

BACK ON TRACK

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

Formerly Hajek, Shapiro, Cooper, Lewis & Appleton, P.C.



SUMMER 2008

Brought to you by
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PERSONAL INJURY PRACTICE

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We do not get paid unless you do.
- Trial attorneys

Labor Day holiday brings major increase in car accidents and deaths on the highways in Virginia, and elsewhere

Most of us take advantage of Labor Day weekend by enjoying the last bit of summer before we welcome the fall season. Oftentimes this involves cookouts, parties, and other gatherings to celebrate the three-day weekend. Unfortunately things don't always go as planned. Frequently accompanying a holiday is an increase in car and truck accidents and related injuries and fatalities. In many cases, this is due to an increase in alcohol consumption and the recklessness involved with drinking and driving, perhaps even more at beach and waterfront areas, such as Virginia Beach, Norfolk, and Hampton.

This increase in car accidents and fatalities during holiday weekends is not a matter to be taken lightly. Labor Day weekend 2007 produced more motor vehicle-related fatalities in Virginia

than any other Labor Day in the past ten years, with 19 persons losing their lives due to someone's alcohol consumption, speed, inattention, or inexperience. Among those killed and suffering personal injury in these accidents were people of all ages, creeds, and economic classes.

During the holiday weekends, please remember to take care when driving. About 30 percent of traffic fatalities each year in Virginia are alcohol-related; so remember, don't drink and drive. And if you or a loved one has been the victim of someone else's negligent driving choices, please contact our personal injury law firm, **Shapiro, Cooper, Lewis & Appleton**, to talk about your rights, as we offer a free initial consultation. Again, "All we do is injury law," every day, every year.

John Cooper elected Chair of the Railroad Law Section of the American Association for Justice

John Cooper was recently elected the Chair of the Railroad Law Section of the American Association for Justice (AAJ) at the annual meeting of the group in Philadelphia, Pa. John will serve as the Chair for 2008-2009. AAJ, formerly known as the Association of Trial Lawyers of America (ATLA), is the preeminent plaintiff's injury bar in the country. **Rick Shapiro** of **Shapiro, Cooper, Lewis & Appleton, P.C.**, previously served in the same capacity as Chairman of the Railroad Law Section of ATLA.

The Railroad Law Section is comprised of attorneys across the country who have practices which focus on Federal Employers Liability Act cases (FELA) and highway/railroad grade crossing accidents. Each year, the Railroad Law Section of the AAJ puts on educational seminars for lawyers, teaching them how to better handle cases against railroad companies on behalf of workers and the general public who have been hurt or had family members killed by rail accidents.

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WHAT IS A *Trial lawyer?*

Trial lawyers help obtain access to our civil justice system for the powerless in America—working families, individual workers, and consumers who often lack the resources to take their grievances to court.

Trial lawyers play a valuable role in protecting the rights of American families. They champion the causes of those who deserve redress for injury to their person or property; they promote the public good through their efforts to secure safer products, a safe workplace, a clean environment, and quality health care; they uphold the rule of law and protect the rights of the accused; and they preserve the constitutional right to trial by jury and seek justice for all.

The kinds of cases that trial attorneys handle include:



• *A child paralyzed after being struck by a drunk driver.*



• *A young woman unable to have children because of a medical mistake.*



• *A person denied a promotion because of racial discrimination.*



• *A community whose water was made toxic by a local manufacturer.*



• *An elderly man mistreated in a nursing home.*



Auto accidents

PARKING BRAKES

Vehicle parking-brake systems usually work well. But like most other automobile elements, design, manufacture, and poor maintenance can lead to malfunction. Driver, passenger, or pedestrian injury or property damage may result.

Here are some instances:

2005—Toyota recalled more than 20,000 Tacoma trucks with ineffective parking brakes.

2005—Owners of General Motors cars, trucks, and SUVs filed a national class-action lawsuit after being charged to replace defective parking brakes.

2004—Hyundai Motor Co. recalled minivans with defective parking-brake cables.

2004—Jaguar Motor Company recalled vehicles with electronic sensors that locked parking brakes while cars were moving.

If you or someone you know has sustained a personal injury or property damage from a parking-brake incident, consider obtaining legal counsel.

John Cooper elected Chair of the Railroad Law Section of the American Association for Justice

(continued from front)

The Railroad Law Section of AAJ is also active in promoting federal legislation protecting the rights of railroad workers and the general public. For example, a clarification was passed last year in Congress confirming that victims of rail-crossing accidents still have the right to file suit in state court, even though some judges had been throwing cases out based upon an argument called “preemption,” saying that these cases could not go forward. AAJ fights to keep the courts open to the public for the right to address wrongs, when some big companies like railroads try to close the courthouse down.

John Cooper enjoys doing public service, especially when it comes to helping consumers and workers in rail-accident cases. John also enjoys getting a chance to interact with some of the top attorneys across the country in the field of railroad law and to exchange ideas and strategies with them. This kind of work is an important part of what we do at **Shapiro, Cooper, Lewis & Appleton, P.C.**, which we believe separates us from other law firms doing FELA and personal injury litigation.

FOR YOUR SAFETY

Recalled product roundup

Here are some recently recalled products you may have in your home or at work:

- ✓ **Connecticut Electric & Switch Mfg. Co.** has recalled 64,000 counterfeit “Square D” Circuit Breakers, which may fail to operate properly and burn consumers.
- ✓ **Target Stores** has asked buyers to return 40,000 Home Patio Sets. Weakened front-end arm rests can collapse and injure users.
- ✓ **Bumbo International**, a South African firm, has recalled 1 million “Baby Sitter” Seats. If placed on elevated surfaces, the seats may allow children to arch their backs, flip out of the seat, fall to the floor, and suffer serious head injuries.
- ✓ **Alltrade Tools, LLC**, wants 800,000 battery chargers supplied with certain Kawasaki Power Tool Kits returned. If used with incompatible chargers, battery packs can overheat, melt, or explode, bruising, lacerating, or burning users.
- ✓ **Dunkin’ Donuts, LLC**, has recalled 1 million free-giveaway Pink and Orange Glow Sticks. Caps and lanyards can detach and choke or strangle young children.
- ✓ **Huffy Corp.** has voluntarily called back 22,000 2007 Huffy “Howler” and “Highland” bicycles, whose pedal cranks can unexpectedly detach and harm riders.



OUR FREE REPORTS BY E-MAIL OR MAIL

Just call us toll-free at 800-752-0042 (ask for our receptionist) to receive your copy of these new specially drafted reports for our clients and newsletter recipients:

- What Railroads Do Not Want Injured Railroad Workers To Know About Their Rights if Injured on the Job
- Why It Pays for Railroaders and Their Families to Employ Our Firm for Their Automobile Accident Cases
- Electrical Shock Injury In Hotel Shower Ends Commercial Pilot’s Career—Settlement Just Before Trial
- Tractor Trailer Accidents—Danger on the Highways
- Are Government Subsidies to Railroads Serving the Public Interest?

Simply provide us your mailing address (or at night, leave a voice message slowly and clearly with your name and address), or provide us an e-mail address if you prefer e-mail.



TEEN DRIVERS

Trust but verify

Although parents do their best to see that family teenage drivers are well-trained, teens remain a high-risk category.

Why? Newly licensed teen

drivers are still in the process of learning good driving skills.

Teens often underestimate hazards and take risks. Further, young drivers may be distracted by friends in the vehicle or by talking or messaging on cell phones while driving.

According to the Centers for Disease Control, for each mile they drive, teenage drivers aged 16 to 19 are four times more likely than older drivers to have an auto accident.

Protect your young drivers

Parents can take a number of steps to safeguard teen drivers:

1. Let them know you can always pick them up anywhere, anytime, day or night.
2. Set rules for nighttime or weekend driving.
3. Have parties at your home to keep teens off roads during high-accident times.
4. Make teens promise to always wear seat belts.
5. Restrict passengers to one or two other teens.
6. Make teens promise not to use a cell phone while driving.
7. Drive with teens to monitor their driving habits.
8. Serve as a good driving role model.
9. Have teens pay for their driver’s insurance.
10. Keep any vehicle teens drive well-maintained.



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The higher duty owed by railroads

Railroads owe their passengers a heightened duty of care. Typically, two people passing on the street only owe each other a "duty of reasonable care." This means that we owe each other a duty to act reasonably to make sure that the other person doesn't get injured. This duty applies to drivers on the road, doctors performing surgery, and landlords repairing parts of their buildings.

But railroads are part of a special class of people called "common carriers." This class includes railroads, airplanes, taxis, etc., and requires that they exercise extreme caution and diligently guard against dangerous conditions. In most cases, even the smallest level of fault on the part of a railroad results in legal liability if the passenger is harmed. This is true even if the injury was partly caused by another party.

Duty to passengers

As a passenger, you've purchased a ticket to ride the train to a certain destination and you have a right to expect that you'll be safe during this journey. This doesn't mean that the railroad has to absolutely guarantee your safety under any and all circumstances. If some unusual or unpredictable event occurs that causes harm to the passengers, it may be that the railroad had no duty to guard against the possibility. But, under most ordinary circumstances, the railroad has a duty to protect you.

The railroad owes its passengers a duty to carefully operate, inspect, and maintain their equipment.

Particular caution must be taken by the train to protect you when you're getting on or getting off the train. This means that the doors, handrails, steps, etc., must be safely designed and properly maintained so that you can exit safely.

MAGAZINE CONTEST

The SCLA "Win a Magazine Subscription" continues! Answer the trivia question below by the deadline receipt date of September 30, 2008 (must be received by this date), and win a one-year subscription to one of many popular magazines!

QUESTION:

During the U.S. Civil War, Union soldiers hijacked the _____ in a failed attempt to blow up a Confederate bridge.

ANSWERS: A) Rocket B) Puffing Billy,
C) General D) Jupiter

E-mail your answer to
cindy@hsinjurylaw.com.
Include in subject line:
Magazine Contest.