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A t t o r n e y s A t L a w

WINTER 2005/06

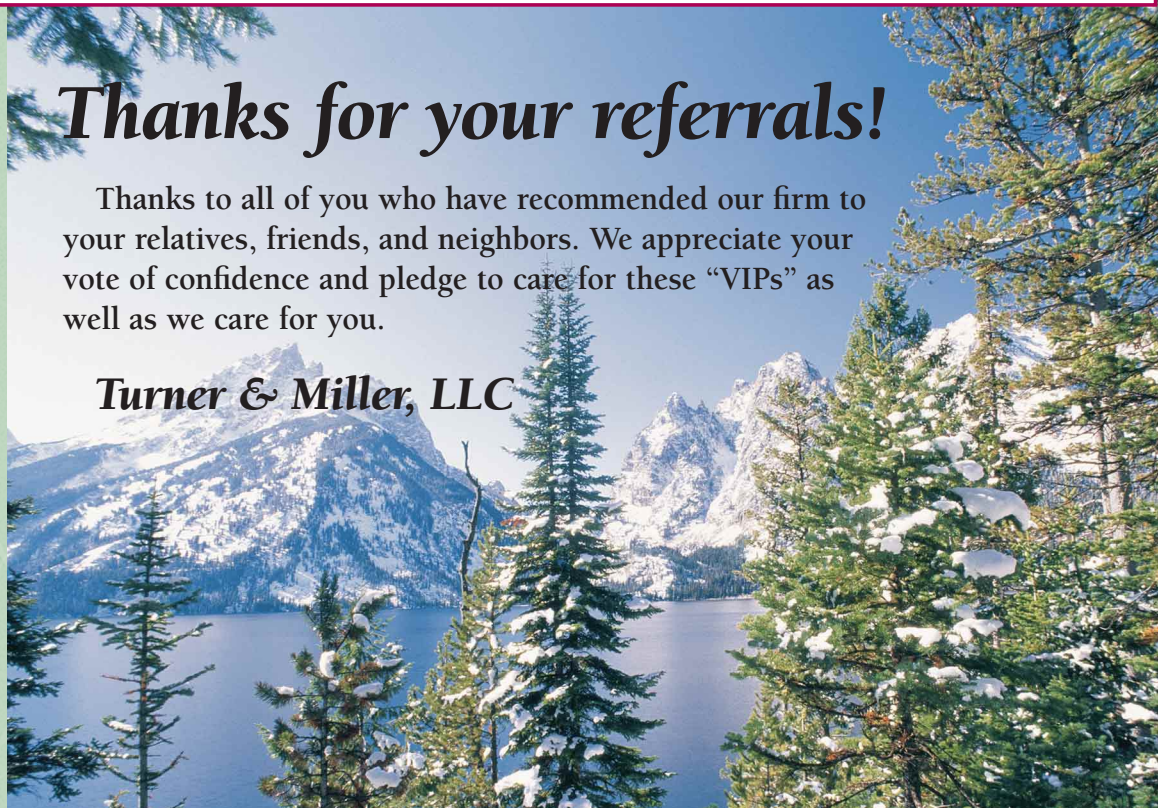
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Turner & Miller, LLC



PERSONAL INJURY PRACTICE

- Free case evaluation
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- Trial attorneys

Living wills and advance directives

The 2005 Terry Schiavo case made Americans aware of the potential need to prepare living wills and advance directives.

Advance directives

Experts estimate that one in four adults has an advance directive. A key element of each individual's estate planning for those who choose it, an advance directive is a legal document that people use to specify their wishes about handling medical care at the ends of their lives.

Two elements are usually fundamental to an advance directive:

- **A medical power of attorney**, which designates a trusted person, or proxy, to make care decisions if the person is too ill to make them for him- or herself.
- **A living will**, which is written instructions outlining the scope of life-prolonging medical care the person wishes to receive.

In all 50 states, regulations require doctors to comply with patients' advance directives.

However, compliance may be challenged on bases of vague directive language, wavering proxies, and objecting family members. Care-delivery factors complicating advance directive observance may include innovative medical and surgical technologies and pharmaceutical intervention. Medical ethics and spiritual issues may enter decisions as well.

Plan now

Individuals who specify advance directives can take immediate steps to ensure that their end-of-life care wishes will be met by...

- asking family members to comply with wishes.
- selecting trustworthy proxies and clearly communicating wishes with them.
- establishing advance directives in every state of residence.
- filing "Do Not Resuscitate" orders at all relevant health-care institutions.
- obtaining legal counsel for understanding and creating directives.

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Child injuries

All parents make special efforts to protect their children from harm. We buckle them in car seats and monitor them at play. We safety-proof our homes and select age-appropriate toys, riding vehicles, and games.

However, when children are at school, they can get all kinds of scrapes and bumps, most of which are minor. However, if a child is seriously hurt, most parents feel a more than casual sense of responsibility to find out what and why it happened—and to prevent such injuries from recurring.

Here are questions that an attorney might ask of teachers and administrators to learn about a child's injury:

- What kind of precautions did the school take to protect children from injury during classes and activities?
- How quickly did administrators and staff recognize that an injury had occurred?
- How fast did school personnel come to the child's assistance?
- Was first aid provided?
- Did a school nurse or other professional administer medical treatment?
- Was the child hurt during an age-appropriate activity?
- Were other children involved in the injury? How?
- Where and how did the injury occur? At recess? In gym class? On the stairs? In a science lab? On playground equipment?
- Were there witnesses?
- How quickly were the parents notified?

Please contact an attorney for additional information about parents' rights.

FOR YOUR SAFETY Recalled product roundup

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

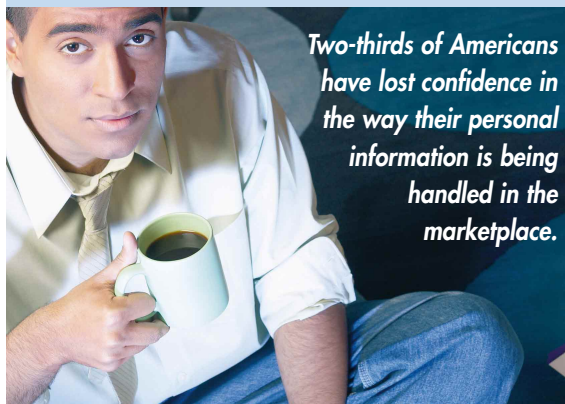
- ✓ **Graco Children's Products, Inc.**, has recalled one million Duo Tandem and 143,000 MetroLite strollers. Both models can fail to latch and unexpectedly collapse, injuring children in the strollers and those pushing them.
- ✓ **Belkin Corporation** is asking consumers to return 10,300 Li-Polymer battery packs sold with Bluetooth Global Positioning System (GPS) Navigation Systems. Batteries can overheat, rupture, catch fire, or explode and harm users.
- ✓ **Dorel Juvenile Group** noted a warning about 250,000 Safety 1st Tubside Bath Seats. When used with nontraditional or sunken bathtubs, the bath seats can break, tip over, and injure children.
- ✓ **LG Electronics, Inc.**, and **Sears, Roebuck and Co.** have called back 20,000 LG and Kenmore Elite® Trio™ Three-Door Refrigerators with condenser fan motors that can short-circuit, catch fire, and burn consumers.
- ✓ **Nautilus, Inc.**, is voluntarily recalling 10,000 Nautilus NT 1020 Exercise Benches, which have bench-seat welds that may separate from the frame, collapse, and injure exercisers.

Mail fraud

A recent survey revealed that two-thirds of Americans had lost confidence in the way their personal information was being handled in the marketplace.

Each person can take a number of important steps to decrease the likelihood of identity theft and manage his or her personal financial and other information by better protecting their mail. Here's how:

- Secure the mailbox with a lock.
- Remove mail promptly.
- Mail payments or other important items at a post office or public mailbox, not in your own mailbox.
- Switch to electronic bill-paying when possible.
- Stop mail when going away for more than a day.
- Shred all mail and other documents that contain information anyone could use to defraud you.
- Report mail theft to postal authorities.



Two-thirds of Americans have lost confidence in the way their personal information is being handled in the marketplace.



Taking medications

After a physician prescribes a medication and a pharmacist fills that prescription, it's up to you to comply with instructions to make sure the drug works safely and effectively.

Here are several medication-safety guidelines:

- ✓ Tell all prescribing practitioners and pharmacists the medications you take, including over-the-counter products, vitamins, supplements, herbals, and birth-control pills.
- ✓ To keep up-to-date records and anticipate emergencies, list all medications, noting drug names, prescribing physicians, filling pharmacists, dosages, and how and when to take them.
- ✓ Try to fill all prescriptions at one pharmacy.
- ✓ Never share medicines with others.
- ✓ Read instructions and warning labels.
- ✓ Keep drugs in original containers, away from children or pets.
- ✓ Never mix different pills in one container.
- ✓ Know what to do for side effects or cross-medication reactions.
- ✓ Discard outdated medicines.

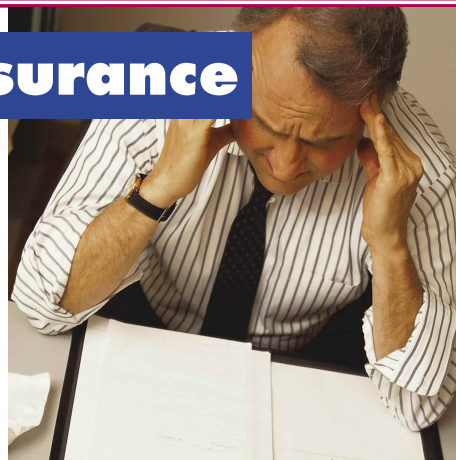
Medication errors

Even though patients may do their best to take medications safely and effectively, errors may occur. Doctors sometimes prescribe incorrect medications. Office or hospital staff may administer the wrong drug. Pharmacists can misfill prescriptions. In many cases, errors may be small and have little effect.

However, when patients suffer injury because of medication errors, they can seek assistance through our civil justice system. A patient suffered two cardiac arrests and restricted work activity after a nurse negligently injected an incorrect medication during an operation. The hospital settled after the patient sued, alleging the hospital was responsible for the nurse's wrongful administration of the drug.

Disability insurance

According to the Health Insurance Association of America, one in three of us between the ages of 35 and 65 is likely to suffer a disabling incident lasting at least 90 days sometime during our careers. What disabling events can put a career off track? Problem pregnancies, broken arms, and anxiety conditions, to name just a few.



Because most employer-issued disability insurance policies provide only a percentage of salary and put caps on benefits, many people purchase private disability insurance policies to fill the income gap.

Bad faith

When insurers arbitrarily terminate promised payments on policies clients have been paying premiums on for years, our civil justice system can provide plaintiffs with recourse.

A venture capitalist who paid premiums on a guaranteed renewable disability insurance policy for many years became disabled. Although the insurer paid benefits for a year, underwriters subsequently determined that a "lack of objective medical evidence" showed its client's chronic fatigue syndrome was not authentic and stopped payments. The insured man asked for ways he could prove his disability, even offering to take any medical tests the insurer requested. The insurer declined. The venture capitalist sued his insurer and its holding company for breach of contract, bad faith, and lost benefits. After hearing all evidence, a jury awarded the plaintiff damages against the insurer and significant punitive damages against the holding company.

Cold and flu season... ...and phenylpropanolamine

As this winter's cold season arrives, consumers should be particularly aware of the potentially serious side effects of cold medications that contain phenylpropanolamine (PPA).

A 2000 Yale University School of Medicine study showed that PPAs lead to an increased risk of hemorrhagic stroke, particularly in young women. The Food and Drug Administration has issued PPA public-health advisories and asked manufacturers to discontinue using them in over-the-counter (OTC) and prescription cough and cold medications as a decongestant, and in OTC weight-loss products. A pharmacist can recommend remedies that do not contain PPA to cold sufferers.

Anyone suspecting that they or a relative has been harmed by PPA should consult an attorney.



Referrals

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If you have legal matters that need attention, please let us know. If we cannot handle the matter, we will refer you to a competent firm that can.

Please feel free to refer us to your family, friends, and neighbors for their legal needs.

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Auto accidents Eleven essentials

If you or a family member has a vehicle breakdown or accident, the following 11 essentials can help you obtain assistance quickly and get back on the road to your destination as soon as possible.

In your trunk or glove box, store:

1. Insurance certificate
2. Vehicle registration
3. Cell phone
4. Warning lights, flares, or other safety devices
5. A set of basic tools
6. Pen and paper pad
7. Disposable camera
8. First-aid kit
9. Accident information form
(Please call our office for a sample.)
10. Battery jumper cables
11. Home, office, and emergency phone number list

If you are arrested

Being arrested is frightening and distressing. Here are several ways to help protect your legal rights under the law:

- Be polite to law-enforcement officers. Do not resist. Never disrespect them. That can only worsen your case.
- Ask for legal counsel each time you speak with different law-enforcement officers.
- Make no oral statements, no matter how much pressure anyone puts on you, until your lawyer approves.
- Never sign typed statements or documents until your lawyer reviews and approves them.
- Call your attorney as soon as you can. Many legal defenses succeed because a defendant notified his or her lawyer right away. Lawyers' experience with arrests and ability to investigate criminal cases quickly and thoroughly are important to maintaining one's rights and seeking fair legal outcomes.



Our Web site

www.turner-miller.com

As lawyers, we are continually seeking new ways to improve our service. We want to help our clients and friends find solid legal information and counsel that can make their working and personal lives more safe, sound, and secure.

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