

# Philip DeBerard

## P.I. REVIEW

Devoted to excellence, justice and maximum compensation for victims of serious injuries, neglect and wrongful death

### LEGAL VICTORIES: The Real Winners Are Our Clients



**MORE THAN \$2.4 MILLION SETTLEMENT** was awarded to a client for the wrongful death of a spouse in a case against a drug manufacturer. Details are confidential under the settlement.

#### JUDGMENT: \$739,161

One night, a couple were driving in a van on a dark, lonely Florida road. The highway was pitch black, and the only other vehicle in sight was a car traveling in the next lane, but slightly behind them. Suddenly, the wife screamed, and a second later they crashed into the cab of a semi-tractor trailer stopped across the highway. The car that had been traveling next to theirs missed hitting the semi by inches.

The semi had been attempting to back into a secondary feeder road perpendicular to the highway. It had absolutely no side lights and no reflective markings, and the driver hadn't put out any warning flares, making it a nearly invisible and potentially deadly roadblock.

The husband amazingly suffered only minor injuries, thanks largely to his seat belt, air bag, and headrest. Unfortunately, the wife sustained severe internal injuries, including a fractured sternum, several fractured ribs, and a duodenal hematoma. The damage to her neck was excruciatingly painful and so severe that she was nearly paralyzed from the chest down. She required extensive spinal surgery, including a graft from her hip, and she will never regain full range of motion in her neck. Her vision was also adversely affected.

Three years after the accident the wife's doctor still will not permit her to return to her job as a substitute school bus driver. More importantly, these grandparents can no longer enjoy drives to visit their children and grandchildren.

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## YOU ARE ONE OF A KIND

### Eagle Award Winners, Morningside Academy

Twelve years ago Philip DeBerard implemented the **You Are One of a Kind** Eagle Award student recognition program, and he has been rewarding aspiring young students at Morningside Academy every year since then. The winning students are nominated and recognized by their teachers and must meet specific criteria.


The guiding principle of the **You Are One of a Kind** Eagle Award is recognizing students who have distinguished themselves through scholarship, leadership, and citizenship and who soar above the crowd like an eagle through their strength of character and service to others.

Each winning student is awarded a framed certificate and an engraved Bible. More than 200 students have earned this cherished award.



# Making Your Hospital Visit Safer

**A**lmost 100,000 people in the U.S. die each year because of medical errors in the hospital. To stay safe while in the hospital:

- 1.** Be sure an advocate — an assertive friend or family member — is with you 24 hours a day. When checking into the hospital, be sure to ask for and sign paperwork that gives your advocate(s) legal permission to know all the details about your treatment and to discuss it with your doctors and nurses.
- 2.** If you have a choice of hospital, choose one where your procedure or surgery is done often, not just the closest hospital.
- 3.** When checking into a hospital, make sure you tell them about all the medications you are taking — including herbal remedies, vitamins, and dietary supplements — as well as any medication reactions you've had in the past and any pre-existing conditions.
- 4.** Each time a nurse brings you medication ask: What is it for, who prescribed it, when am I supposed to take it, how am I supposed to take it (how often/how long), what side effects are likely and what do I do if they occur, and what should I avoid (foods, drinks, activities) while on the medication? Don't be shy, and don't worry about bothering the nurse with too many questions.
- 5.** Be sure anyone drawing blood, giving you a test, or administering a medication checks your wristband first.
- 6.** Make sure the hospital staff keeps things clean around you. That is absolutely critical to avoid infections, and hospital-acquired infections are a major source of hospital deaths. If anything falls on the floor, just leave it there for the hospital personnel to pick up. Be sure that nobody gives it to you — or puts it on your body.
- 7.** Insist that everyone who treats you or handles your food washes their hands thoroughly. Even if you don't have a sink in your room, don't be afraid to ask everyone coming into your room to wash their hands. You aren't being nit-picky; you are being safe!
- 8.** Schedule inpatient surgical procedures for early in the morning, and try to do it on Wednesday or Thursday, if possible. Mondays often get backlogged, and Friday surgeries mean you will have the weekend staff caring for you.
- 9.** Avoid wrong site surgery. Prior to surgery, surgeons are required to sign their initials directly on the part of your body to be operated on. That's called site verification. Make sure your advocate is there to make the surgeon do this. 

## LEGAL VICTORIES:

The Real Winners Are Our Clients *continued from page 1*

**Settlement: \$650,000** awarded to the victim of a rear-end crash. The injured client was driving his tractor trailer with his lights flashing and was hit by a semi-trailer driver who was speeding, unable to stop in time, and, therefore, rammed the rear of his truck. The client was seriously injured with neck and back injuries requiring surgery.


**\$500,000** to a motorcyclist who was hit by the driver of a car who failed to yield. The motorcycle flipped twice, and the client was ejected off the bike, falling violently onto the pavement. He had three surgeries on his neck, shoulder, and knee. More surgeries are likely.

**\$300,000** to the family of a 6-year-old boy who drowned in an unprotected swimming pool. No fence enclosure made it unsafe for neighborhood children while creating an "attractive nuisance," drawing children to the pool.

**\$237,500.** A five vehicle accident occurred at a busy intersection because an elderly woman — instead of stopping at a stop sign — hit the gas pedal, plowing into our client's passenger side. Then, the elderly woman made a U-turn, hit the gas again, struck another vehicle, and pushed it into our client's vehicle.

**\$225,000** for the victim of a rear-end collision. The defendant ran a red light, causing a five-car collision and injuring an innocent woman.

**\$200,000** for a client whose car was broadsided by an uninsured motorist, pushing her into a concrete pole and causing her to have a ruptured spleen, fractured knee, emergency surgery, and extended rehabilitation.

**\$198,940** to a client rear-ended by a drunk driver. A father, mother, and son were driving in Okeechobee when their truck was struck in the rear by a drunk driver, causing severe damage to their vehicle, which was declared a total loss. The drunk driver was inattentive to traffic conditions, failed to maintain control of the motor vehicle, and did not exercise due care and caution. The mother and son underwent multiple surgeries. The case was settled for close to policy limits, but the drunk driver only received a one-year probation from the courts. 

## Energy Drink + Alcohol = Impaired Driver

Combining an energy drink with alcohol may make you feel more sober than you are, causing you to misgauge how impaired you are to drive. A study found that combining energy drinks and alcohol didn't make young men more drunk than simply drinking alcohol — but the mixture did make them think they were less impaired than they were.

Mixing alcohol with high caffeine drinks can make people think they have better coordination than they do. It also increases the sensation of pleasure, makes people think they are less tired than they are, and reduces sleepiness. People who feel less intoxicated tend to put themselves and others in riskier situations. A researcher said, "People feel better, but they are not 'good enough' to drive."

The study suggested that while energy drinks may help imbibers feel less tipsy, imbibers are still drunk. One of the dangers of this effect, according to the researchers, is that drinkers, especially young ones, may feel free to drink more alcohol than they might otherwise drink.





## NAVIGATING THE

# COST & COVERAGE OF Auto Insurance

**M**any people complain about the cost of their auto insurance, which isn't surprising since the typical policy costs at least several hundred dollars a year. Yet, the law requires vehicle owners to insure their vehicle. Going without vehicle insurance is not an option in Florida, as in most states, and you should probably have more than just the bare minimum to be adequately protected.

Yet, there are ways to reduce your auto insurance costs. The first thing to do is **shop around**. Before your current policy comes up for renewal, check rates with other companies. Often, auto insurance premiums for the exact same coverage on the same car can vary widely (by hundreds of dollars) from company to company.

You also might consider **increasing your deductible**. Sometimes you can reduce your annual premium by 10% or more if you increase your deductible from, say, \$250 to \$500. If you do this, however, make sure you can handle the larger deductible if and when the need arises.

It might surprise you to learn that your **credit rating** affects your insurance rate. Studies have shown a correlation between a person's credit history and the risk to an insurance company, so most insurance companies consider your credit rating.

Let your insurance company know if you don't drive very much. People who don't put very many miles on their car in a year may qualify for a **low mileage discount**. Ask your agent if this applies to you.

Work-related driving generally subjects you to higher premiums than pleasure driving. It may be in your best interest to **stop using your car for business purposes**.

The **car you drive also affects your rate**. Cars are rated on a risk scale for auto insurance purposes. It isn't just sports cars and other high-performance, flashy vehicles that can be classified as a higher risk — and carry a higher rate. Even some SUVs have higher insurance rates because they are common targets for thieves.

Cars equipped with one or more of these **options may qualify for an insurance discount**:

anti-lock brakes, automatic seat belts, airbags, and anti-theft devices such as car alarms and tracking systems.

You may also get a **discount from your insurance company** if you buy more than one type of insurance through that same company (e.g., auto and homeowner's). A discount may also apply if you insure more than one vehicle with the same company, take a defensive driving course, are an AAA member, or stay with the same insurance company for a number of years.

## COMMITTED TO HELPING THE COMMUNITY

- Philip DeBerard presented a check for \$5,000 to MADD Martin/St. Lucie counties for educational programs to prevent underage drinking.



Philip DeBerard presents a check to Eric Miller, MADD president.

- Law Firm** recognized for a prestigious "Judges Award" from the Florida Public Relations Association (FPRA) for organizing the Grand Opening of the Jensen Beach Causeway event.
- Philip DeBerard** taught Okeechobee Chamber members how to "Protect Your Business From a Lawsuit."
- Robin Delgado** named FPRA Member of the Year.
- Candy Wright** celebrated 20 years with the law firm.
- The Accident Law Offices of Philip DeBerard** was given an AV rating by Martindale-Hubbell, the most recognized lawyer rating service in the country. An AV rating recognizes a firm that has achieved the highest level of professional skill and integrity and is based on peer reviews by members of the Florida Bar and the judiciary. Lawyers and judges who have worked with the firm described Philip DeBerard as among the best in the business, not only for his legal skills, but also for the honesty, ethics, and integrity that characterizes the Accident Law Offices of Philip DeBerard.

### PIP Coverage Questions

(This chart refers to accidents occurring in Florida unless otherwise noted)

Question	Your PIP covers	Your PIP does not cover	PIP coverage depends on the policy or circumstances
You	X		
Members of your household who do not own a vehicle of their own			X
Passengers who do not own an auto, so they don't have PIP	X		
Passengers who own a vehicle but don't have PIP coverage		X	
Passengers with their own auto and PIP		X	
Licensed drivers who drive your vehicle with your permission		X	
Your child (if a resident of your household) if injured on a school bus ride	X		
You and members of your household for accidents occurring outside of Florida but within the U.S. or Canada	X		
You, as a pedestrian or a bicyclist, if you suffer an injury in an accident involving a motor vehicle	X		
You in someone else's vehicle	X		



## Board Certified Civil Trial Specialist Joins Our Law Firm

Alfred Bell, Jr., is a graduate of the University of Richmond with a Bachelor of Science in Business Administration. He passed the CPA examination in Virginia, but decided to go to law school instead of becoming a licensed CPA. He graduated from Rutgers University School of Law in 1996. While there, he worked for U.S. Senior District Judge Stanley Brotman and U.S. Magistrate Judge John Hughes.

Mr. Bell has represented several major insurance companies and their policyholders in cases involving serious injuries, coverage disputes, bad faith, death, and brain injuries. As a result, he has gained significant insight into insurance companies and their business practices. He has also lectured fellow lawyers on how to successfully litigate and try cases, and he has served as a municipal court mediator and moot court judge and juror.

## Don't Get Soaked Buying a Used Car

What often happens after disasters is that dishonest dealers or auction houses buy up damaged (including flood-damaged) vehicles, have them cosmetically repaired to the point where they can then be easily sold to unsuspecting buyers in another part of the country, and then transfer the salvage titles through several states until the salvage "brand" eventually gets left off the ownership documents – often erroneously. (This process is called "washing the title.") At that point, because the salvage "brand" has disappeared from the title, buyers looking for a deal can get duped.

Division of Motor Vehicles (DMV) suggests that consumers in the market for a pre-owned or used car or truck be especially vigilant and consider some simple safeguards:

- Watch out for vehicles with registrations or titles from states affected by recent hurricanes.
- Research the vehicle's history on the Internet. There are several companies that will help you. There may be a small fee, but it's worth the expense.
- Check the vehicle's history with your insurance agent using the VIN (vehicle identification number).
- Don't buy a vehicle with incomplete or nonexistent DMV paperwork.
- Insist the seller give you receipts for all repairs and parts at the time of the sale.

If you suspect the car may have been salvaged, get the vehicle inspected before you buy it. There are a number of indicators of flood damage that an experienced mechanic will spot during a careful inspection. They include signs of mold in and under carpeted areas, the heavy odor of air fresheners to cover up a moldy smell, silt or mud residue in the trunk, and dashboard lights, power windows, and other electronic components with intermittent problems.

## Refer A Friend

If someone you know has been injured, we can help! Our convenient local phone numbers are listed below.

Outside this area,  
Toll-Free **800-299-8878**

Our email address: **info@flainjurylawyer.com**

Please give our number to someone who might need our services. We appreciate the trust you have placed in us.

Over  
30 Years  
Experience!

## Does your doctor have medical malpractice insurance?

Increasingly, doctors are dropping their medical malpractice insurance and "going bare." In these cases, doctors often place assets in someone else's name to try to avoid lawsuits and to try to protect their assets since Florida law shields many assets from legal judgments. For instance, doctors can protect their homes, retirement plans, annuities, life insurance, and salaries.

Since anyone – including doctors – can make mistakes, what happens to the injured patient when his/her doctor doesn't have insurance? The patient generally can't collect. The only way to protect a patient is for the doctor to have both assets and an insurance policy. Do you want to use a doctor without medical malpractice insurance? Ask your doctor about his coverage, and consider changing doctors if he is uninsured – or underinsured.

The hiring of an attorney is an important decision and should not be based solely upon advertisements. Before you decide, ask us to send you free written information about qualifications and experience.

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