



**LOCKE MEREDITH,
SEAN FAGAN & WILLIAM MITCHELL**
ATTORNEYS AT LAW



"Service and Protection for You and Your Family"



FIRST QUARTER 2004

**LOCKE MEREDITH,
SEAN FAGAN &
WILLIAM MITCHELL**

WON

***\$19.4 MILLION**

BRAIN DAMAGE CASE

***\$16.4 MILLION**

CHEMICAL EXPOSURE

\$11.2 MILLION

BRAIN DAMAGE CASE

***\$3.0 MILLION**

CHEMICAL LUNG DAMAGE CASE

\$1.75 MILLION

JONES ACT/SHIP INJURY

***\$1.4 MILLION**

BRAIN DAMAGE/DISC INJURY

\$1.25 MILLION

SPINE & DISC INJURY

* Judgments include legal interest

" UM" coverage
Don't leave home without it

Some bad drivers cannot, or refuse to, purchase auto insurance coverage. Estimates show that the national average of **uninsured** drivers on our roadways is as high as 15 percent. Getting into an accident with an uninsured driver can be a nightmare, since it is extremely difficult to recover damages from drivers at fault.

Accidents involving negligent **underinsured** drivers—those who carry minimum coverages—can be almost as devastating to the innocent driver whose car is wrecked and who faces thousands of dollars in medical bills.

" UM"

Prudence leads the wise driver to purchase "UM"—uninsured and underinsured motorist—insurance on his or her own policy. These insurances will provide coverage against damages and injuries from accidents involving drivers who have no insurance or have inadequate insurance. Further, the smart driver will also be sure to purchase more than the minimum "UM" protection that their insurer may offer, since incremental costs may be minimal.

Review your auto insurance policy to be sure you have complete "UM" coverage. Call your insurance agent or our office with questions.



**PERSONAL INJURY
PRACTICE**

- Free consultation with trial attorneys
- Appointments anytime, anywhere
- 24-hour emergency service
- No recovery. No fee. We do not get paid unless you do.
- No out-of-pocket expenses for:
 - medical treatment
 - legal services

1300 Millerville

Baton Rouge, LA 70816

(225) 272-5555

Toll-Free: (800) 479-9223

FAX: (225) 272-5990

Web site:

www.lockemeredith.com

OFFICE HOURS

Monday-Friday

8:00 a.m.-5:00 p.m.

Elderly-patient rehabilitation

After elderly patients complete hospital stays, they may be released to rehabilitation facilities, where they receive assistance to perform their daily activities.

Such centers help patients recover via various therapies.

Physical—to relieve discomfort, restore movement and function, and avoid further injury or illness.

Occupational—to re-establish ability to perform activities of daily living, such as eating, bathing, dressing, and using the bathroom.



Speech—to restore or improve speaking and language skills.

Specialized—to provide assistance with respiration, incontinence, wound recovery, balance, self-medication, and other health needs.

Rehab facilities also provide for the nutritional, medicinal, social, recreational, spiritual, and other patient needs.

Although most rehab facilities provide good care, children, caregivers, or responsible parties should monitor their loved ones' progress as closely as they can.

Wound injury

The family of an elderly rehab patient received a jury verdict after their loved one suffered a foot amputation due to ulcers. Their lawyer showed that the facility failed to monitor wound deterioration, change bandages, and notify a physician.

*Tune in to our educational show on COX Cable Channel 4 at 5:30 p.m. daily.
Know your rights! Get the help you need and the answers you want.*



HORMONE THERAPY

Troubling research findings

Recent troubling findings question the effectiveness of hormone-replacement therapy. Early on, manufacturers' marketing campaigns convinced doctors and their female patients that menopause was a medical disorder that could be successfully treated with prescription medications that had virtually no side effects.

Now, evidence suggests medications—particularly combination hormone-replacement therapy—not only can cause cancer, heart attacks, and other serious side effects, but also may be much less effective at treating menopausal symptoms than previously believed.

Although dozens of firms manufacture medications for estrogen-replacement therapy (ERT), generally used by women who enter menopause following surgical removal of the uterus, Wyeth Laboratories' Premarin® is the most widely prescribed. For combination hormone-replacement therapy (HRT), prescribed for women who enter menopause naturally through aging, the most commonly prescribed medication is Wyeth Laboratories' Prempro®.

Here is a brief chronology of hormone therapy's history.

1959—A *Journal of the American Medical Association* (JAMA) article reports a 25-year study showing that estrogen protects bones and relieves menopausal symptoms.

1962—Brooklyn gynecologist Robert Wilson's best-seller, *Feminine Forever*, recommends estrogen as the "cure" for "the tragedy of menopause."

1975—Thirty million prescriptions of Premarin are being filled annually.

1976—The *New England Journal of Medicine* (NEJM) reports a link between estrogen therapy and breast cancer.

1980—Pharmaceutical manufacturers market ERT and HRT from a new angle, claiming they prevent bone loss.

1985—Drug makers promote the first of several studies which say that hormone replacement therapies prevent heart disease and bone loss without risk of cancer, strokes, or blood clots.

2000—The Women's Health Initiative, part of the National Institutes of Health, reports that women taking Prempro experience a small increase in heart attacks, strokes, and blood clots.

2001—JAMA reports that a 20-year National Cancer Institute study found that long-term ERT use significantly increased the risk of ovarian cancer.

2002—Another JAMA article reports that Prempro may stem Alzheimer's disease.

2002—The National Institute of Environmental Health Sciences, of the United States Department of Health, places estrogen on the government's roster of known human carcinogens.

The most recent studies present additional worrying findings.

May 2003—NEJM reports a new study which shows that hormone-replacement therapies failed to improve sleep, vitality, and sexual satisfaction or reduce depression.

May 2003—A JAMA article says that hormone therapy nearly doubles the risk of Alzheimer's disease.

June 2003—JAMA reports that even short-term use of HRT increases the risk of breast cancer and makes the disease more difficult to detect.

Throughout 2003, class actions have sought damages for injury and death among women who took Prempro, alleging its manufacturer failed to use due care in designing and manufacturing it to

reduce health risks, failed to conduct sufficient clinical testing and monitoring to determine safety, and failed to provide proper warnings to users about potential side effects.

The HRT situation continues to vary from month to month. For more information, please consult your attorney.

If you slip and fall

Slips and falls can be funny in slapstick comedies when stunt specialists, protected with padding and knowing how to fall properly, take on-screen tumbles.

But in real life, slips and falls are a leading cause of serious injury. Even the smallest trip-up can result in a great deal of damage to ankles, legs, arms, hands, the back, or the head.

What causes falls? Among the many contributing factors are ice and snow, slippery materials on floors, stairs with faulty handrails, uneven concrete or slate sidewalks, improperly secured carpets or mats, and objects placed unsafely in people's paths.

Anyone who has a slip-and-fall accident and experiences injury should try to do several things. First, get immediate medical assistance. Second, ask for the names, addresses, and phone numbers of witnesses who saw the fall. Third, try to save any evidence related to the fall, such as a squashed piece of fruit and the shoes worn at the time. Fourth, contact legal counsel.

Carpet hides drain

A woman underwent arthroscopic knee surgery and missed several months of work after tripping and falling in a railway tunnel. Her attorney achieved a settlement for her with the owners of the railway station tunnel after demonstrating that they had negligently created a dangerous condition by installing carpeting that obscured the grate of a drain depression from her view.





AUTO ACCIDENTS

Seven slip-ups

Time and experience have shown that drivers can make seven mistakes that forfeit rights and limit opportunities for fair restitution in auto accidents.

- 1. Failing to call the police.** Without an official police accident record, it is, unfortunately, one driver's word against the other's about what happened. All claims bear equal weight.
- 2. Consenting to working out auto-damage repairs and medical-injury care with a trusting handshake.** People change their minds and tell different stories.
- 3. Declining an immediate checkup and ongoing medical assistance.** A neck that starts hurting a week after the collision is harder to justify. Also, insurance companies often counter that delayed pain may come from an existing condition or an earlier or subsequent occurrence.
- 4. Failing to collect or exchange information with other drivers, passengers, or eyewitnesses.** The document trail of evidence and statements can make or break a claim.
- 5. Forgetting to notify your insurance company.** You paid the insurance premiums, but by forgetting to call, you may incur out-of-pocket costs that the insurer should cover.
- 6. Saying "It was my fault."** Be fair to yourself. This accident may really not have been your responsibility.
- 7. Not consulting an attorney.** It's often said, "He who defends himself is foolish." Omitting legal representation cedes your rights to the other driver's insurance company.

Workplace injuries

Workers' compensation not always enough

For a worker severely injured on the job, workers' compensation is often a key source of financial support during recovery and rehabilitation. A workers' compensation program is a state-operated and -guaranteed insurance plan that covers medical bills and replaces lost wages for employees.

But many workers' compensation programs limit benefits for seriously injured employees. Most replace, at maximum, only two-thirds of salary, exclude fringe benefits, and may be capped for cost-of-living adjustments. Workers' compensation also usually offers no or little compensation for pain and suffering.

Seriously injured workers face other restrictions as well. Workers' compensation benefits may be cut or ended if the worker is judged to still be able to earn money. Employers may also require a worker to take additional medical and vocational examinations to assess the extent of disability and lost earning power.

Other protections

Injured workers, confronted by restrictions imposed by workers' compensation plans, can seek legal counsel, which can sometimes identify other sources of financial compensation and recovery equal to the cost of the employee's injuries. In some cases, investigating the accident scene and talking to witnesses can lead to third-party claims for compensation.



INJURY SOURCES

Product liability—Manufacturers of machinery, equipment, or safety gear may be held liable for failing to exercise all possible care in the products they market.

Inadequate warning or instructions—Some products have built-in hazards that cannot be eliminated from design since they would inhibit cost-effective operation. Warnings must be included for such products.

Contractor negligence—Outside vendors engaged to install equipment, design workstations, provide lighting, or support work processes may contribute to injuries.

Premises liability—Dangerous conditions at the worksite or elsewhere, such as a poorly designed loading dock or inadequate safety considerations, may also cause or contribute to an injury.

LOCKE MEREDITH, SEAN FAGAN & WILLIAM MITCHELL
1300 Millerville
Baton Rouge, LA 70816
(225) 272-5555
(800) 479-9223

LOCKE MEREDITH,
SEAN FAGAN & WILLIAM MITCHELL

PRESORTED
STANDARD
U.S. POSTAGE PAID
BATON ROUGE, LA
PERMIT NO. 1359

RETURN SERVICE REQUESTED



* WON \$19.4 MILLION—BRAIN DAMAGE CASE
* WON \$16.4 MILLION—CHEMICAL EXPOSURE
WON \$11.2 MILLION—BRAIN DAMAGE CASE
* WON \$3.0 MILLION—CHEMICAL LUNG DAMAGE CASE
WON \$1.75 MILLION—JONES ACT/SHIP INJURY
* WON \$1.4 MILLION—BRAIN DAMAGE/DISC INJURY
WON \$1.25 MILLION—SPINE & DISC INJURY

* Judgments
include legal
interest

© Copyright 2004. Newsletters, Ink. Corp. All rights reserved. Printed in the U.S.A. www.newslettersink.com

PERSONAL INJURY GUIDE

FREE LEGAL INFORMATION
24 HOURS A DAY

CALL 1-800-753-9970

PRESS The code for the topic you want to hear more about

Automobile Injuries

- 8249 Injured in an auto accident: Pursuing a claim
- 8250 Injured in an auto accident: What are my rights?
- 8251 Were you the victim of a drunk driver?

Types of Accidents and Injuries

- 8252 Airplanes
- 8253 Amputations
- 8254 Bicycles
- 8255 Boating
- 8256 Broken Bone & Fracture
- 8257 Burns
- 8258 Construction
- 8259 Defective Implants
- 8260 Dog Bites
- 8261 Eye Injuries
- 8262 FELA/Railroad Employee Protection
- 8263 Head & Brain Injuries
- 8264 Heart & Lung
- 8265 Herniated/Bulging Disc
- 8266 Motorcycles
- 8267 Muscle & Ligament
- 8268 Neck & Back
- 8269 Paralysis
- 8270 Pedestrian
- 8271 River Boats
- 8272 Swimming Pools
- 8273 Trains
- 8274 Unconsciousness
- 8275 Whiplash

Medical Malpractice Injuries

- 8276 Anesthesia - Improper administration
- 8277 Prenatal and birth injuries
- 8278 Chiropractic
- 8279 Hospitals and clinics
- 8280 Inaccurate or premature diagnosis
- 8281 Nursing care
- 8282 Nursing homes
- 8283 Physician

- 8284 Proving your malpractice claim

- 8285 Time requirements

- 8286 Wrongful death claims

Work Injuries

- 8287 What are my remedies for on-the-job injury?

Product Liability

- 8288 Product defects: A manufacturer's liability
- 8289 Product liability cases: Strict liability

Professional Liability

- 8290 Medical Malpractice: Types of claims
- 8292 Engineer liability: Defective highway design

Property/Premises Owners

- 8303 Home and business premises liability
- 8304 What are a homeowner's duties?
- 8305 Pet liability: Control your pets
- 8306 A landlord's duties to tenants
- 8307 Property owner's duties to trespassers
- 8308 What if I was injured at a hotel/motel?
- 8309 Who do I sue for a slip & fall?

Workers' Compensation Injuries

- 8329 Carpal Tunnel Syndrome
- 8330 Death Claims at Work
- 8331 General Information
- 8332 Hernias
- 8333 Neck and Back Injuries
- 8334 Old Injuries
- 8335 On-the-Job Auto Accidents
- 8336 Stress Claims
- 8337 Trauma Injuries
- 8338 Work Exposure Claims
- 8339 Am I receiving all benefits?
- 8340 Benefits
- 8341 Benefits if not working
- 8342 Benefits returning to work
- 8343 Lost wages
- 8344 Pain and suffering
- 8345 Permanent Injury
- 8346 Salary while not working

- 8351 Medical treatment benefits

- 8363 What is Workers' Compensation?

Social Security Benefits

- 8371 The review process
- 8372 What Social Security means to you
- 8373 What will happen to your benefits?
- 8374 What you'll need when applying for child's benefits
- 8375 When your spouse dies
- 8376 Who can get child's benefits?
- 8377 Women and Social Security
- 8378 Your active case is being reviewed

Insurance Claims Liability

- 8379 Claims under umbrella policies
- 8380 Homeowner's insurance
- 8381 Product liability insurance
- 8382 Injury on the job/workers' compensation
- 8383 Insurer bad faith
- 8384 Contacting the state insurance commission

Employment Law

- 8238 Racial discrimination: Workplace inequality
- 8239 Sexual discrimination: Equal pay
- 8240 Sexual harassment: What is it?

General Information

- 8313 What damages can I recover?
- 8314 Did I waive liability?
- 8315 Filing a lawsuit
- 8316 Importance of liability insurance
- 8317 Are lawsuits settled before trial?
- 8318 Who can sue for wrongful death?
- 8322 What is your claim worth?
- 8323 Valuing your claim
- 8324 Contingency Fee
- 8325 Expenses
- 8326 Recoverable Damages
- 8327 Settlements
- 8328 Survivors' Rights

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.