

# Lapidus Injury Law Letter

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www.attorneylapidus.com

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For advice about your legal situation, contact Lawrence S. (Larry) Lapidus today for a free initial consultation.

DC/VA 202.457.1150  
MD 301.605.4296

## McDonalds Hot Coffee

Since the "McDonald's Hot Coffee" case, opponents of our civil jury trial system have cited this case as an example of "frivolous cases" "juries out of control" and other myths spread by the insurance industry and big business interests. It is being shown on HBO and being shown nation-wide thanks to the efforts of a colleague in Oregon, who has been active in Public Justice, a not for profit organization which seeks legal changes to help American citizens as consumers, employees and persons injured under unusual circumstances.

Please tell your friends and relatives to watch the HBO special "HOT COFFEE" on June 27, 2011 @ 9pm

For more information, visit:  
[www.hotcoffeethemovie.com](http://www.hotcoffeethemovie.com)

## Do You Have Sufficient Automobile Coverage?

A recent TV ad shows a woman trying to figure out what automobile insurance coverage she needs based on choices generated by her computer. In frustration and confusion, she asks her dog for advice. Apparently equally confused, he rolls over on his back and pulls the plug on the computer. The ad encourages the confused lady to call a brand-name national insurance company for advice.

This confusion is spawned both by arcane terminology unique to the insurance industry, uncertainty about prices and coverages and a lack of understanding of precisely what will be "covered" in the event of an accident. Typically, an insurance company promises more than it actually delivers.

To guard against this problem, here are some things you should know when making your decision about what kind of coverages you should buy: If you live in Maryland, be sure to ask how much additional PIP coverage will cost. My advice would be to buy **more** than the minimum suggested by state law, which is **\$2500**. Whatever you do, do not waive this coverage. It will pay reasonable and necessary medical bills, and a significant portion of any wages lost because of injuries sustained in an accident up to the policy limits of your coverage, regardless of fault. Even if you have excellent health insurance, you still should have this coverage.

If you live in D.C. or Virginia, try to buy as much med pay coverage as you can afford. Do this even though you have good health insurance coverage since unlike health insurance, you do not have to pay back med pay benefits out of any settlement. Whatever place you live, be sure to ask what the cost is of Uninsured Motorist Protection Benefits and Underinsured Motorist Protection Benefits (called UM & UIM coverage). Try to get at least \$100,000 in UM/UIM coverage. Even this coverage will be insufficient in cases of severe injury. Since a significant number of motorists do not purchase insurance or only purchase minimal insurance coverage (30K in MD, 25K in DC, 25K in VA), you need this protection. Always ask for costs for the next level of coverage. Purchase the most amount of insurance you can afford.

I hope these guidelines will help you when considering your next automobile insurance renewal. If you, your family or friends are injured as a result of a negligent act, please call me immediately.

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Call Now For Free Consultation  
Lawrence S. Lapidus  
1101 17<sup>th</sup> Street, NW, Ste. 406, Washington, DC 20036  
DC/VA 202.457.1150 | MD 301.605.4296  
[www.attorneylapidus.com](http://www.attorneylapidus.com)

## Medical Malpractice

As you are probably aware, about 100,000 Americans a year die from medical mistakes every year. According to media accounts, these deaths were preventable. This statistic does not include those impaired or disabled in major life activities due to medical negligence. While the causes of medical malpractice are varied, most of the cases we see are a result of a health care provider's failure to react appropriately to the obvious signs and symptoms which the patient presents.

In the media, you never hear the patient's side of the story. You hear about raising medical malpractice insurance premiums as driving doctors out of practice. This is attributed to "big" verdicts, where the implication is left that such verdicts are unreasonable, without any discussion of the merits of such cases. What the media does not say is that there is no empirical data to support a relationship between large verdicts and rising premiums for the doctors. In truth, empirical, objective studies have shown that there is no relationship between the verdicts and the cost of malpractice insurance coverage. There is however, a decided relationship between lost profits of the malpractice carriers due to investment losses and larger premiums to the doctors to ensure that profit levels for the carriers remain robust.

If I can assist you, your family, or friends in determining whether a malpractice case should be brought, please call me. As many of you know, I and my firm have been litigating these cases for many, many years in Maryland, D.C., and Virginia and as many of our clients can attest, have achieved outstanding results. Do not hesitate to call me if you think I can be of service.

## Auto Accident 101

The Washington Post reported that because of traffic congestion, all of us are spending more time in our cars than in prior years and that our daily automobile trips are becoming longer than ever before. In this stressful environment, it is not surprising that many drivers become frustrated, inattentive and try to by-pass traffic rules to make up the "lost time" caused by traffic congestion on the roads. However, this explanation is just that – it is not an excuse for negligence. Like it or not, we all must drive by the rules of the road and be careful because lives and property are at risk if we do not remain attentive and follow the traffic laws.

## How To Help Your Case:

1. Do not minimize your pain. Many injured people tell others at the scene they are "OK" when they are not, in fact, OK. Frequently, many are dazed and disoriented. Reluctant to talk, they take the path of least resistance by simply saying "OK" to avoid further questions or decision-making. None of us want to disrupt a schedule. Many are due to be at meetings, gatherings, at work, etc. People frequently decline the offer of an ambulance when in fact they need to be checked out medically immediately. Many problems—both medical and legal—can be avoided by immediate medical attention.
2. If possible, obtain the names and addresses of all witnesses—especially people you do not know. They can be very helpful if questions arise later about fault.
3. Avoid making statements to anyone other than to a police officer about how the accident occurred. Make sure a police officer is called to the accident scene.
4. Take pictures of the damage to your car before it is repaired. Many settlements turn on the issue of how badly the cars were damaged. Although there is no scientific evidence that damage to a vehicle has any relationship to the degree of injury, virtually all insurance companies as well as many jurors believe there is a direct relationship between damage to the vehicles and the degree of injury.
5. Never tell an insurance adjuster you are "feeling fine." This will always be used against you to limit the amount of money you can potentially recover.
6. Call me as soon as possible after the accident. We need to investigate the accident immediately and determine sources of available compensation.

If you, a member of your family or friend are hit by a negligent driver, I can help you recover compensation for your losses call, **202-457-1150**.