



Winter Safety: At Home & On the Road

Skiing, ice skating, hot chocolate, and cozy evenings by the fire. Winter definitely has its advantages. But it also features slippery roads and icy sidewalks.

Before the next snow storm hits or before taking a road trip to the nearest ski lodge, do some planning to keep your family, friends, and visitors safe this winter.

Home Safe Home

Each fall, most home owners service their furnaces and test their smoke and carbon monoxide detectors. But maintaining a safe property during the winter months goes beyond regular maintenance:

Shoveling for Safety—According to the American Red Cross, accidental deaths occur most often in January, when an estimated 1,000 people die from outside falls. But keeping your driveway, walkways, and porch safe is more than just grabbing a snow shovel.

A sense of civic duty coupled with local snow removal ordinances compels most homeowners to shovel after a snowfall. Because shoveling your driveway and sidewalk leaves you liable in a slip-and-fall injury while natural accumulation (unshoveled snow) does not, you need to be sure that you plow the safest path possible for friends, family, and other visitors.

Prevent Icy Patches—You can minimize ice build up by applying ice-melting granules when heavy, wet snow, blowing sleet, or freezing rain first begins. Reapply after shoveling or blowing.

You can find salt or other ice-melting granules at your local hardware store. Store a small pail of salt by your door to quickly sprinkle on any areas of your porch or walk that are prone to ice.

Move outdoor toys out of the way—To eliminate “trip-and-falls,” teach children to move their sleds and other

outdoor toys off the sidewalk, front walk, and driveway.

Replace burned out lightbulbs in landscape lighting to illuminate the path to your home during these long winter nights.

Safe Inside—In addition to outdoor safety, be alert to common indoor winter hazards:

- Have an old towel handy for drying up slippery, watery patches from dripping boots and shoes.
- Keep all flammable objects and clothing at least 3 feet away from fireplaces, space heaters, and wood-burning stoves.
- Remember to open your flue when building a fire.
- Turn off all space heaters before going to bed.
- Always supervise children and pets in rooms where a space heater is running or a fire is

Easy Does It!

Tips for Healthy Shoveling

- Snow is easiest to shovel right after a storm—before it becomes packed and icy.
- If you are over 55 and are not physically active, or if you have a history of heart problems, you should not be the one to shovel.
- Some neighborhood associations and townships maintain a data base of young people who earn money shoveling snow.
- If shoveling is your assigned duty, then shovel correctly. Lift with the knees and hips—not with the back. Take plenty of breaks and stop if you feel short of breath or have any pains.

burning.

- Clear stairways and landings of children’s toys,

From the Partners . . .

Welcome to our inaugural issue of “Personal Injury Advisor”! We hope this newsletter finds you and your family in good health this winter season.

We’ve developed this seasonal newsletter to offer you tips on personal safety and reducing your own liability risks as well as to update you on the latest relevant personal injury law news.

This winter, we are excited to announce a major update of our firm’s helpful website, **www.AdlerAndAdlerLaw.com**.

This sweeping update features a new, easy-to-use online form to discover if you, a friend, or a family member may have a Personal Injury or Worker’s Compensation case. In our Newsletter section, you will find a PDF version of each issue of “Personal Injury Advisor” as it is published. We also have updated case information, created a new Worker’s Compensation section, and more.

If you haven’t visited us online lately, check out our site today!

Sincerely,

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Personal Injury Law Update:

Proposed Changes in Medical Malpractice Law: Who Really Benefits?

If you follow local and state news, then you know that a great deal of coverage has been given to proposed changes in Illinois’ medical malpractice laws that would limit the damages awarded to victims. But legislative attempts to institute **caps will only hurt victims** of medical malpractice, especially retirees, stay-at-home mothers, and children, all of whom are more likely to have no “economic” losses—only “noneconomic,” which includes pain, suffering, disability, disfigurement, blindness, brain damage, and loss when a death is involved. Proposed limits on damages would apply to all malpractice cases—no matter how serious the injury or how negligent the doctor or hospital.

Much has been made about the large number of Illinois claims and their effect on the cost of medical malpractice insurance for our physicians. Some political ads have claimed that Illinois doctors are “fleeing” Illinois because they can no longer afford to practice here. But as several published reports indicate, malpractice insurance costs are not raised by compensation paid to victims—nor does the solution lay in limiting damages. In an article for the **National Bureau of Economic Research**, Katherine Baicker and Amitabh Chandra state that malpractice payouts “do not seem to be the driving force behind increases in premiums. Premium growth may be affected by many factors . . . such as industry competition and the insurance underwriting cycle.”

According to the **Consumer Federation of America**, over the last five years the amount that major medical malpractice insurers have collected in premiums has more than doubled—but claims that these insurers paid out have remained flat. In fact, some malpractice insurers raised premiums while both current claim payments and projected future payments were decreasing. In Illinois, the number of medical malpractice lawsuits filed annually has remained about the same since 2000. Yet Healthcare Indemnity, Inc., for example, has increased premium rates by 88% while its payouts actually fell by 32%.

Weiss Ratings, an independent insurance-rating agency, reports that between 1991–2002, states that capped noneconomic damage awards saw median malpractice premiums increase 48%—more than states without caps, which experienced an increase of 36%.

Capping malpractice awards will not lower physician malpractice insurance. Only insurance industry reform will achieve that goal.

As for doctors fleeing Illinois, Bob Tita refuted that myth in a July 5, 2004, article for **Crain’s Chicago Business**, reporting that the Illinois state licensing agency shows an overall rise in the number of Illinois physicians, rather than the reported decrease.

A glimmer of hope: Twice in the last 30 years, the Illinois Supreme Court has found caps on civil damages to be unconstitutional as special legislation that violates the separation of powers clause.

Call **Adler & Adler** at 312.443.1488 if you have questions or would like more information about this on-going controversy.

Winter Safety: At Home & On the Road (continued)

Despite our best efforts, accidents do happen. If you have a visitor injured outside or inside your home this winter, don't hesitate to call the partners at **Adler & Adler** for advice and answers to questions.

Safety On the Winter Roads

In the middle of winter, nothing shakes cabin fever like a weekend away. When planning a winter car trip—whether to visit friends and family two hours away or a great escape to warmer climates—keep safety on your checklist!

- Listen to news reports and check traffic websites for closings and poor road conditions.
- Dress for cold weather and store extra clothing in the car in case you have to leave the warmth of your vehicle.
- Fully charge your cell phone or keep a charger in the car.
- Always allow extra time to reach your appointment or destination.
- Double check your windshield washer fluid and wiper blades.
- Make sure all passengers are buckled up before setting off.
- Prevent snow glare by setting your lights on low beam.
- Pull over if conditions become too hazardous.
- Maintain extra distance between you and the car in front of you.

- Watch carefully for stopped cars and pedestrians.



Stock Up for Winter Emergencies

In Your Home

- Store candles, matches, flash lights, and plenty of extra batteries in an easy-to-remember place.
- Have on hand a manual can opener and nonperishable foods, such as crackers, canned food, bottled water, and soda.
- If the power goes out, place perishable food in the snow to stay cool.
- Keep your cell phone charged and preprogram emergency contact numbers.
- Never use a cooking stove to heat your home during a power outage.

In Your Car

- Keep flashlights and batteries in your trunk.
- Always have a cell phone, sun glasses, and roadmaps with you.

If You Are in an Auto Accident

- Always check for injuries first.
- Call the police—even if the accident is minor.
- If you are injured, tell the police officer.
- Note the damage to all vehicles.
- Take down the names and contact information of witnesses.
- If the weather is bad and police are not investigating accidents that do not involve injuries, trade names, telephone numbers, addresses, license plate numbers, and insurance information (including policy numbers and toll-free telephone numbers) with the other drivers involved.
- Call your insurance company to report the accident as soon as possible.
- Don't sign anything without consulting your insurance company or your attorney at Adler & Adler.
- If the other driver's insurance company contacts you, don't give a recorded statement.

If you or a passenger in your car is injured, call Adler & Adler at 312.443.1488 for guidance through the insurance and compensation process.

Winter Resources at a Glance

AAA Chicago Motor Club
www.aaa.com
Toll-Free 1.866.968.7222

ComEd Electrical Emergencies
Toll-Free 1.800.EDISON.1

Illinois Department of
Transportation
(road conditions & closings)
www.dot.il.gov
www.gettingaroundillinois.com

NICOR Gas Emergencies
Toll-Free 1.888.NICOR.4U

SBC (for telephone repairs)
Toll-Free 1.888.611.4466
www.sbc.com