

LAW OFFICES OF JOHN C. DEARIE & ASSOCIATES



MOST COMMON QUESTIONS & ANSWERS ON:
PERSONAL INJURY
CONSTRUCTION SITE ACCIDENTS
MOTOR VEHICLE ACCIDENTS
MEDICAL MALPRACTICE
LEAD PAINT POISONING

Personal injuries occur in countless places. They can happen at often-dangerous construction sites; in lead paint filled apartments; while driving on local streets, or interstate highways; shopping along slippery store aisles; on hospital operating tables or in doctor's offices; tripping on an uneven sidewalk and so many more.



Our legal team deals every day with these injuries at these sites. Attorney Tim Jones heads our Personal Injury Department, bringing fifteen years of extensive courtroom expertise, along with Thomas Boyle, a competent and caring lawyer, and paralegal Rosemarie Romero, whose warm personality and bilingual skill helps keep communications with every client we serve.

We hope you will find helpful and informative the two most frequently asked questions in each Personal Injury field we practice.

Remember, our two Mobile Law Offices are always available to assist clients who are injured, or unable to travel to one of our permanent offices, at no extra cost.

PERSONAL INJURY

- 1) **What are the settings that most frequently result in a personal injury suit?**
Actually, accidents can occur virtually anywhere, but among the settings where injuries most often appear include: motor vehicle collisions, cracked or sloping sidewalks, dangerous stairways, construction sites, using defective products, uneven elevator landings, slippery store aisles, the workplace and many others.
- 2) **Is there anything unique when bringing a personal injury law suit against a municipality?**
Yes. For example, if an individual is injured from a cracked or defective sidewalk, or struck by a municipal vehicle (police, sanitation, etc.), or slips on a wet floor in a municipal building, then a Notice of Claim must be filed within 90 days of the accident date. Failure to do so within that time frame could terminate the legal action. Also, a Summons and Complaint to begin the lawsuit must be purchased one year and ninety days from the anniversary date of the accident.

CONSTRUCTION SITE ACCIDENTS

- 1) **In New York State, what statutes govern construction site accidents?**
Construction site accidents are regulated by a set of Labor Law provisions dictating to building owners and contractors the rules of workplace safety for workers on the job. Particularly, Section 200 addresses general workplace safety. Section 240 (1) deals with ladders and scaffolds and Section 241 (6) relates to slipping and tripping accidents in the workplace.
- 2) **Is my financial recovery for a construction site injury always limited to the Workers' Compensation payment schedule?**
Not necessarily. Only when the employer's negligence is the sole cause of a worker's injury is the financial compensation limited to the Workers' Compensation amount. Every case where a worker is injured should be carefully evaluated, by an attorney, to determine the cause and financial responsibility to the injured worker. If a party, other than your own employer, is responsible for your accident, a "third party action" may be brought to recover for the pain and suffering experienced.

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MOTOR VEHICLE ACCIDENTS

- 1) **What are some of the injuries classified as "serious" under the "No Fault" Law that would permit me to recover for my pain and suffering?**
The Law identifies qualifying "serious injuries" to permit a pain and suffering compensation. These are death; disfigurement; amputation; facial scarring; loss of fetus; permanent loss, or use, of a body organ; herniated or bulging disc; and significant limitation of a body function (i.e., knee injury, partial hearing loss, tear of ankle ligaments, etc.).
- 2) **What is a wrongful death suit resulting from a motor vehicle accident?**
It is a lawsuit brought by potential beneficiaries, usually family members, of the deceased who was killed by the negligence or wrongful conduct, of another party operating a motor vehicle. A common example occurs when a parent is fatally injured in a crash, with the lawsuit brought on behalf of the surviving spouse and/or children. Remember, this legal action must begin within two years of the accident victim's death.

MEDICAL MALPRACTICE

- 1) **How do you define Medical Malpractice?**
This action results when medical procedures deviate from the normally accepted medical standards resulting in a personal injury to the patient.
- 2) **What are the common types of Medical Malpractice actions?**
Medical Malpractice suits encompass several recurring areas including incorrect or missed medical diagnosis, birth or delivery defects in infants, unnecessary surgical procedures, medical treatment performed without consent or medical instruments left in body after surgery.

LEAD PAINT POISONING

- 1) **Why does the federal government call lead paint poisoning the #1 environmental health threat to children in the United States?**
Lead paint poisoning is the #1 environmental health threat because the Environmental Protection Agency (EPA) estimates that 1 in every 6 children has unacceptable levels of lead in his or her blood. New York City has been cited as having the highest poisoning rate in the country.
- 2) **If I think my child has been exposed to lead poisoning, what steps should I take?**
The most critical step is to contact your family doctor or pediatrician so that your child is tested immediately to determine the presence of any harmful levels of lead in the blood.

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Our lawyers have prepared answers to our clients' most frequently asked questions in the fields we practice.

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