



# Law Office of Kenneth P. Bernas

## Attorney At Law

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Brought to you by  
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### PERSONAL INJURY PRACTICE

- Free consultation
- Home appointments available
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- No recovery. No fee. We do not get paid unless you do.
- Trial attorneys

### Referrals

*Thanks to all of you who have recommended our firm to your relatives, friends, and neighbors. We appreciate your vote of confidence and pledge to care for these "VIPs" as well as we care for you.*

## Social Security Disability

Those who cannot work due to serious physical or mental conditions have the right to file Social Security Disability claims for one or more of several kinds of benefits. These may include cash disability insurance benefits, supplemental security income, disabled widow or widower benefits, and disabled adult child benefits.

Many claimants seek the assistance of attorneys to help them in several ways. The first is to identify and present their records, documentation, and other evidence of disability as clearly and effectively as possible. Attorneys can also guide claimants through a potentially complicated process, which may include appealing claims denials.

Here's how the claim-filing process works.

■ An individual files an initial claim for disability. The Social Security Act requires the claimant to demonstrate that he or she cannot work due to serious physical or mental conditions that will result in death or have lasted for 12 or more months.

■ A Social Security examiner and a physician then review the claim and decide to grant it or refuse it. Social Security refuses roughly two of every five claims.

■ If granted, disability insurance benefits are calculated on how much the claimant, a late husband or wife, or parent has worked and earned in the past, but current income is also figured into the formula.

■ If an initial claim is denied, a claimant can request reconsideration. The petition then goes to a different examiner at the Disability Determination Agency for another review to assure appropriateness and fairness.



■ If the claim reconsideration is rejected, the claimant can ask for a hearing before an Administrative Law Judge, who will provide an independent decision upon the claim. The claimant's lawyer can again help present the case for review.

■ Further denials may be appealed to Social Security's internal Appeals Council, or an attorney may file a civil action in court. These actions are rarer, however.

*We take your family's safety and security personally.*

## Mercury and autism

A generation of American youngsters may have been exposed to chemical preservatives in childhood vaccines which researchers suspect may be triggering autism, attention deficit hyperactivity disorder (ADHD), and other neurodevelopmental disorders.

Several political leaders, speaking for concerned parents, have asked the Food and Drug Administration to investigate Thimerosal, a preservative with high levels of mercury, which was used to stabilize vaccines for diphtheria, tetanus, pertussis, and other diseases.

Those concerned point to strong similarities between symptoms of mercury poisoning and autism. They also assert that a 900 percent increase in autism cases since 1990 corresponds with increased use of Thimerosal in vaccination procedures.

Parents of many autistic children who received vaccinations with Thimerosal



have begun to take action through our court system to find out what the pharmaceutical industry knew about risks associated with the product's use.

Parents suspecting their children may be suffering from autism as a result of exposure to Thimerosal should talk with their physicians and attorneys.

## AUTO

### "black boxes"

If you own a new car heavily dependent on onboard mini-computer systems, you may very well have a "black box" beneath your front seat. Check your owner's manual.

Manufacturers install black-box event data recorders (EDRs) to improve design, performance, and driver and passenger safety. EDRs can record data on speed, braking, direction, seat-belt use, air-bag deployment, antilock-brake applications, cruise-control use, and other information. Data are recorded and erased in five- to ten-second loops and stored if an accident occurs.

Although EDR data are usually proprietary to the auto manufacturer, motorists should be concerned that information obtained from the mini-computers can be used against them in accident cases. Law-enforcement authorities and insurance investigators can download EDR data to verify or contradict driver courtroom testimony.

Privacy rights activists question the ownership and use of the data, particularly with self-incrimination issues. California passed legislation giving drivers greater control over it.

Please contact our office for more information.

## Adjustable rate mortgages

Adjustable Rate Mortgages (ARMs) are good because they give mortgage borrowers flexibility. Although they feature interest rates lower than fixed mortgages, ARM rates change periodically. When market interest rates increase, so will a borrower's ARM. Declining interest rates reduce an ARM.

Lenders key ARM rates to market indicators, which react to changing economic conditions and financial outlooks. Common indices include six-month certificates of deposit, one-year Treasury notes, and others. Many ARM options are negotiable, and each has distinct advantages and risks. Benefits may include rate ceilings and no prepayment penalties. Risks are interest rate increases and higher monthly mortgage payments.

Talk to your financial counselor for mortgage assistance.

### Monitor your ARM

As in all financial transactions, borrowers must monitor ARMs when mortgages are sold or rates change. An ARM borrower won a monetary settlement after a lender made an improper interest rate increase on a loan. The borrower's attorney showed that by failing to use the proper index, the lender negligently imposed higher interest rates and smaller reductions in principal for the borrower.

## Side air bags

An Insurance Institute for Highway Safety study shows that side air bags that protect the head, chest, and abdomen may help reduce the potential risk of injuries in side-impact collisions by 50 percent.



## Amusement park safety

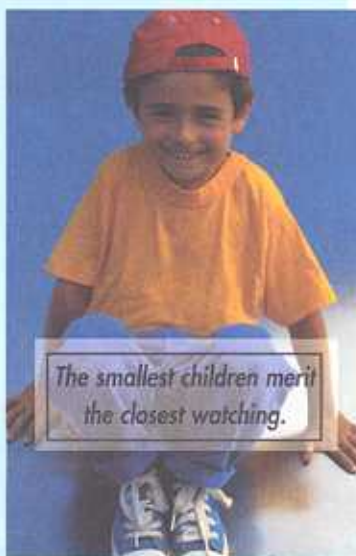
Amusement-park-ride injuries decreased from 10,580 in 2000 to 8,313 in 2001, according to a U.S. Consumer Product Safety Commission study.

Even so, parents still need to take steps to protect their young children.

- Check the park's general appearance, lighting, signage, and litter—all indicators of care.
- Look for adequate security and safety personnel.
- Watch operators' attention to rides.
- Observe the operation of rides your child wants to go on.
- Comply with age, height, or weight restrictions.
- Ride with youngsters.
- Buckle safety harnesses and restraints.
- Tell children to keep hands inside and to hold on.
- Don't let children wear loose-fitting clothing, especially baggy sleeves, which can snag in machinery.

### Toddler injury

The smallest children merit the closest watching. The family of a four-year-old received a settlement from an amusement park for massive brain and bodily injuries after the child fell from an innocent-looking ride. Their attorney demonstrated that the facility's owners were negligent about ride-door design and in training operators in safety procedures.



## Whiplash

A Denmark study concluded that people with very stiff necks shortly after auto accidents are more likely to suffer from chronic whiplash. Neck mobility was a better predictor of later disability than were reported levels of pain and neck muscle strength reduction.

## ROLLOVER ACCIDENTS

Automobile rollovers are dangerous. Because of erratic movement, passengers often are thrown from vehicles and suffer head and brain injuries or death.

Americans know about the rollover dangers of sport-utility vehicles, with their high centers of gravity. However, other factors—including faulty roads, poorly designed vehicles, and driver error—can also cause rollovers.

### Road maintenance

A florist delivery driver earned a settlement for multiple fractures and other injuries when his attorney proved that unanchored steel plates used in temporary road repairs constituted an unmarked hazard, which caused the driver to have an accident.

### Car design

When a Chevrolet Cavalier rolled over, the driver suffered a spinal fracture that resulted in paralysis and incontinence. Her lawyer won a settlement by demonstrating that the vehicle's roof had inadequate bracing strength and that the passenger's restraint system was defective.

### Driver error

When a truck collided with a car, rolling it over a median, the driver of the car suffered multiple fractures and brain injury. The driver's attorney obtained a structured settlement from the truck driver's employer after proving that the truck driver made a negligent lane change, causing the accident.

## Allstate Insurance Company

Allstate created a system to decrease auto claim costs by contacting and negotiating directly with people injured by Allstate auto insurance policyholders. Its goal is to locate consumers who haven't yet retained a lawyer to help them with the claims process and to intimidate them from retaining counsel. Allstate's brochure can mislead uninformed claimants to believe that an attorney isn't necessary. Here's question #1:



*Am I required to hire an attorney to handle my claim?*

**No. In fact, each year Allstate settles claims directly with many collision victims with no attorney involved in the claim settlement process.**

Allstate uses four more questions and answers in a campaign which is designed to improperly influence consumers to accept less than full recovery for injuries and improperly persuade them to surrender their legal rights.

Several states sued Allstate for this seeming conflict of interest in representing both sides in a situation and having their claims representatives improperly practice law.

Don't give up any of your rights. If you hear from Allstate, please contact us.

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The information included in this newsletter is not intended as a substitute for consultation with an attorney. Specific conditions always require consultation with appropriate legal professionals.

## Uninsured vs. underinsured motorists

When drivers buy insurance, they assume full protection from all eventualities. It's not always the case.

Most auto insurance consists of **coverage for property and collision damage** to vehicles and liability which safeguards drivers responsible for causing an accident and injury to others.

Next, there's **uninsured motorist liability coverage**. It protects drivers who have accidents with negligent, uninsured drivers. It covers lost wages, medical costs, and other expenses associated with serious injuries. It's important to talk with your insurance agent to be sure you're adequately covered for this.

Last comes **underinsured motorist coverage**, which safeguards individuals hurt by careless drivers with only minimal insurance. Since uninsured motorist coverage doesn't apply, the other driver's minimal liability policy may not cover injuries you suffer in an accident. Your own policy may not cover injuries, either. Again, confer with your insurance agent to be sure your coverage options anticipate this problem.

This is a potentially confusing area of the law, so call us if you have any questions on insurance coverages.

*Some states have what is called "no-fault" or "choice" insurance coverage. "No-fault" means the driver who caused the accident can never be held legally accountable. Under "no-fault" or "choice" insurance, good drivers pay for bad drivers.*

## OUR NEW NEWSLETTER!

We're sending our new newsletter to you because we care about your family's security and well-being.

In each issue, we'll give you information to help keep you and your family safe and healthy. Our newsletter will suggest protective steps to reduce the chances of harm or injury in your car, at home, at work, at school, or at play. We'll also update you about legal issues and cases you'll find helpful and which can improve everyday living.

Should you or a loved one suffer personal injury—and find you need us—you'll learn a lot here about what your legal options and remedies may be.

We hope you enjoy this newsletter. We have prepared it with the same personal and professional touches that you feel when you visit our practice. We also thank those who ask us to represent their legal needs and those who recommend us to others. We hope you'll share this information with friends and neighbors.



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