

SUMMER 2008

Aitken * Aitken * Cohn

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OFFICE HOURS

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CIVIL LITIGATION/ PERSONAL INJURY SPECIALISTS

- Free consultation
- No recovery, no fee.
- Martindale-Hubbell
AV rating
- "Best Lawyers in America"
- "The Top 100 Influential
California Lawyers"

Injured at work?

One of the ways in which **Aitken * Aitken * Cohn** has distinguished itself as a nationally recognized law firm is by working tirelessly to exhaust all potential means of recovery to compensate our clients for their injuries and losses. This holds especially true with respect to representation of clients who are injured while on the job.

In the very recent past, California enacted numerous reforms to the workers' compensation system. Although these reforms were enacted under the guise of ending abuses to an allegedly flawed system, they have the direct impact of leaving truly injured employees grossly under-compensated for injuries that often have lifelong effects. A commonly held myth among employees in California who are injured "on the job" is that their only remedy is through workers' compensation claims against their employers. While such a workers' compensation claim is the "exclusive remedy" against one's employer, there are many circumstances in which an employee injured "on the job" has a valid claim against parties **other** than their employer.

The following are just a few examples of cases that Aitken * Aitken * Cohn has recently handled, assisting employees in obtaining recoveries beyond workers' compensation benefits for work-related injuries:

■ Aitken * Aitken * Cohn achieved a \$3 million settlement for the wife and parents of a 29-year-old geologist who was killed while performing job duties (i.e., taking soil samples at a construction site). This greatly exceeded the \$250,000 death benefit available under most workers' compensation death claims.

■ Aitken * Aitken * Cohn obtained more than \$2.5 million for a construction worker injured when the scaffolding he was working on collapsed. This result allowed the client to obtain medical care outside of the restrictions imposed by the workers' compensation system.

■ Aitken * Aitken * Cohn negotiated a settlement of over \$300,000 for a Garden Grove police officer who was injured while driving on his city-issued motorcycle on the way to work when he was cut off by a California Highway Patrol motorcycle. This recovery was above and beyond the roughly \$90,000 in workers' compensation benefits provided to the client for lost earnings and medical care.

If you or someone you know is injured while "on the job" contact our office immediately for a free consultation to ensure that all potential avenues of compensation are properly evaluated.

At Aitken * Aitken * Cohn, we pride ourselves on leaving no stone unturned to ensure that we achieve the best results for our clients, including those who have suffered the misfortune of sustaining work-related injuries.



Experience • Resources • Compassion • Results

Jury duty service

Q & A

Our practice believes that all citizens should recognize jury duty as a civic responsibility and honor.

Q: I've been called to serve on a jury. What is voir dire?

A: *It's French for "to see and to speak"—when a trial's attorneys and judge ask questions of each juror to determine whether he or she can listen to arguments and evidence without bias or prejudice. Typical questions will indicate if a juror knows anyone involved in the case, has been involved in a similar case, and will be a suitable juror.*

Q: What's a peremptory challenge?

A: *Not only can attorneys dismiss a juror for cause, but they have the right to excuse a certain number of jurors for no reason at all. The reasoning behind this practice is fairness: If both attorneys have some say in determining the composition and balance of a jury, attorneys—and their clients—should find the jury's verdict more acceptable.*



Petting-zoo reminder

It's always a good idea to require children to wash their hands carefully after visiting a petting zoo to reduce the risk of transmitting germs that cause diseases.

SEMINAR SCHEDULE

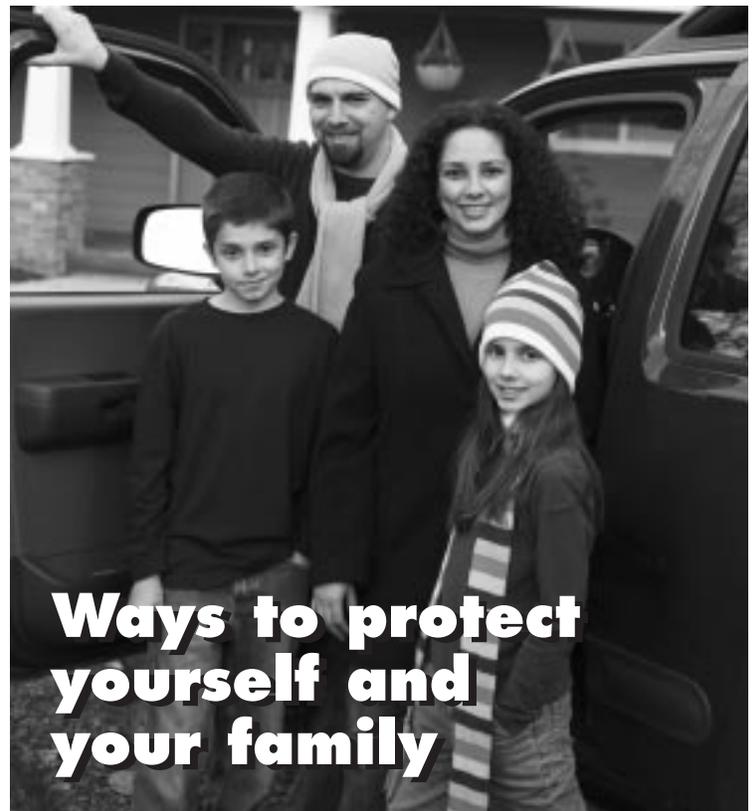
August 29, 2008

CAALA Annual Convention, Las Vegas

Theme: Jury Selection

Topic: Voir Dire of Hostile Individuals

Wylie



Ways to protect yourself and your family

- Always drive safely.
- Purchase sufficient automobile liability and collision insurance, including uninsured- and underinsured-driver coverages.
- Select crash-resistant autos with safety features such as airbags, antilock braking systems, head restraints, auto-locking seat belts, tire-pressure monitors, and others.
- Summon law enforcement to an accident scene.
- Obtain immediate medical care.
- Record all accident information and take photos.
- Make no statements at the accident scene.
- Notify your insurer about the accident.
- Seek legal counsel.

RECENT CASE RESULTS



➔ **Auto vs. Auto**—A verdict was rendered by an OC jury which awarded an “exceptional” young boy for significant brain injuries as a result of an automobile collision. The case was appealed after Aitken ★ Aitken ★ Cohn achieved a trial verdict of \$23.4 million. The matter was resolved shortly after arguing the case before the appellate court.

SETTLEMENT: Confidential

➔ **Commercial Vehicle**—The plaintiff filed a claim against a corporation after a large propane tank fell upon him from his flatbed trailer due to the negligence of the defendant’s employee during the unloading process. The claimant received crushing injuries to his leg and pelvis resulting in several surgeries, including amputation of his left leg and loss of a kidney, and he still struggles with residual injuries, many of which are permanent in nature.

SETTLEMENT: \$3,375,000

➔ **Truck vs. Auto**—Thirty-six-year-old husband and father sustained life-threatening injuries when the defendant’s set of dual

wheels came off a semi-trailer, crossed the median, and caused the driver of another vehicle to lose control and crash head-on into the plaintiff’s vehicle. As a result of the defendant’s negligence, the plaintiff suffered serious turmoil—as well as his family—and catastrophic and debilitating injuries, transforming him into a permanently disabled man requiring constant 24-hour care.

SETTLEMENT: \$3,060,000

➔ **Auto**—A 17-year-old female passenger sustained multiple fractures and neurological injuries when the defendant’s vehicle (one of two vehicles participating in a speed contest) lost control and struck a concrete wall.

SETTLEMENT: \$625,000

➔ **Golf Cart**—The plaintiff, a 55-year-old woman, was thrown from a golf cart while touring an apartment complex when the negligent driver of the cart failed to slow while going over a speed bump while simultaneously initiating an unexpected U-turn. Injuries included exacerbation of preexisting reflex sympathetic dystrophy, including the failure of her spinal cord stimulator and her husband’s claim for loss of consortium.

SETTLEMENT: \$500,000



CONSUMER ALERT:

Protect yourself and your family with appropriate uninsured motorist insurance

Two years ago, we wrote to advise our friends and clients about the essential need to assure the adequacy of their uninsured motorist insurance coverage limits (coverage “U” on your auto insurance declaration sheet). Because this topic is so very important, and yet receives so little attention, we again want to bring this issue to the forefront.

“Uninsured/underinsured” motorist coverage is the only insurance coverage **you** can buy to protect yourself and your family when you or members of your family are injured by another driver who is uninsured or underinsured. When most people think about auto insurance, they think only of “liability” coverage and “property damage” coverage, which ensures (if they cause an accident) that they don’t have to

pay out of their pocket for the harm they caused the other person. However, what is forgotten, to an astonishing degree, is the need to purchase the same insurance protection if an uninsured/underinsured motorist causes injury to you or your family.

All too often, we consult with clients after catastrophic injury accidents who do not have uninsured/underinsured motorist coverage (or who only have purchased the minimum limits). They are stunned and saddened when they find out that the driver who caused the accident had no insurance, or only the minimum limits of \$15,000—despite astronomical economic losses/medical expenses and other

(continued on back page)



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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.

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CONSUMER ALERT (continued from page 3)

damages that were caused by the accident. They face economic ruin through no fault of their own—with no source of insurance coverage to pay the mounting expenses.

Uninsured/underinsured motorist coverage is the **ONLY** insurance you can buy to protect you and your family against these devastating circumstances, which arise far more often than you would think. When asking yourself "Do I need uninsured motorist coverage?" consider the fact that **uninsured motorists are the most LIKELY to cause accidents!** Here's why: They have bad driving records and can't get insurance, or can't afford the high rates. Likewise, those who cannot afford auto insurance are also less likely to be able to afford to maintain their vehicles in safe condition. They are also more likely to commit crimes (such as "hit and run") or to drive unsafely.

By law, your insurer must offer you the opportunity to purchase uninsured/underinsured motorist coverage with limits equal to your liability coverage. However, we increasingly hear of consumers being **discouraged** by the insurers from buying the coverage. Why would the insurers not want you to buy this critically important insurance product? The answer is obvious—the insurers know that uninsured drivers cause high numbers of accidents, and they do not want to have to pay for those claims! By contrast, the insurers know that you (with your excellent driving record) are unlikely to cause an accident—so they are all too happy to accept your premiums to cover you for a loss that is highly unlikely to ever occur. So, the insurers know the game! They therefore ask you (as they must) to waive your right to the uninsured motorist coverage and/or discourage you from buying it at adequate limits. Don't fall into this trap!

Uninsured/underinsured motorist coverage is **NOT** expensive, either. In fact, it is astonishingly inexpensive. The author of this article recently contacted an insurance agent and received a quote for \$100,000 liability (coverage "L") limits and \$100,000 uninsured motorist (coverage "U") limits. The uninsured motorist coverage was only an additional \$5 per month.

The lesson here: Don't let your family go unprotected against uninsured/underinsured drivers. If you have questions about your insurance coverage, feel free to contact us, or contact your insurance agent to assure you have adequate underinsured/uninsured motorist coverage to protect you and your loved ones.

We haven't moved, but our street name has changed



**Our new address is:
3 MacArthur Place, Suite 800
Santa Ana, CA 92707**

One of the nation's most respected personal injury law firms, **Aitken * Aitken * Cohn** is dedicated to serving the injured and aggrieved consumer in a variety of legal conflicts.