

Also, **James C. Lewis** and **Richard N. Shapiro** were selected as Virginia Super Lawyers in 2009, and, notably, **Jim Lewis** has been selected continuously since 2006. Fewer than 5 percent of attorneys practicing in personal injury law are selected as "Super Lawyers"; visit the official site for more details.

While honors are certainly great, we never forget that helping clients in a professional, ethical way is why we come to work every day!



Super Lawyers

Big-truck injury accidents

Big commercial vehicles get into more than 500,000 traffic accidents annually...and accident numbers have been increasing. More than 5,000 Americans die in car-truck accidents each year.

The industry lobbies for relaxing truck-safety rules and regulations to maintain acceptable profits.

Most big-truck accidents result from driver fatigue, trailer overload, speeding or other driving violations, or negligent truck maintenance.

A slow-moving semi

A college employee died in a collision when she drove into the back of a semi traveling at a speed far below the legal minimum. Her estate's attorney sued the driver of the tractor-trailer and his employer, alleging the employer was liable for the driver's failure to maintain the proper speed. The parties settled before trial.

If you or a loved one has been injured in a commercial trucking accident, obtain legal counsel to protect your rights.

NEW TRUCKING ACCIDENT BLOG SPONSORED BY LAW FIRM

virginiatruckingaccidents.com

Our firm is sponsoring an Internet law blog devoted to trucking accident prevention and safety and will be contributing articles that involve trucking accident safety issues, safety on the highways, and what to do if you or a family member is injured in any sort of truck accident, whether in Virginia (VA) or Carolina or beyond.



**SHAPIRO, COOPER,
LEWIS & APPLETON, P.C.**
Attorneys At Law
1294 Diamond Springs Road
Virginia Beach, VA 23455-3701
1-800-752-0042
Fax: 757-460-3428

Designated Legal Counsel: BLET, TCIU

BACK ON TRACK

Shapiro, Cooper, Lewis & Appleton, P.C., NEWSLETTER

PRESORTED
STANDARD
U.S. POSTAGE PAID
MAILED FROM ZIP CODE 17604
PERMIT NO. 242



Visit our Web site!
HSInjuryLaw.com

© Copyright 2009. Newsletters, Ink. Corp. Printed in the U.S.A. www.NewslettersInk.com

The information included in this newsletter is not intended as a substitute for professional legal advice. For your specific situation, please consult the appropriate legal professional.

Web Site Visit Contest **Win a flat-screen TV or iPod Touch!**

Win an iPod Touch (we are giving away two) or the ultimate prize: a flat-screen HDTV (42" and fully functional with audio!).

Because we have two fantastic injury law/health and safety Web sites, and also edit three Injuryboard Web sites, we are noted authorities on injury law and health and safety, and have written hundreds (yes, hundreds!) of injury-law articles and blog posts. We want our news-

letter recipients to know about our great Web sites! To qualify for the great Web Site Visit Contest prizes we are offering, all you need to do now is visit our main law firm Web site, at the address below, and complete the **Web Site Visit Contest** online form. **We will automatically enter you** in the next scheduled contest "blind" drawing, with drawing dates set forth online, and winners will be announced in our upcoming newsletters.



To qualify, go to HSInjuryLaw.com, then click on "Web Site Visit Contest" and enter to win!

FREE CONSULTATION • 800-752-0042 • HSInjuryLaw.com