



# Jones, Clifford, Johnson & Johnson, LLP

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## Understanding Uninsured and Underinsured Motorist Insurance (UM)

Unfortunately, most people will be involved in a motor vehicle accident at some point in their lives. In many instances, the most likely cause of a catastrophic injury is a motor vehicle accident.

Sadly, the vast majority of drivers on the road today either have the minimum insurance policy or no insurance at all. One of the most important decisions you can make to protect yourself and your family is to purchase sufficient uninsured/underinsured motorist (UM) insurance coverage as part of your auto insurance.

## FAQs about UM Coverage

### How does UM coverage work?

If you are in a motor vehicle accident that was the other driver's fault, and that driver either has no insurance or not enough insurance, your own UM policy will cover your damages and your passenger's damages. Your UM policy will cover you whether you are on or off the job, a driver, a passenger, a pedestrian, or even if you are on a bicycle.

The only requirement is that the driver of the other vehicle was at fault, and that they either have no insurance or less coverage than your UM policy.

### Where do I get UM coverage?

#### How much should I get? How much does it cost?

UM coverage is part of your personal automobile insurance policy. Generally, your UM coverage cannot be greater than your liability coverage. We recommend no less than \$1,000,000 of UM coverage. To obtain this level of coverage, you need to increase your own policy limits to at least that amount.

We recommend no less than \$1,000,000 in coverage because in the event of a catastrophic injury, there will most likely be significant hospital charges and other fees. Therefore, to ensure that you have a reasonable recovery after all of the other costs are paid, you should have no less than \$1,000,000 in coverage.

Generally, the cost of increasing your policy limits is very low, often a few hundred dollars per year. You should contact your auto insurance agent to find out the exact details.

### What if my insurance company doesn't offer \$1,000,000 coverage?

How much insurance you carry depends on your individual circumstances. Once you have determined how much coverage you need, if your insurance company does not offer that amount, you should shop around to see if other insurance companies offer those amounts.

### Will an umbrella policy cover UM?

The answer is "it depends." Some umbrella policies do cover UM, others require a separate rider and some will not cover UM at all. You need to specifically ask your insurance agent, and if he or she tells you your umbrella policy does cover UM, be sure to get a written confirmation.

### If I am injured in a motor vehicle accident, should I contact an attorney?

Many accidents involve questions of liability, damages, and the nature and extent of injuries. When an accident occurs on the job, there is a complex relationship between the workers' compensation claim and the personal injury claim. We suggest that you contact an attorney immediately after an accident or injury to be advised of your rights. The consultation is free, and you will get the information you need to make an informed choice about how best to proceed. We generally recommend that you consult with your own legal adviser before giving any written or other information to the insurance company or insurance investigator.

# SECRET COURT AGREEMENTS

Negligent corporations that produce dangerous and hazardous products use court-secrecy agreements to avoid accountability and hide potential public-safety issues.

Victims of dangerous products are often forced to sign court-secrecy agreements to settle product liability cases. These agreements have hidden the ongoing dangers of prescription drugs, hazardous toys, deadly tires, and collapsing baby cribs.

## Dangerous tires

Upon learning of the tread-separation dangers of Firestone tires, Johnny Bradley changed his truck's tires to the Cooper brand. While being driven cross-country to a new military assignment, Bradley's vehicle left the road and rolled over four times when a Cooper tire tread separated. Bradley's wife, Timica, who was driving, was killed instantly, but the family's baby survived. While recovering from injuries, Bradley was unable to attend Timica's funeral. In the course of litigating Bradley's case, his attorney uncovered documented evidence of Cooper tire-design defects. These documents, which could have saved Timica's life, were kept confidential through protective orders in more than 200 previous lawsuits against Cooper. Before the end of the federal trial, Cooper Tires settled with Bradley but demanded that almost all litigation documents be kept confidential under a broad protective order.

## How injuries can affect us deeply

In representing people who have suffered physical injuries or psychological harm, a key practice goal is to employ our civil justice system to "make them whole again." That may seem hard to understand, until you think about how your own life might change if you were to be injured.

Would you be the same parent, for instance, if you were disabled in an auto accident? Probably not, because your condition might limit your

ability to drive your children to school, or wash their clothes, or even hug them.

Would you be the same physical person after a slip-and-fall? Perhaps not, if your spinal injury prevented you from working out at the gym or even walking around the block.

How about your ambitions and dreams? How might loss of independence, for example, increase your financial worries, or darken your normally optimistic outlook that things always work out for the best?

Our legal system provides justice to those injured by the misconduct of others and deters future misconduct by holding wrongdoers accountable. Our civil justice system makes a difference by making us feel "whole again."

## Emergency rooms



Most patients receive prompt and effective medical diagnoses and care in our nation's emergency rooms; however, there are concerns. The American College of Emergency Physicians reports that treatment delays may occur because of...

- triage, treating the most serious cases in priority order;
- keeping a patient in an emergency area until a hospital bed becomes available;
- a shortage of on-call physicians;
- local large-scale epidemics or disasters.

## Motorcycle trauma

A motorcyclist who was in a serious accident was airlifted to a medical center, where he began vomiting heavily. He died in the emergency room after physicians delayed ordering nurses to drain several liters of fluid from his stomach. His family's attorney demonstrated that the patient died because physicians failed to resolve a fatal stomach-fluid buildup in a timely manner. A jury granted the plaintiff's family a significant award for their loss.



## Recalled product roundup

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

- ✓ **Nautilus Inc.** has recalled 78,000 Bowflex® Ultimate 2 Home Gyms with horizontal seat rails that, when not manually latched, can fall unexpectedly and injure users or bystanders.
- ✓ **Old Navy, LLC**, asked buyers to return 35,500 (in the United States) and 5,400 (in Canada) Stuffed Animal and Creature Toys that have two button eyes that can detach and choke young children.
- ✓ **Dorel Juvenile Group USA** recalled 100,000 Safety 1st SmartLight Stair Gates. Hinges holding stair gates in place can break and pose a fall hazard to children if the gate is placed near stairs.
- ✓ **Intermatic Inc.** asks consumers to return 200,000 Intermatic DT17 Heavy Duty Digital Timers that have faulty ground connections, which can give electrical shocks to users.
- ✓ **Nordica USA** recalled 4,500 pairs of XBi ALU Skis. Binding plates can crack or break, causing injuries to skiers.

## “What’s my case worth?”

As you can probably guess, no two personal injury cases are alike. Attorneys can’t respond to “What’s my case worth?” until they do a lot of case homework. Here are some factors we weigh:

1. Nature of injuries
2. Injury treatment needs
3. Treatment cost and amount already paid
4. Future medical treatment costs
5. Types of treatment, from surgery to rehabilitation
6. Where the suit will go to court
7. If you were partially at fault
8. Your prognosis
9. Preexisting medical conditions
10. Wage, benefit, and vacation losses
11. Future wage-earning limitations
12. Third-party insurance coverages
13. Emotional- and mental-stress value
14. Loss of spousal consortium
15. Property-damage deductibles
16. Similar verdicts in local courts
17. Defendant’s insurer
18. Judge assigned to case
19. Defendant’s counsel

Answers to these questions help build mutual trust between a client and attorney. With mutual trust and credibility, we can strive to earn injury victims fair outcomes.

## Toxic-injury questions and answers

### Q: What’s a toxic injury?

**A:** An individual is said to suffer a toxic injury if his or her body functions have been disturbed by exposure to dangerous substances, devices, or energy forms.

### Q: Dangerous exposure? To what kinds of things?

**A:** There are many, including asbestos, chemicals, cosmetics, electromagnetic energy, hazardous waste, medical devices and products, pesticides, pharmaceuticals, radiation, and tobacco.

### Q: What are toxic-injury symptoms?

**A:** Warning signs are hard to narrow: mild cold or flu symptoms; unusual skin problems; alarming tight-chest sensations and difficulty breathing; dizziness; convulsions; coma; and even death.

### Q: Where do these toxins come from?

**A:** Just about everywhere. From air and water in the environment, building materials, cosmetics, cleaning products, food, fuels, landfills, manufactured materials, pharmaceuticals, textiles, and many, many others.

### Q: What should someone do if he or she suspects toxic injury?

**A:** Consult an attorney experienced in investigating causes and recovering compensation.





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The attorneys at Jones, Clifford, Johnson & Johnson, LLP have been using their expertise in both personal injury cases and workers' compensation cases to represent law enforcement, firefighters, construction workers, tradesmen and individuals for over 35 years. We are one of the only law firms officially recommended by the California Association of Highway Patrolmen. If we can be of assistance, the attorneys at Jones, Clifford, Johnson & Johnson, LLP are available for a free consultation.

**Small enough to treat your case personally, but big enough to represent your rights aggressively.**

## Disability Discrimination in Employment



Everyone is aware of the effect that the economic downturn is having on the employment market. Layoffs have increased as many businesses have suffered financially. Although some of these layoffs are due to legitimate business factors, employers are illegally targeting more vulnerable employees, such as those with disabilities. Employers frequently give excuses that they cannot provide reasonable accommodations, there are no available jobs or the employees were terminated based on job performance, when these reasons may not necessarily be true. Unfortunately, many of these affected employees are not aware that they have been the subject of such discrimination and are unaware of their legal recourse in these circumstances. Because of this, we encourage those persons with disabilities who have been laid off or terminated to contact us to discuss their legal rights and obtain further information.

## Those Returning from Active Military Duty

Individuals who leave their employment to serve our country in active military duty are entitled to reinstatement to their prior jobs, free from discrimination, when they return from military service. Service can be anything from a brief call-up as a reserve to full deployment overseas. Unfortunately, when many of our country's finest return from active military duty, they are informed by their employers that there are no available jobs due to difficult economic times or that their employment has been terminated based on job performance, when these reasons may not necessarily be true. Regrettably, many of these affected employees are not aware that they have been the subject of discrimination and are unaware that there is a legal remedy that can require their employers to return them to work in their previous positions, many times as if they never left. If you are having difficulty returning to your previous job upon a return from active military duty, please contact us to discuss your legal rights and obtain further information.



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Representing plaintiffs in personal injury and workers' compensation cases for over 35 years.