

SPRING 2017

Brought to you by  
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# THE ADVOCATE

K a l i s h L a w F i r m



## Workers' compensation

### *When insurers refuse to pay*

Our practice can help referral clients resolve workers' compensation disputes.

Workers' compensation regulations are state-based insurance programs that effectively cover claims by employees injured on the job or who suffer work-related diseases or illnesses. Insurers regularly handle claims with understanding and efficiency.

On occasion, an insurer may deny claims benefits, so workers should consult an attorney experienced in workers' compensation law for counsel.

### *Fall from a ladder*

When a retail store employee fell from a ladder and severely injured her back, her physician recommended surgery. When she filed a workers' compensation claim, the insurer denied her petitions and an independent Industrial Commission's confirming orders for several years. The employee's attorney sued the insurer, demonstrating it had not acted in good faith. A jury held for the plaintiff, stipulating a significant award, and held the insurer liable for lifetime medical care and disability benefits for the underlying injury under the state's Workers' Compensation Act.



## Deck collapse

Spring and summer get-togethers are often planned for places where people can enjoy the fresh air and views without getting wet or messy. Decks are an ideal spot to meet with friends and family. Unfortunately, every year it seems as though a deck collapses in a commercial or public setting, injuring dozens of people. In just the last couple of summers, news stories have reported deck collapses at a Myrtle Beach hotel (11 were injured, one critically), a

South Florida waterfront restaurant (24 were injured), and a community clubhouse in Indiana (7 were injured).

When a deck collapses, it is usually due to the negligence of the builder or the person responsible for its maintenance. Whether at a private home or a public venue, injuries caused by deck collapses are generally covered by homeowner's insurance or commercial liability insurance. Expenses that can be recovered by those injured in a collapse include medical, lost wages, and home modification.

Before you have a party on the deck this season, please have your deck inspected to be sure that it is safe and, if you don't already know, find out how many people it can safely hold. If the deck is new, or has been recently inspected, do a check for splinters, popped nails, and other potential hazards. If you are planning to host an event at an outside venue, don't be afraid to ask when the deck was last inspected and if any issues have been corrected.



### PRACTICE AREAS

- Personal injury
- Auto and truck accidents
- Workers' compensation
- Wrongful death
- Medical malpractice
- Nursing home negligence
- Motorcycle accidents
- Railroad and boat accidents
- Premises liability

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

# WITNESS an Accident? HERE'S WHAT TO DO

When you see an accident happen, your first instinct may be to stop and help or, if it was a fender bender, you may feel like you should mind your own business. Legally, either is allowable, but here is what to do (and not do) should you stop to offer assistance:

- **Park a safe distance away**—leave plenty of space for emergency-response vehicles—turn on your hazard lights, and call the police or 911. For noninjury accidents, call the police.
- **Carefully approach the vehicles.** This is especially important in the case of a serious accident that involves fire, but you should also be aware of broken glass, leaked fuel, and passing traffic.
- It is okay to **talk to the victims** and to try to help them remain calm. If someone is injured, do not attempt to move them; wait for a professional.
- **Do not confront anyone** about causing the accident, no matter how obvious it may seem to you. Provide all the information that you have to the police, and be sure to leave your contact information for further questions.
- **Move or stabilize vehicles** involved. If an accident is minor and no one is injured, it is preferable to move vehicles to the side of the road. If the vehicles are badly damaged or if there is an injured person inside, try to put the vehicles in park and turn them off.
- **What if I don't stop?** If you choose not to stop, as long as you weren't involved in the accident in any way, you can't be sued for not stopping. Likewise, if you do stop to help, most states have Good Samaritan laws to protect you from being held liable for emergency care provided (or not provided) at the scene of an accident.

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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.*

## I Can Act as My Own Car Accident Lawyer... How Hard Could It Be?

If you've been in a car accident, it is really easy to just forgo hiring an attorney and let the insurance company take control. This could be a big mistake. The attorneys hired by the insurance company are hired to protect the best interests of the insurance company, not its clients.

If fault isn't being contested, injuries are nonexistent or minimal, and vehicle damage is less than \$5,000, some accident victims may opt to work solely with their insurance company, but with the exception of noninjury fender benders, it isn't advisable to skip hiring an attorney for several reasons.

If you've been injured, have expensive medical bills, have lost time at work, and expect to incur more time off and medical bills for future procedures and treatments, you really need an attorney familiar with automotive law to represent you during the settlement process. He or she will know what losses can be recovered, understand the tactics used by insurance companies to minimize settlement offers, and know the statute of limitations for filing a claim should that become necessary. When negotiating your settlement, an experienced attorney will collect evidence on your behalf and prepare a demand letter that considers your current and future needs.

If you or a loved one needs representation after an automotive accident, call our office for a confidential consultation.