

# Jebaily Law Firm, P.A.

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# MY LAWYERS<sup>SM</sup>

## TRAUMATIC BRAIN INJURY

Head injuries are not like injuries to other parts of the body. A blow to the head can cause severe damage that can affect all aspects of the mind—from the five senses to the ability to reason, from sleep patterns to personality.

Traumatic brain injury (TBI) is caused when the head suffers a sudden trauma. TBI can be caused by a car accident, fall, bullet, sports injury, or explosive shock. The extent of damage can range from mild to severe, depending on the specifics of the injury.

A victim of TBI may or may not lose consciousness, but will experience some of the following symptoms: *headache, confusion, dizziness, blurred vision, lightheadedness, bad taste in the mouth, ringing in the ears, fatigue, mood changes, trouble with memory, trouble sleeping, inability to concentrate, or struggles with thinking and paying attention.* More severe cases include symptoms such as *a headache that gets progressively worse, repeated vomiting and nausea, convulsions, seizures, dilation of the pupils, slurred speech, loss of coordination, confusion, agitation, restlessness, numbness of the extremities, loss of consciousness, and inability to awaken from sleep.*

Medical attention should always be sought immediately any time a head injury occurs, even if you initially “feel OK” after a blow to the head. TBI can lead to permanent brain and nerve damage.

If you suffer a TBI injury due to an auto accident, assault, or a workplace mishap, or have symptoms overlooked by a medical practitioner, call us for help in protecting your rights.



## Organ donors save lives...and face punishment from insurers

lifesaving act may prevent them from getting health insurance in the future.

Organ donors who seek health insurance from the individual market or a small-business plan are finding it very hard to get coverage. When they do, it's exceedingly expensive. That's because health insurers consider them to have a “preexisting condition” and treat them as high-risk individuals.

The truth is, the screening process for donors ensures that they are some of the healthiest people around. A study published last year by the *Journal of the American Medical Association* found live kidney donors to have no increased risk of death or illness when compared to similar individuals who did not donate a kidney.

There are more than 110,000 people in the United States waiting for an organ transplant. Denying future insurance coverage to donors makes their wait that much longer. There is hope, as the 2010 Patient Protection and Affordable Care Act will prohibit discrimination based on preexisting conditions beginning in 2014.

They say that no good deed goes unpunished. Organ donors are finding that out the hard way, as their

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- Home and hospital appointments available
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*Serving the People of the Pee Dee since 1969.*

# Do you think you may be disabled?

By Rangeley B. Chewning, Esquire

If you are considering applying for Social Security Disability, there are some basic things you should know. The Social Security Administration defines disability as:

- 1) You cannot do the work you did before
- 2) You cannot adjust to other work because of your medical conditions, AND
- 3) Your disability has lasted or is expected to last for at least one year or result in death.

This is a strict definition of disability. There are three ways that you can apply for disability. You can apply online at [www.socialsecurity.gov](http://www.socialsecurity.gov). You can also apply over the phone by calling your local social security office. Lastly, you can make an appointment to apply in person. Before you apply, you need to gather all of your doctors' names and information. You will also need a list of all of your past employers.

Social Security follows a five-step process to determine if you are disabled. You must meet all five of the criteria in the process to be approved for disability. The first question is *Are you working?* If you are currently working, it is unlikely that you are disabled.

If you are not working, the second question is *Do you have a disability that meets a listing or a combination of disabilities that cause you to be unable to work?* Social Security has created many lists of medical impairments, diseases, and diagnoses. These are called "listings." Our office is familiar with the listings and can help determine if you meet a prescribed listing.

If you meet a listing or you have a combination of disabilities that qualify, Social Security will then determine the third question: *How severe is your disability?* This is why it is very important to have open and honest conversations with your doctors and medical providers. Always be very clear with them about the problems you are experiencing and how these problems interfere with your daily life. Many people answer "fine" when the doctor asks them how they are doing, when in reality they are far from being fine.

If Social Security determines that your disability is severe, they will then move to question number four: *Can you do your past work?* This is why it is so important to provide an accurate history of your employment. You need to remember how many pounds you lifted, how long you had to stand, and what physical demands the job required from you. We will assist you in making sure that this employment history is complete.

If Social Security determines that you cannot do your past work, they will then analyze the fifth and final question: *Can you do ANY work?* This is a very serious question, and it requires a detailed analysis. There are many jobs that are available in the United States, and Social Security considers all of them. Many jobs are low skill and allow a person to sit and stand at their option. If you can do that job, you are not considered disabled. This is the step in the process where Social Security considers your age, education, and work. It is important that Social Security receives the right records and evidence so that they can properly evaluate your capacity to work.

If you have applied for Social Security, or are considering applying for Social Security Disability, I would love to speak with you. You can call our office at **843-667-0400**, my cell phone at **843-992-8977**, or you may e-mail me at [rchewning@jebailylaw.com](mailto:rchewning@jebailylaw.com). I meet with clients from all over the Pee Dee area, as well as other areas in the state.

## REFERRALS

We want you to think of us as your law firm.

If you have legal matters that need attention, please let us know. If we do not specialize in that area of law, we will refer you to a firm that does.

Please feel free to refer us to your family, friends, and neighbors for their legal needs. We welcome the opportunity to help.



**CALL US. YOU'RE GOING TO FEEL A WHOLE LOT BETTER ABOUT THINGS.**

**843-667-0400**

## YOUR LAWYERS



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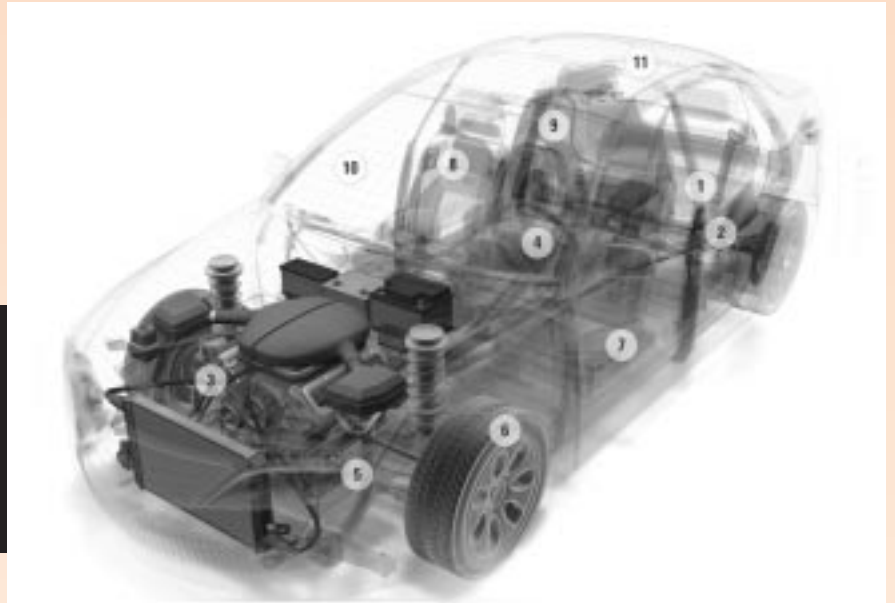
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# What would cars be like

## *without the civil justice system?*



**1. Gas tanks:** Several car manufacturers, including GM and Ford, designed defective gas tank placement, which resulted in fires and explosions, even in minor collisions. As a result of litigation, gas tanks are now universally located within rigid frames.

**2. Door latches:** Ford's own engineers identified the problem with its "paddle-style" handles, which allowed the doors to accidentally open in collisions. But rather than fix the design, Ford covered up the problem through red tape until held accountable in court.

**3. Electronic stability control:** The popularity of SUVs eventually brought to light the stability problems of certain models. Ford's Explorer, built on the already troubled Bronco II frame, experienced a rollover rate more than twice that of other SUVs. One result of litigation on SUV rollovers was an increased emphasis on the development of electronic stability control.

**4. Air bags:** Auto manufacturers have been developing air bag technology since the 1950s, yet were extremely slow in installing it. By 1988, only two percent of new cars came equipped with air bags. Courts found that manufacturers knew full well their cars were safer with air bags and that many lives could have been saved. Eventually, manufacturers were forced to install air bags in all cars.

**5. Illusory park:** Ford and Chrysler were two manufacturers that experienced systematic problems with transmissions that slipped out of park, allowing their "parked" cars to roll away. In one instance, a pregnant woman was killed after trying to save her four-year-old daughter in a parked minivan that rolled away. Ford eliminated the problem after being held responsible twice in court. Chrysler ignored the problem against its own engineers' recommendations, until litigation and regulatory investigations finally forced them to recall over a million affected vehicles.

**6. Tires:** Tire manufacturers from Firestone to Goodyear tried to cover up problems with defective tires and have been held accountable in the courts. Firestone's defective tires caused 271 deaths, and the resulting litigation brought tires and their manufacturers under increased scrutiny.

**7. Side-impact protection:** When a police officer was left paralyzed by a low-speed, side-impact collision, a court held that the absence of side protection was a design defect. Now all cars are designed with rigid side-impact protection.

**8. Seats:** Safety engineers call the prevalence of weakened seats the "most egregious, widespread defect to be found." Weak seats can collapse in even low-speed impacts and kill rear passengers. Without adequate regulatory standards, only court cases were able to highlight manufacturers' negligence and force them to install stronger seats in all cars instead of just certain models.

**9. Seat belts:** Court cases went a long way in highlighting the dangers of inferior seat belts, or no seat belts at all. One example was Chrysler's defective Gen 3 seat belt, installed in more than 14 million cars and proven to unlatch in accidents. Both the seat belts and the seats themselves were redesigned in response to litigation.

**10. Power windows:** As power windows became more common, so did deaths associated with them. Children were especially vulnerable through accidental depressions of rocker-style window switches. The inexpensive solution, a lift-up-style switch, was ignored by several manufacturers in order to cut costs, but litigation eventually forced universal acceptance of the safer switches.

**11. Roof crush:** Vehicle manufacturers, particularly makers of SUVs, had long known roof strength was a critical weakness during rollovers. Without adequate regulatory standards, it was litigation that forced manufacturers to begin strengthening roofs.



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## This Halloween, make sure it's all treats and no tricks

Halloween is one of those annual events that kids look forward to. Once they reach a certain age, kids like to leave Mom and Dad at home and hit the streets with their friends. This Halloween, make sure your older kids stay safe by following these seven safety tips:

- 1** Safety in numbers. If your kids are old enough to trick-or-treat without adult supervision, make sure they stay with a group of friends.
- 2** Trick-or-treat at friendly houses only. If the lights are on, treats will likely be available. If a house is dark, it generally means "stay away."
- 3** Obey the law. Sounds simple enough, but a reminder to your kids that the cops are out in force on trick-or-treat night may be the difference between a fun time and a ride in a police cruiser.
- 4** Stay where the action is. Have your kids stick to well-lit areas where there are other people; avoid back alleys and off-road "shortcuts."
- 5** Be seen. Costumes come in all shapes and sizes. No matter what your child dresses up as, make sure they are visible. Reflective strips, glow sticks, and flashlights help cars see ghouls and goblins in the autumn night.
- 6** Inspect before indulging. Make sure your kids bring back their sack of candy for a thorough inspection before they start their annual sugar binge.
- 7** No tripping. Keep an eye on costume length. It's easy to overlook a tripping hazard. Keep costumes short to keep your kids upright.

Halloween can be a blast for kids of all ages. As your little ones graduate to trick-or-treating on their own, remind them to be safe and vigilant.  
Happy Halloween!

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