Notice is key in injury cases

continued from page 1

daily living activities and was out of work for six months. He took his landlord to court, maintaining that the black ice had been there long enough for a reasonably careful landlord to have noticed and taken care of it.

The tenant further claimed that the landlord often plowed snow onto a grassy area above the parking lot, but when temperatures rose above freezing as the day went on, water would run across the parking area and refreeze overnight, causing the black ice.

The landlord argued that he didn't have sufficient notice of the black ice. He said that while the tenant and his wife had complained of ice forming in the parking lot, the tenant never reported the specific patch in question.

But the Rhode Island Supreme Court agreed with the tenant, finding that notice of icy conditions in the parking area in general were enough to hold the landlord accountable and that it would be ridiculous to expect a tenant to have to call the landlord every day to give notice of every new patch of ice.

Meanwhile, a woman in Virginia sought to hold Wal-Mart accountable when an electrical junction box cover fell from the ceiling in one of its stores, landing on her and causing serious injury. The accident was allegedly due to vibrations caused by a roofing company Wal-Mart had hired to fix the store roof. The woman argued that Wal-Mart itself could be held responsible because it had notice of the condition after several other incidents over the previous month where items had fallen from above, hurting shoppers.

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A judge agreed and allowed the case to proceed to trial.

Obviously, the result of any case will depend on its facts and the law of the state where it's being heard. Still, if you get hurt, you should never just assume you have no rights because the person responsible for the condition didn't have notice of it. It's always worth talking to an attorney to see what your rights might actually be.

Hospital liable for mother's postpartum death

Doctors and nurses are dedicated professionals who put long hours into providing the very best care they can, and often in the most trying conditions. That's why most of us are hesitant to blame them when there's a bad outcome.

But while nobody wants to sue the people who have done their very best to treat us, sometimes even the most well-meaning professionals can make mistakes that a reasonable professional in that position wouldn't have made. When that happens, the patient or his or her family has every right to be compensated for the harm.

This happened recently in Minnesota. 30-year-old Nicole Bermingham gave birth to a son in August of 2013. She returned to the hospital three days later, showing up at the ER with pain and a 102-degree fever.

Bermingham never saw a doctor, because the company the hospital contracted with to provide emergency care staffed the ER with a nurse practitioner. Despite "alarmingly low" platelet counts — a sign of sepsis infection — the nurse practitioner diagnosed her with a urinary tract infection and did not tell the on-call OB-GYN about the low platelet count.

15 hours later, Bermingham returned to the ER with more symptoms. This time she saw a doctor, who recognized her condition as sepsis and ordered antibiotics and an emergency hysterectomy. But the treatment didn't come soon enough and she died the next day.

Bermingham's family brought a malpractice suit against the nurse practitioner and the hospital. At trial, an expert physician testified that proper diagnosis and treatment could have saved her life. The hospital conceded it was negligent but argued that this didn't cause her death. Instead, they presented an expert who claimed that she died from flesh-eating bacteria and not as a result of a delay in admission or any other malpractice.

The jury, however, sided with Bermingham's family and handed down a substantial verdict.

Despite the result in this case, med-mal cases are notoriously difficult to win. The evidence can be complicated and juries often sympathize with doctors based on their own positive experiences. But if you think someone in your family has been hurt as a result of a doctor or nurse providing substandard care, talk to an attorney where you live.

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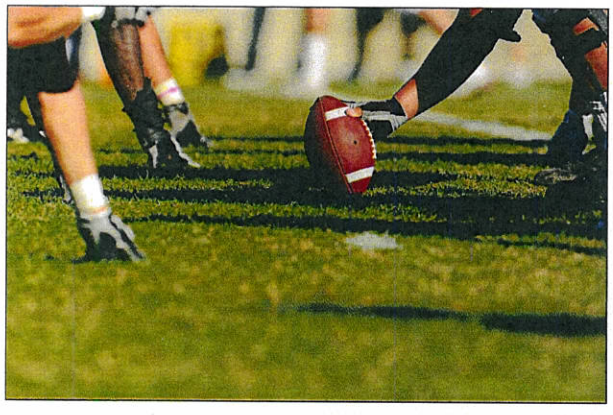
Injured high school football player can hold coaches responsible

High school athletes get hurt all the time. In many, if not most cases, there will be no recourse. That's because the player has probably signed a waiver acknowledging the inherent risks of the sport and agreeing not to hold the school or league accountable. In the case of public high schools, the school and the coaches are school employees and therefore are typically protected from suit by "public immunity," which shields public entities and their employees from responsibility for injuries they cause when they're negligent (in other words, not as careful as they should have been).



But if you or your child is hurt in a high-school sports activity, it's still very important for you to contact a lawyer where you live. Because as a recent case out of Missouri shows, you may have rights you aren't aware of.

That case involved Zachary Elias, a 16-year-old high school football player in the Kansas City area, who broke his ankle when an adult assistant coach, decked out in helmet and pads for a full-contact scrimmage with the students, collided with him on a play.

Elias sued both the assistant coach and the head coach who decided to have the assistant play in the scrimmage against the kids for negligence and assault and battery.

The coaches argued that the negligence claim was barred by public immunity and the assault-and-battery claim was barred by the student's consent to the contact.

A state appeals court agreed with the coaches about public immunity, pointing out that the immunity rule protects public employees for being sued over judgment calls they make in their official capacity. But the court said the assault and battery claim could go forward, because Elias only consented to harm "reasonably inherent" to football and physical contact with his adult coach wasn't part of that.