

THE VAUGHAN LAW REPORT

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Vaughan Law Group Attorneys At Law

Thomas Vaughan has been recognized as...

- one of the nation's top 100 injured workers' attorneys by WILG (Workers' Injury Law and Advocacy Group).
- one of the top lawyers in Florida by The Legal Network.
- one of Orlando's top lawyers by *Orlando Home & Leisure*.

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If you need help filing a claim, or if your workers' compensation claim has been denied, call a qualified lawyer to discuss your case.

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

If you need our services, please contact us at 407-648-4535 or 1-800-989-4535

What Happens if You Are Injured in a Car Accident While Out of State?

Recovering damages for property loss and personal injury after an auto accident can be a lengthy and frustrating process, to say the least. If that car accident happened while you were out of state, recovery can be even more complex. What if you live in Ohio but were injured in Florida by a driver who lives in Virginia? In what state would the case be heard? Where would you even file?

In the case of auto accidents, state courts (where most injury cases are heard) have jurisdiction to decide cases when accidents occur on their roadways—even when the plaintiff and defendant live in different states. If it is closer, the case could also be heard in the state where the defendant lives. Be aware that you may have better luck working with police and other first responders and witnesses if the suit is filed in the state that the accident occurred. In either case, this means that you will have to travel to attend hearings. You will also have to abide by the other state's laws. For example, statutes of limitations (how long you have to file a claim) vary by state. Also be aware that you will need to secure representation in the state that you choose to file suit in.

Deciding jurisdiction in the case of a car accident can be difficult. Please call our office for recommendations on out-of-state representation. A search for "legal directory" on the Internet will return many resources.

What Happens to a Lawsuit Settlement or Award if You Get a Divorce?

If you've won a settlement or an award in a personal injury lawsuit and are getting a divorce, you may wonder what will happen to the money meant for your continuing care.

If your case is still being litigated and you suspect a divorce is in your future, there are steps that you can take to protect the money you will recover from becoming a marital asset. The award or settlement can be put in an asset protection trust, which also protects it from creditors, bankruptcy, and business failure. Setting up the

distribution of the money as structured payments that cannot be collected early or given to anyone other than the injured party is also a way to protect it.

What happens if you didn't protect

your settlement or award? Depending on the state that you live in and what exactly you recovered the money for, you will likely have to split the award with your spouse if it was received while you were married. Money awarded to you for lost income, which is something that is shared with your spouse, may be treated differently than money awarded to you for future medical expenses.

A life-changing injury and lawsuit is stressful on a marriage, and divorce is not

uncommon after an accident. Be sure to hire an experienced attorney and settlement planner to safeguard money meant to support you after an accident.



How to Identify Nursing Home Abuse

Placing a parent or other loved one in a nursing home is hard for every family, and stories about nursing home abuse make it even more frightening.

According to the National Ombudsman Reporting System data, within the year 2014, 7.6 percent of approximately 188,599 complaints reported to Ombudsman programs involved abuse, gross negligence, or exploitation. It is estimated that many cases go unreported. Elder abuse can be physical, sexual, emotional, or come in the form of financial exploitation and theft. In the long-term-care setting, abuse can come at the hands of caregivers, but abuse by other residents is also an issue.

SIGNS OF ELDER ABUSE INCLUDE:

- Bruises, broken bones, abrasions, or burns from abuse or neglect
- Bedsores, unmet medical and hygiene needs, dehydration, weight loss
- Resident displays anxiety around caregivers
- Sudden change in financial situation, including changes in legal documents and large gifts
- Changes in sleeping or eating patterns
- Withdrawal, changes in behavior or alertness, depression

NURSING HOME RESIDENT RIGHTS:

- Private communication
- Independent decision making
- Social, community, and religious participation
- Manage personal finances
- Know medical condition and treatment and accept or refuse medication or treatment

If you or a loved one has experienced abuse or exploitation from a caregiver, please contact our office to discuss your rights.

Thanks for the 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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Expert Testimony in a Slip-and-Fall Case

Biomechanics experts study the relationship between the body and mechanical engineering. If you have a slip-and-fall accident, you know that it can be difficult to explain how a seemingly simple fall resulted in the injuries sustained. Luckily, attorneys can ask a biomechanics expert to provide expert testimony to explain how a fall impacts the body. Such an expert can explain how the environment caused the victim to fall and how the force of such a fall would cause injury.

A biomechanics expert may be asked to work with both plaintiffs and defendants to determine if injuries are consistent with a claim. The expert will examine you, or review your medical documentation, learn about the circumstances surrounding your fall, and confirm that your injuries are consistent with your claim.

Biomechanics also works in other areas of personal injury law, such as automobile accidents, sports injury, and medical-device failure.

