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UNDERSTANDING YOUR CAR INSURANCE POLICY

By Jim Lewis, Firm Attorney

The Virginia personal injury attorneys with our law firm routinely work with clients who come to us without fully understanding what their car insurance policy covers. Many think that simply having an insurance policy, regardless of the coverage details, provides them all the protection they will need if they cause or are the victim of a car accident.

To clarify matters, this article breaks down the key provisions of typical Virginia car insurance policies. Feel free to share this information with your friends and family.

Liability coverage

The liability portion of your car insurance policy provides coverage in case you caused an accident that resulted in injuries to another person or damage to someone else's vehicle or property. Making a claim against liability coverage can get confusing, though. Usually, insurance companies define liability protection as 25/50, 50/100, or 100/300. These numbers represent the amount of money the insurance company will pay to cover the claim. For example, if you have 25/50 coverage, your policy will pay up to \$25,000 per person injured, with a maximum claim limit (i.e., a ceiling) of \$50,000 per

accident. So, is a 25/50 policy enough coverage? In the opinion of this Virginia personal injury lawyer, probably not. In fact, even the 100/300 coverage limit is rarely adequate because you cannot predict how serious a car crash will be. If you are involved in a major wreck that causes substantial damage and serious personal injury, that 25/50 coverage will get gobbled up rather quickly. This is especially true if the victim has to stay in the hospital for an extended period.

When buying liability coverage, keep in mind that once your insurance coverage limit is reached, the rest of the financial burden for paying any damage settlement or verdict will fall to you. This means that if you have a 50/100 policy and get into a car crash that results in \$150,000 worth of medical bills to the person you hit, you could end up on the hook for as much as \$100,000. That sum could potentially be garnished from your wages, or a lien could be put against your house. This is why it is important to increase your coverage limits. But do not fret. Increasing your coverage usually does not mean you'll have to pay a huge additional premium. Just call your insurance agent or price it on the Internet.

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Two firm attorneys named as "Virginia Super Lawyers" and firm included in "Best Law Firms in America" (2011)

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STUDY:

New teen North Carolina drivers more likely to crash

By Richard N. Shapiro, Firm Attorney

As experienced North Carolina accident injury attorneys, my colleagues and I have known for some time that inexperience is the cause of wrecks. The extent to which this is true was recently made apparent in an analysis published by the AAA Foundation for Traffic Safety. The foundation's review revealed that teen drivers in the Tar Heel State are about 50 percent more likely to crash in their first month of driving than they are after a year of driving on their own.

Researchers wrote that three common mistakes—failure to reduce speed, inattention, and failure to yield—accounted for 57 percent of all crashes in which teens were at least partially responsible during their first month of licensed driving.

More precisely, the research pinpointed how some kinds of crashes occurred at relatively high rates initially, and declined sharply with experience. These included crashes involving left-hand turns.

“We know that young drivers’ crash rates decrease quickly as they gain experience. What our new study tells us is that there are a

few specific abilities that we could do a better job of helping teens develop before they begin driving independently,” said AAA Foundation President and CEO Peter Kissinger.

Although many teens learn through their mistakes, too many don't survive the learning curve. In 2009 we reported the alarming trend in North Carolina of rising teen traffic-accident deaths. Many of those fatalities were linked to speeding. While driving too fast can be dangerous for all drivers, it has proven particularly lethal for inexperienced teen drivers.

According to a survey in early 2011 conducted by the Center for Injury Research and Prevention at Children's Hospital of Philadelphia, almost two-thirds of teen drivers' wrecks were not caused by reckless driving, but by three key inexperienced driver mistakes: not scanning the road, distracted driving, and misjudging driving conditions.

If you are the victim of a crash caused by a teen driver, whether the cause is a mistake or recklessness may not matter much. In a tragic 2008 accident, three teens from Green Run High School in Virginia Beach, Va., were killed when the driver crossed a center line in slippery conditions and hit a van.

The relatives of victims killed by the actions or inactions of an inexperienced teen driver may be entitled to recover damages under a wrongful death lawsuit.

DISTRACTED TEEN DRIVERS? There's an app for that!

Inexperience and overconfidence behind the wheel are common worries among parents of new drivers. Recently, distracted driving—namely through texting—has joined the list. Rightfully so. According to the U.S. Department of Transportation, about 15 people die every day in the United States because of accidents caused by texting while driving.

Here are a few apps and devices to put the brakes on distracted driving:

Drivesafe.ly Pro

Reads texts and e-mails aloud in real time and is hands-free. Compatible with most smartphone platforms.

Key2SafeDriving

This device works with single or multiple phones and restricts phone use when the car is running, reroutes calls to voicemail, and sends automated replies to incoming texts. It also sends an alert to parents if a teen tries to bypass the system. Compatible with most smartphone platforms.

PhoneGuard 360

Blocks texting when the phone is in motion and prevents the driver from surfing the web or reading e-mails. Parents can also set a maximum speed limit and are notified if the phone goes over the limit. Works with Android and Blackberry platforms.

TextArrest

Disables texting and e-mail on smartphones that are traveling more than 5 mph. A passenger override button is available, and emergency override can be selected, allowing the device full functionality, but it will be reported on the account dashboard. Compatible with Android.

Yield for emergency vehicles:

By Kevin Duffan, Firm Attorney

When an emergency vehicle is traveling on the roadway, the other vehicles on the road are legally obligated to stop or yield. A few recent incidents in which cars have struck emergency vehicles, however, show that not all drivers are obeying these laws. So, what exactly are drivers supposed to do? On North Carolina roadways, the “Move Over Law” provides some guidance to drivers.

The Move Over Law applies when any emergency vehicle is approaching a driver on the road. Those emergency vehicles include law enforcement vehicles, fire department vehicles, public and private ambulances, and public and private rescue squad emergency service vehicles. When any of those types of vehicles give off a warning signal, the driver of every other vehicle on the road should **immediately drive to the right-hand edge or curb** and should **stop and remain in that position** until the emergency vehicle has passed. This requirement **applies to all traffic on the road, regardless of the direction of travel**, with only one exception: on a four-lane highway divided by a median, cars travelling in the opposite lanes of traffic do not have to pull over and stop. Failure to comply with these requirements of the Move Over Law in North Carolina is a class 2 misdemeanor.

Drivers also have specific obligations when traveling around a stopped emergency vehicle, whether it is on the roadway or within 12

UNDERSTANDING YOUR CAR INSURANCE POLICY

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Uninsured motorist/underinsured motorist coverage

The uninsured motorist/underinsured motorist coverage, or UM/UIM coverage, is a form of protection against an at-fault driver who has no car insurance or has too little insurance coverage to cover the harms and losses from a wreck. Normally, a policy offers the same amounts of liability and UM/UIM coverage.



When you file a UM/UIM claim against your policy, your premiums do not increase since the accident was not your fault. This is why it is important to have as much UM/UIM coverage as you can afford. The higher your coverage limit, the better protected you and your family will be in case you are involved in a major accident.

"Med pay" coverage

In Virginia, so-called "med pay" coverage, which ensures medical bills will be paid if you or anyone else is hurt in your car and if a member of your family gets hurt in someone

else's car, is voluntary. If you don't sign up for this optional coverage, however, you'll be making a huge mistake. Med pay coverage is inexpensive and can prove invaluable for an injured accident victim who has no or very limited health insurance. Also, med pay benefits can be used to reimburse a health insurance company that paid for medical treatments following a car crash. Under the legal principle of subrogation, settlements or verdicts paid through a car insurance policy can be used to make health insurers whole if the at-fault driver has a med pay option. In every event, medical payments coverage helps put more money in your pocket after an automobile accident with injuries.

Update and upgrade your coverage

Call your insurance company and increase your coverage, which you can do even before your next renewal. Far too many people in Virginia are driving around with a false sense of security, thinking that a 25/50 policy will cover them if they cause a car accident. Try to increase your liability and UM/UIM coverage to 500/500. You might be thinking that a coverage amount of that size is simply too expensive. However, you will probably be surprised at how **affordable** the insurance is; most insurance companies will price it for you to see what makes sense. And by all means, purchase med pay coverage. It is an absolute bargain for the amount of coverage you'll receive and what it covers.

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feet of the roadway. Failure to comply with the requirements can mean a \$250 fine. If there is no one directing traffic, then drivers should wait until it is safe to go around the vehicle and then:

If there are at least two lanes of traffic going each direction, the driver should go around the stopped emergency vehicle without entering the lane closest to the stopped vehicle.

If there is only one lane of traffic going in each direction, then the driver should slow down and be prepared to stop until completely around the stopped emergency vehicle.

Of course, if an incident actually happens as a result of failure to follow the Move Over Law, then more severe penalties kick in. Damage to property or injury to emergency personnel is a class 1 misdemeanor. If the incident results in serious injury or death to emergency personnel, then the driver could be guilty of a class 1 felony. Driver's license suspension is also a possible penalty.

Traffic can be unpredictable when emergency vehicles are on the road or near the scene of an incident. It is important that the other traffic on the road not interfere with their ability to respond or put the safety of emergency workers at stake. So when you're out on the road, make sure you are complying with the Move Over Law.

Teacher of the Year

Our law firm believes education is the linchpin of a successful and prosperous country. A significant reason Virginia is recognized as one of the best states to raise a child is the Commonwealth's strong educational system. Our firm knows this, considering they are products of the Virginia education system, both public and private.

This is why the firm created the Tidewater Teacher of the Year Award: recognition and monetary awards. In order to have a great education system, you need to have great teachers. In order to have great teachers, you need to put a spotlight on teachers who are doing their jobs the right way. That is what the award is all about: recognizing the accomplishments of deserving teachers who have devoted themselves to improving the lives of children all across the Commonwealth.

Visit HSInjurylaw.com, click "Teacher Contest," and nominate your favorite Tidewater, Va., teacher.

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Low-fare buses are seven times more likely to be involved in fatal crashes

By Emily Mapp Brannon, Firm Attorney

Low-fare, privately operated "curbside" buses are seven times more likely to be involved in fatal crashes than other interstate buses, according to a new report.

The report released by the National Transportation Safety Board and detailed in the *Los Angeles Times*, makes sobering reading, although it's not surprising, as a year dominated by lurid headlines about fatal bus crashes comes to a close.

"Curbside buses pick up and drop off at their own designated curb spots instead of main transportation terminals, the way larger bus companies do. Their low fares have helped make them the fastest-growing mode of transportation since 2005, according to the report," the *Los Angeles Times* reported.

But there's a worrying downside to the cheap-fare bus services; namely a major problem with driver fatigue and a host of safety violations linked to companies that often change their names to avoid inspections, the *Los Angeles Times* states.

"Only 2,327 state and federal personnel are available to inspect 53,097 buses, and they have responsibility for other inspections as well," the report stated.

As experienced Virginia mass-transit accident injury attorneys,

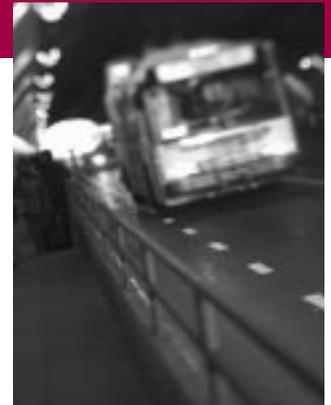
we are well aware of these problems.

On May 31, 2011, a tour bus crashed on I-95 in Virginia, leaving four passengers dead and many others injured.

The driver of that bus was charged with misdemeanor reckless driving after he admitted falling asleep at the wheel. An investigation into North Carolina-based bus company SkyExpress revealed numerous safety violations.

Low-fare buses have been under scrutiny by government agencies after another horrible crash in March 2011, when a bus returning to New York's Chinatown slid into a pole, killing 14 people. While that bus was hit by a tractor-trailer, in this case it appears that the operator lost control of the bus, and driver fatigue, a common factor with drivers of overnight charter buses, could have been involved.

The new study by the National Transportation Safety Board suggests bus companies that cut costs are also cutting corners when it comes to safety.



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