



# The Law Office of **JASON R. SCHULTZ, P.C.**

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GOING TO  
FEEL A WHOLE  
LOT BETTER  
ABOUT THINGS.**



# *Season's Greetings!*

*Celebrate the peace and beauty  
of the holiday season!*

*We wish you and yours happiness  
and good health in the coming year.  
We would also like to say thank you  
for choosing our legal services and  
for referring your family, neighbors,  
and colleagues to us.*

*The Law Office of  
Jason R. Schultz, P.C.*

## **Drug-impaired drivers**



According to 2005 National Highway Transportation Safety Administration data, motor vehicle crashes involving alcohol-impaired drivers kill a person every 31 minutes and seriously injure others every two minutes.

In 2005, 16,885 Americans perished in alcohol-related motor vehicle crashes, accounting for 39 percent of all traffic-related deaths.

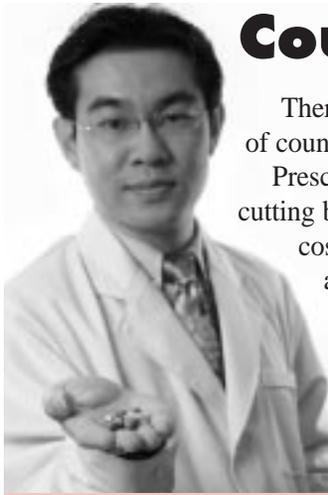
In 2003 marijuana and cocaine—generally used together with alcohol—were involved in 18 percent of vehicle driver deaths.

An experienced personal injury attorney can help victims of automobile accidents who have suffered injuries recover both physically and financially.

## **Crack cocaine behind the wheel**

A driver died from multiple and severe injuries five months after being violently struck by a tractor-trailer. The truck driver tested positive for crack cocaine immediately following the accident. The victim's wife and estate sued the driver and his employer for grossly negligent hiring and conduct. Her lawyer's investigation revealed that the driver had a 12-year drug-use history, and his employer failed to perform a background check. A jury awarded significant damages, including a punitive award.

*Legal news from your safety and security lawyer.*



# Counterfeit medications

There's a "perfect storm" of conditions for makers of counterfeit medications to do their harmful work.

Prescription-drug costs keep rising. Employers are cutting back on medication plans as employee-benefit costs increase. Drug wholesalers are seeking alternative drug suppliers to maintain profit margins. As a result, counterfeit medications are appearing on the market.

For genuine medications, purchase only from trusted pharmacies or online retailers. Patients should also be aware of caution

signs of fake prescriptions or over-the-counter medications:

1. Change in a drug's normal color, size, texture, or taste.
2. Alteration in packaging or labeling color, size, or style.
3. Broken or tampered-with seals or packaging.
4. Onset of unexpected allergic reactions or unusual symptoms and side effects after taking medications.

A patient should contact the pharmacist immediately upon suspicion they have taken a questionable medication. Seek medical help if conditions become serious. Consult with an attorney.

## Nursing home injuries

Residential care for elderly nursing home residents is not always delivered as promised, and accidents sometimes occur.

To be sure that staff will safeguard their loved ones' safety and health, adults who help parents enter assisted-living or nursing homes should investigate residences carefully.

Should a safety or injury problem arise, it may not always be easy to determine causes of safety or health problems. Staffs are reticent to talk, and the elderly may be unwilling or unable to explain problems.

Responsible adults who suspect that nursing home care is insufficient or has resulted in an injury should take three steps:

1. Get medical care for the loved one.

2. Notify residence management of concerns.
3. Seek legal counsel. Attorneys familiar with nursing homes can help elderly loved ones receive a high level of care or determine the bases of injuries and hold the responsible parties accountable.

### Common concerns

- Decubitus ulcers
- Dehydration
- Falls, dislocations, and broken bones
- Inappropriate physical-restraint use
- Infections
- Physical, emotional, or psychological abuse
- Malnutrition
- Pressure sores



## American juries

### Fair and effective

American juries are doing an excellent job. Although the right to a jury trial is a cornerstone of our democracy, some critics claim civil juries are irrational, unreliable, and biased against business.

*American Juries: The Verdict* (Prometheus Books 2007), a new work by two leading jury-research experts, Neil Vidmar of Duke University School of Law and Valerie Hans of Cornell University Law School, reveals that American juries are alive and doing very well indeed.

### Book highlights

- Legislation and computer technology have improved juror selection, which more fairly and closely reflects the broader range of our communities' populations.
- Once citizen-jurors get into the facts and data of a trial—no matter what their personal views were prior to empanelment—the jurors' focal point in decision-making and reaching their verdict is the evidence presented by both sides in a dispute.
- Jurors generally believe that corporations should be held to a higher standard of care than individuals because businesses have the potential to hurt more people than any one individual can.





## How to complain EFFECTIVELY

Many of us who are dissatisfied with a product or a service may not get the best results from our complaints because we don't complain well enough.

Here are negotiating tips to get better results from your efforts:

1. Register your complaint as soon as possible.
2. Be sure you are talking to the right person—the customer service representative who has the authority to resolve your problem.
3. Get ready to negotiate by preparing several alternative solutions to suggest to the customer service rep.
4. Know which solution you will accept.
5. Be polite but assertive.
6. Use the customer service person's name to establish rapport.
7. Avoid becoming angry.
8. Inquire about the business's customary procedure for resolving complaints, then use it to your advantage.
9. Get the customer service representative to commit to a solution with you.
10. Keep records of your phone calls and letters.
11. Ask for a supervisor only if you feel you will not succeed with the rep.
12. If you do not succeed, file a complaint with authorities such as your state's consumer protection agency or a Better Business Bureau.

## FOR YOUR SAFETY

### Recalled product roundup

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

- ✓ **TWIE, also known as Tradewinds International Enterprises, Inc.,** has recalled 152,000 "Sky Champion" Wireless Indoor Helicopters. Onboard rechargeable batteries can catch fire and burn consumers.
- ✓ **Provo Craft & Novelty, Inc.,** has asked buyers to return 730,000 Candlsense Warmers, which have internal candle heating elements that can detach, melt their plastic casings, ignite, and burn consumers.
- ✓ **Hearth & Home Technologies, Inc.,** recalled 22,000 IntelliSwitch Fireplace Wall Controls with faulty wall control systems, which can cause the fireplace to turn on by itself and damage property and harm users.
- ✓ **Specialty Lamp International, Inc.,** has recalled 371,000 counterfeit circuit breakers labeled "Square D," which can fail to trip when they are overloaded, posing a fire hazard to consumers. Counterfeit circuit breakers are black and are labeled Square D QO-series models 115, 120, 130, 215, 220, 230, 240, 250, 260, and 2020, and Square D QOB-series models 115, 120, 130, 220, 230, 250, 260, and 1515.



## Auto accident repairs

### Parts and labor

If you are in an accident and your car is towed to a repair shop, there are two things you should know about parts and labor:

### Parts charges

Parts manufactured by a vehicle's original equipment manufacturer (OEM) are best because they fit properly and are installed by authorized and trained mechanics. However, insurance companies urge repair shops to use generic or even salvage-yard parts to save money. Check your insurance policy. Although you can demand that a repair shop use OEM materials, you may have to pay more for OEM parts. Your family's safety is well worth the added cost.

### Labor charges

Insurance companies recommend some repair shops because these shops have signed a contract with the insurer to "cap" their charges for specific kinds of work. That also saves money for insurers, but may result in repairs that meet a bare minimum in quality and safety. Select a repair shop you know or people you trust have recommended.

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## CONCUSSIONS

What causes concussions? Auto accidents, falls, fights, workplace accidents, and sports injuries.

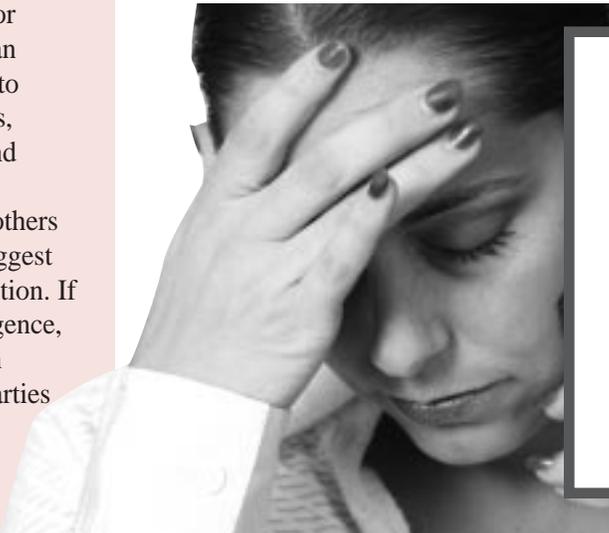
A concussion is the result of a victim's brain bouncing forcefully against the skull's hard interior upon receiving a blow to the head. Impact force and length of unconsciousness following a blow determine severity.

Common concussion symptoms may include unequally sized eye pupils, mental confusion, recurring vomiting, one-side body weakness, seizures, and coma. Concussions can be serious when patients, who do not connect them to head-injury accidents, fail to report symptoms to their doctors. Physicians sometimes overlook concussions as injuries since MRIs or x-rays do not show them. Injuries can range from temporary memory loss to persistent difficulty completing tasks, depression, fatigue, memory loss, and personality changes.

If you know accident victims or others who have concussion symptoms, suggest they obtain immediate medical attention. If injury resulted from another's negligence, an attorney familiar with concussion injuries can help hold responsible parties accountable for medical expenses, lost wages, and other harm linked with the concussion.

## Ten reasons to consult a workers' compensation attorney

1. You were injured on the job but not at your workplace, and may be eligible for workers' compensation.
2. You are injured, cannot work, and are not being paid.
3. You are suspicious about the workers' compensation insurer's motives in handling your claim.
4. You are unsure of your employer's role in resolving your case.
5. Your employer warned you not to file a workers' compensation claim.
6. You are seriously injured, but your employer's doctor says it is just a minor problem.
7. You don't know if you can see your own doctor to evaluate your injury.
8. You are not sure you may be eligible for job reeducation or retraining.
9. Your pharmacy refuses to fill a prescription for a workers' compensation medication.
10. You fear you can no longer do the job you did before your injury, but you don't know if you will be eligible for long-term or lump-sum benefits.



## Head trauma

According to the American Dental Association, within a year of experiencing whiplash trauma, one in three victims will develop temporomandibular joint disorder.