

Mark A. Anderson's

# LAW TALK



May 2010

## Terry's Big Adventure-Riding For a Cure

Many of you are probably familiar with Terry Purdom and his involvement in the potential life-saving service that I sponsor, **Ride Safe Ride Sober**. If a motorcycle rider has had too much to drink and needs a ride home, Terry is the one who gets up in the middle of the night and takes the rider and his or her motorcycle home. I am a huge advocate of motorcycle safety and am glad to sponsor such a great program. Now, Terry is embarking on another life-saving project, this time to help support cancer research.

On May 29, Terry will pull out on a cross country solo motorcycle ride across the Western United States. He will cross through 12 states and ride approximately 10,000 miles. But this is not the usual mid-life crisis type ride you might be thinking about. Terry is not only com-

pleting a dream he has had since he was 18 years old, he is raising awareness and money for cancer research. Terry is a cancer survivor himself. In 2004, Terry was diagnosed with Multiple Myeloma, an incurable bone marrow cancer. He received a stem cell transplant in 2005, and has been in remission ever since. Terry has said he never

expected to be alive today, as he was only given a 3 year life expectancy. But he is alive and well and ready to roll.



The Ride Safe Ride Sober Trailer

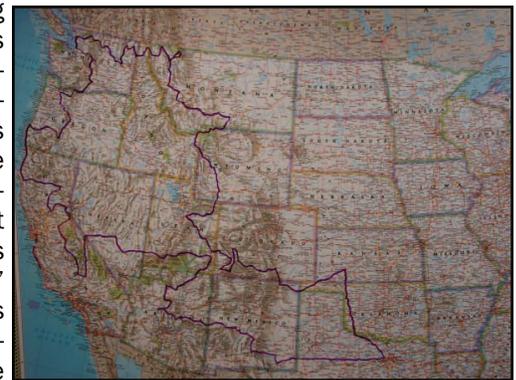
seeking out along the ride. I encourage you to visit Terry's blog and his Facebook fan page:

[www.TerrysBigAdventure.com](http://www.TerrysBigAdventure.com)

[www.facebook.com/terrystbigadventure](http://www.facebook.com/terrystbigadventure)

Terry has created a blog and a Facebook fan page. So far he has almost 3,000 fans! He will update his blog daily and relay his discussions with cancer survivors and motorcycle enthusiasts he meets along the way. For the motorcycle fans, he will report on the world famous "motorcycle roads," out of the way diners and cool campgrounds he will be

It is going to be a great journey for Terry and I bet he raises a lot of money for the American Cancer Society.



Proposed travel route



Terry and his new Harley

# What You Need to Know About Worker's Comp

**Note from Mark:** This month's GUEST EXPERT is Todd Dolginoff, a worker's comp attorney based in Dallas. Todd handles cases all over the State and has successfully represented injured workers in front of the comp commission for the last 15 years.

By: GUEST EXPERT Todd Dolginoff

## Worker's Comp Overview

When you hurt on the job and your employer carries workers compensation insurance, the insurance should **cover all your medical bills** and also pay you benefits. One such benefit is **temporary income benefits**. These benefits are based on your average weekly wage while you in an off-work status on disability. You are entitled to these benefits until you have been released to go back to work or until the doctor says that you have reached **Maximum Medical Improvement**. When the doctor says that you have reached Maximum Medical Improvement you will also be given an **impairment rating**. This is a percentage indicating the level of your injury. For every percentage point, you are entitled to three weeks of **impairment income benefit checks**. For example, if you receive a 15% impairment rating, you would be entitled to forty-five weeks of impairment income benefit checks. With temporary income benefits, you have to be off work to get them or released by your doctor to do light duty work when your employer does not make a bona fide offer of light duty work to you. This is not the case with impairment income benefits. Your work status does not matter. You can be working with the same company or with a different company and you are still entitled to the impairment benefits. If you get an impairment rating of 15% or higher, you may be eligible for **Supplemental Income Benefit checks**.

## Typical Problems with Comp Carriers

The potential problem is when the insurance adjuster looks for ways to limit your income benefits. First, they can underpay you weekly by manipulating the average weekly wage formula. They can at any time attempt to dispute your disability status to try and cut off your temporary income benefits. This would save the insurance company money at your expense. The biggest risk is where the insurance adjuster tries to get you to go to one of their doctors or an independent medical exam for a second opinion. This risk has greatly increased since the Texas workers' compensation system became a managed

care system in 2006. You are more likely treating with an employer or insurance adjuster referred doctor. Their doctor may limit your diagnosis to a lesser injury, claim your injury is not work related, rather, an ordinary disease of life, prematurely return you to full work status or light duty, and/or say that you have reached maximum medical improvement before you really have. This premature MMI date would cause the adjuster to cut off your temporary income benefits and their doctor can give you an impairment rating that is much lower than what is fair to you. Also, the adjuster can try to manipulate and pressure your doctor into prematurely rating you and giving you an overly conservative impairment rating that is low. The adjuster may assign a Nurse Case Manager to your claim for the purpose of implementing strategies on your claim that will save the insurance company money at your expense. The Nurse Case Manager may lead you to believe they are your patient advocate and looking out for your best interest, when in reality, they are an extension of the insurance adjuster and looking out for the insurance company's best interest to limit their expense in your claim. Furthermore, I have had clients who were eligible for Supplemental Income Benefits but the adjuster never told them about the benefits or the requirements to get the benefits. So even though the injured workers were eligible, they lost the Supplemental Income Benefits.

## Why Hire a Worker's Comp Lawyer?

The insurance carrier has professional adjusters and insurance defense attorneys handling your claim and employing all of their legal strategies and tactics to save the insurance company money by ultimately paying you less money and paying providing you will less medical testing and treatment, and procedures, and looking out for the insurance carriers best interest. For these reasons, I believe that injured workers should be represented by an attorney and not taking such a large and unnecessary risk of loss income and medical benefits by handling their claim by themselves or will an assistant who is not technically representing them as their workers' compensation attorney with all of the beneficial fiduciary duties that come with hiring your own workers' compensation attorney.

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## **NEED A NOTARY?**

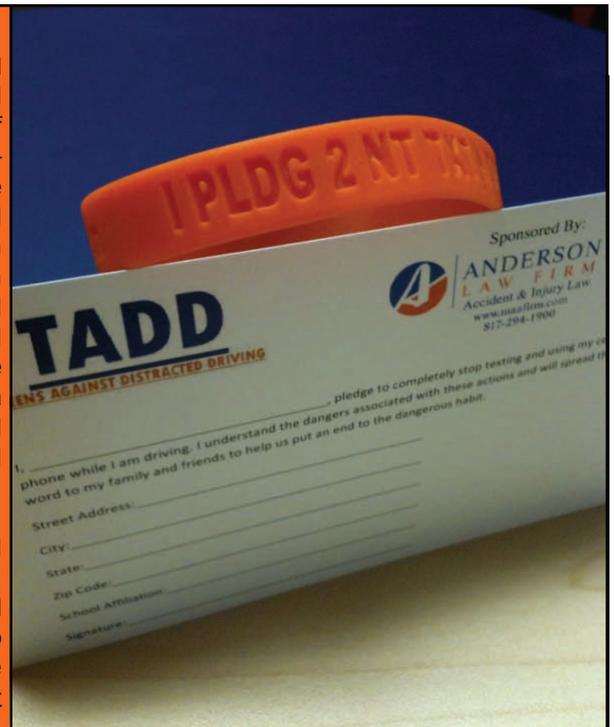
**If you need the services of a notary, please stop by the Fort Worth office anytime between the hours of 8:30am and 5:30pm. We will be happy to provide notary services**

**FREE OF CHARGE!**

## TADD UPDATE: Five Local High Schools Begin Drive to End Teen Texting and Driving

In the February issue of Law Talk, I announced a new project called Teens Against Distracted Driving (or TADD). I had a goal to get several schools in Tarrant County to participate in TADD to raise awareness of the dangers of texting and driving. I appreciate the feedback and suggestions I received from many of you and am proud to announce that the project is off the ground and doing fantastic. I have five local high school Student Councils who are very excited to participate. During the month of May, these five Student Councils are going to obtain pledges from their fellow students. In exchange for signing a pledge to not text and drive, each student will receive a orange bracelet with I PLDG 2 NT TXT N DRV on it. Hopefully the bracelet will serve as a reminder of the pledge taken by the student the next time they are tempted to read or send a text while they are behind the wheel. After all, a car on the highway will travel an estimated 200 yards in the time it takes to look down and read a text.

The five schools participating are Boswell, Haltom, Keller, Southwest and Mansfield Summit. I personally went out to each school and talked with their Student Councils about the TADD project. I was very impressed with the determination of these kids to get the word out. In fact, I am so optimistic, that I ordered an additional 10,000 bracelets and pledge cards as I think that we will have an overwhelming number of students at these five schools participate. And it might help that I have created a contest. I have pledged to give \$500 to the Student Council who obtains the highest percentage of pledges from their student body. The contest ends on May 24 and I will announce the winner that week. You can follow the contest during the month of May at [TADDpledgeCount.com](http://TADDpledgeCount.com), where I will periodically update the number of pledges obtained to date.



### Welcome to our newest employee!



Jessica Davidson joined the staff of the Anderson Law Firm in February. She has already proved herself an excellent addition to our team. When you call the Anderson Law Firm, it is very likely you will first be speaking with Jessica. She also frequently calls our clients to ask about their medical treatment as she charts providers and orders records and bills. Jessica graduated from The University of Texas at Arlington with a degree in English. She has a passion for writing fiction, too—in fact, Jessica has written a book! She is also a runner, and ran the Country Music Marathon in Nashville, Tennessee on April 25, 2009. That is 26.2 miles! We welcome Jessica to the Anderson Law Firm and are very lucky to have her on board with her experience and enthusiasm.

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### Cases the Anderson Law Firm Accepts

- Car Accidents
- Truck and bus accidents
- Motorcycle accidents
- Drunk driving accidents
- Pedestrian and bicycle accidents
- Injuries to children
- Wrongful death



The Anderson Law firm is dedicated to helping those with serious injuries. However, we cannot take on the case of every individual who calls us—not even close. We evaluate each case based on three important factors:

- 1) **Liability**—the other party *must* be at fault. We look at each case and evaluate whom a jury will think caused the accident.
- 2) **Damages**—you must be injured! We won't take your case if your injuries are very minor. This can be hard to define, but usually \$5,000 or more in medical bills are sufficient damages to pursue an injury claim.
- 3) **Insurance**—there must be available insurance. Generally, only acts of negligence (as opposed to intentional acts) are covered under liability insurance policies. That is why many of our cases involve car accidents. Sometimes, the at-fault person doesn't have insurance. Even so, in many cases we can still pursue an uninsured motorist claim.



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ACCIDENT &  
INJURY LAW

Open to read an update on our Teens  
Against Distracted Driving Project



## Many people don't realize how easy it is to wreck your Texas accident injury case.

If you've been injured in a car accident, you probably have many questions. Sometimes, it's hard to find clear answers. I have written a book addressing some of the main ways people have "wrecked" their cases.

Wrecking your case includes everything from giving a recorded statement to an insurance adjuster (who has been trained to minimize your claim) to hiring the wrong attorney (believe me, there are plenty of bad attorneys out there). This book will shed light on the injury claims process and show you exactly what *not* to do. Plus, there is a whole lot more information in the book about the litigation process from beginning to end.

Just go to [www.DontWreckYourCase.com](http://www.DontWreckYourCase.com) to order your FREE copy of this important book. After reading it you will be able to avoid many of the common pitfalls and mistakes that can ruin your chances for a fair settlement.