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NICKELSPORN & LUNDIN, P.C.

PERSONAL INJURY & AUTO ACCIDENT ATTORNEYS

The Road To Justice Starts Here

Accidents | Nursing Home Neglect | Insurance

top causes OF MOTORCYCLE ACCIDENTS

As the weather gets warmer, more and more motorcyclists undoubtedly will take to the road. But with the increase in riders, unfortunately, we'll also see an increase in motorcycle accidents.

And even though motorcycle accidents don't necessarily occur at a higher rate than other types of accidents, the consequences often are much worse since serious injuries or death are more likely to result from motorcycle wrecks. In fact, recent data indicate that per mile travelled, motorcycle accidents lead to 35 times more deaths than car accidents.

Being aware of the top causes of motorcycle accidents may help you reduce your risk of being involved in one. Here are some of the key factors that cause motorcycle accidents:

- Left-hand turns made by cars. This is the #1 reason for accidents between cars and motorcycles, accounting for over 40 percent of such collisions.
- Lane splitting by motorcycles. Because car drivers usually don't anticipate a motorcycle driving between them and the vehicle



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next to them (and because of the tight spaces between vehicles), lane splitting is a common cause of accidents.

- Speeding and alcohol use by the motorcyclist. Speeding or alcohol use is a factor in nearly half of the accidents involving a single motorcycle.
- Road hazards. Because of their small size, small tires and instability issues, motorcycles are more susceptible to road hazards such as potholes, animals (dead or alive), uneven pavement, wet roads, etc.

The next time you or a loved one heads out on a motorcycle, please be aware of the common threats riders face and use extra precaution to help reduce your risk of being involved in an accident. ■

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HOW TO DEAL WITH THE other guy's insurance adjuster

After an accident, if you are deemed *not at fault* and file a bodily injury or property damage claim, expect to become very popular with the other party's insurance adjuster. They will likely request a recorded statement from you. **You are not required to do this, and our office recommends that you never give a recorded statement to the other driver's insurance company.** (Note: If your own insurance company needs to discuss details of the accident with you, you should cooperate but still exercise caution.)

The adjuster from the at-fault driver's insurance company probably will also ask you to sign a medical authorization to gain access to your medical records. **Do not sign it.** There's no need for them to have more information than necessary. They're simply fishing for information from either past injuries or medical conditions that could damage your claim or limit your ability to collect fair compensation.

The other party's adjuster may also want to settle your bodily injury claim with you before you're finished with treatment, sometimes within 24 hours of your filing...think vultures on the savannah. Remember, they're not looking to do what's best for *you*; they're looking to do what's best for *them*—saving money. Threats to withdraw a settlement offer are empty ones. Don't settle without talking to an accident attorney.

If adjusters press you to sign a release of any sort, confer with your attorney before signing *anything*. Don't be intimidated. Again, do what's right for *your* circumstances, not theirs. Adjusters can also be charming, friendly, and ask seemingly innocent questions. But even a "How are you?" and a response of "Fine" can damage your case.

Let an experienced accident attorney be your mouthpiece and guide you each step of the way to fully recover damages you are owed. ■

TRYING TO GET AHEAD of dementia

Researchers have recently developed a chemical marker that binds to plaques and "tangles" in the brain. Plaques are abnormal accumulations of protein fragments that become hard and insoluble. "Tangles" are caused by a protein as well and can result in the collapse of microtubules that carry nutrients between nerve cells in the brain. Plaques and tangles interfere with brain function, which may eventually lead to Alzheimer's and other forms of dementia. These devastating diseases currently have no cure, nor are there any medications to even halt their progression.

A recent study was conducted involving 43 healthy study participants with an average age of 64; roughly half the participants had a form of memory loss called "mild cognitive impairment." Using brain scans, researchers were able to monitor mental decline, or lack thereof, over a 2-year period by tracking the new chemical markers.

It is believed that this neuroimaging technique will be useful in detecting brain-function changes early, before symptoms of dementia appear, and in some cases will be able to predict future brain decline.

The next step is to utilize the scans to measure the effectiveness of medications to treat aging brains and to monitor therapies designed to delay the progression of Alzheimer's, or hopefully prevent it altogether.

For now, this technology won't be appearing at your local doctor's office. There are other methods to detect mental decline, and there are currently no preventive treatments for Alzheimer's that can be monitored in an office setting. For the time being, it will be used and developed in clinical environments, but it appears to be a promising weapon in the battle against dementia. ■

PROTECT YOUR LOVED ONE FROM nursing home abuse

The decision to place a loved one in a nursing home can be emotionally wrenching. You certainly want them to get the finest care possible, but mistakes happen at even the most prestigious of facilities.



Honest mistakes are one thing; abuse is another. And, while the number of nursing home abuse cases is disturbing, only a low percentage of cases actually get reported. Oftentimes, the victims' pleas fall on deaf ears. Victims may fail to report abuse, or are unable to. Family members or friends need to be their advocates. Overcrowding, understaffing, or improper training of personnel can also lead to abuse, whether intentional or not.

There are five categories of nursing home abuse: emotional, physical, sexual, neglect, and exploitation. To help protect your loved one, you should:

- Be aware of drastic changes in personality.
- Keep an eye out for signs of withdrawal or depression.

Check for indications of physical abuse (e.g. bruises, pressure sores, changes in skin coloration).

- Take note of their personal hygiene and room conditions.
- Check their medications and make sure things are in order.
- Listen to any complaints and take them seriously (even if they have a lifelong "reputation" for complaining).
- Pay close attention to rapid weight change which may indicate starvation or dehydration.
- Investigate any injuries requiring medical treatment.
- Make sure that any sedation is necessary and justified.
- Take note of any reluctance of your loved one to talk about an injury or other situation that occurred at the nursing home.
- Make sure you are satisfied with the explanation for an unexpected death.

Contact an experienced nursing home injury attorney if you suspect a loved one has been the victim of abuse. ■

Important Dates – April 2012

April 1 – Palm Sunday April 6 – Good Friday April 7 – Passover April 8 – Easter Sunday
April 17 – Income Taxes Due April 22 – Earth Day April 25 – Administrative Professionals Day

did you hear?

According to a new study conducted by researchers at Washington University School of Medicine in St. Louis, antibiotics provide little or no benefit for people suffering from sinus infections. While the study indicates that 1 in 5 prescriptions in the U.S. are prescribed for sinus infections, a better course of treatment probably is just waiting for the infection to run its course.

Overuse of antibiotics is a growing health concern since some bacteria continue to develop resistance to the drugs we use to try to combat them. ■



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top causes

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breakin' up is hard to do...

...MAYBE EVEN MORE SO LATER IN LIFE

The biggest difference in a divorce later in life—after the big “5-0”—is the squeezed time frame to recover financially. A divorce means dividing assets with your spouse. Current market value is not the exclusive consideration of an asset. Some assets will become more valuable farther down the road.

Deciding who gets the house is a primary example. Age triggers eligibility for tax exemptions and waivers for real estate. A reverse mortgage, which can offer a potential stream of income, is an option beginning at age 62. Deductions for mortgage interest can be important in later years. Owning a house means access to equity if you choose to downsize.

Retirement presents another set of challenges that will require the careful attention of your attorney when the final divorce paperwork is being prepared. A separate court order, a Qualified Domestic Relations Order, may be necessary to cover the division of retirement benefits.

A small sample of the details your attorney should find the answers to are:

- whether you are eligible to receive distributions and still avoid tax penalties;
- whether you're entitled to any contributions made to your spouse's retirement plan(s) after the divorce; and
- whether you can get survivor benefits if your spouse dies after the divorce.

Social security comes into play as well and involves various factors: age, length of marriage, and number of years divorced, among others. These can all determine what you are entitled to as far as your spouse's social security benefits. Social security benefits are not assets that a divorce court can divide, but you need to be aware of the regulations to maximize your post-divorce income.

Divorce is unpleasant at any age, but its effects may be more far-reaching later in life. ■

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