

SAFE & SECURE

A GUIDE TO KEEPING YOUR CHILD SAFE



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JOSEPH M. GHABOUR & ASSOCIATES, LLC

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Introduction

My name is Joseph M. Ghabour and I wrote this book for one simple reason: being injured in a car crash can be a challenging ordeal, to say the least, and I wanted as many people as possible to understand how to obtain compensation for their injuries.

As an attorney, the most powerful tool at my disposal is the knowledge I've acquired over the years. And that's why I wrote this book: to share what I've learned about keeping children safe in and around our cars. I also wrote this book because I understand how important it is that parents feel as though they are doing everything reasonably possible to protect their children from serious injury. If the advice contained in the following pages is in some way responsible for preventing a single accident, or if it gives a parent some peace of mind—in whatever measure—then my efforts will have been more than worth it.

The book is divided into two parts. Part I, entitled “A Parent’s Guide to Accident Prevention,” includes four chapters. The first, “In the Car: A Guide to Car Seats,” covers the all-important subject of proper child seating. It goes over the basic types of child safety seats, who they are for and how to use them properly. The following chapter, “On the Street: Children and Pedestrian Safety” will examine why children are particularly vulnerable to pedestrian accidents and what you can do to prevent the most common accident types. Part I continues with “On the Bike: How to Keep Young Cyclists Safe,” which I hope will help you teach your children to understand that although riding a bike can be fun, they should always ride with safety in mind. The final chapter in Part I has been included courtesy of good friend and exceptional attorney, Alexis Neeley. This chapter, “The Top 5 Legal Documents Every Parent Needs to Protect Their Kids in the Event of an Emergency,” explains how you can ensure that your children will be taken care of by the right people in the right way, should you be the victim of an accident.

Part II—“If the Unthinkable Should Happen”—comprises two final chapters. It begins with the chapter “My Child Has Been Injured in an Accident—What Should I Do?” which covers the most important steps to take in the period following an accident. Of course, this chapter is not intended to substitute for the individual counsel of an experienced personal injury attorney—no book, in fact, could fulfill such a function. If your child’s injuries are serious, you must immediately seek a consultation with a qualified personal injury attorney. That brings us to the book’s final chapter: “How Do I Find the Right Lawyer for My Child’s Case?” This chapter is designed to help you sort through the confusing language found in lawyer advertising, and it offers sound advice on how to find a lawyer who is truly qualified to handle your child’s case.

Thank you for your purchase of *Safe and Secure – A Guide to Keeping Your Child Safe*. I sincerely hope that it offers some value in helping you fulfill one of our greatest responsibilities as parents: to keep our children safe.

kindest regards,
 Joseph M. Ghabour

Part I

A Parent's Guide
to
Accident Prevention

In the Car: A Guide to Car Seats

If asked to identify the greatest source of danger for children inside a car, few of us would immediately come up with seatbelts and airbags. After all, their very purpose is to prevent injury, to make driving safer. We've come to so closely associate seatbelts and airbags with safety that it may not occur to us that, because they were made with adults in mind, they can cause serious harm to children. It's not merely that they are ineffective at protecting smaller bodies from the force of a car crash, though that's certainly true, but that they are themselves a hazard to child safety in the car.

Making the car safe for young children is all about how they sit—in the front seat or the rear, facing forwards or backwards, a safety seat or booster seat, just to name a few important variables. And that's why this chapter will focus on the various types of child seats and how they should be used. But before we dive into the particulars, let's go over a few general safety principles regarding child seating.

- Two passengers should *never* share a seatbelt. Only one seat belt per person. Sharing seatbelts ensures that neither person is positioned correctly and is liable to cause injuries to both should an accident occur.
- A child should *never* be held on the lap of an adult. The force of an accident could crush the child or send the child out of the adult's arms.
- A child should *never* just wear a lap belt. It exposes his or her abdomen to serious injury in the event of a crash.
- Children should *always* sit in the back seat if the car is equipped with a passenger-side airbag.
- If the child does use a seatbelt, it should *always* fit properly. We'll discuss this in more detail later.
- Adults riding with children should *always* wear seatbelts themselves. After all, kids learn many lifelong habits, good

and bad, from copying their parents and other adults in their lives.

The Different Types of Child Seats

My goal in this section is to give you a general understanding of the basic types of child safety seats. There are so many different models on the market that trying to find “the best” one or “the right” one is liable to be overwhelming and stressful. Fortunately, there’s no such thing as the single best safety seat. Whether or not a particular seat will provide adequate protection depends on a few basic conditions. Here’s what’s most important:

- That the seat has met government standards of quality and safety;
- That you have carefully read the directions, as well as the section in your car’s owner’s manual that covers child restraints;
- That the seat has been properly installed in the car;

And last but not least...

- That the seat fits your child—that it’s the right type for their age and size.

This final point will be our focus from here on—how to find the right type of seat for your child. For each different type of seat, we’ll talk about what it is, for what age and size child it is intended, why it should be used and how it works. We won’t cover every type of seat in existence, but those that aren’t mentioned can be thought of as simply combining aspects of more than one of the basic models that are included in our discussion.

The Infant-Only Seat

What Is It?

The infant-only seat is a rear-facing child safety seat designed

specifically for infants. They are relatively small and often include a carrying handle. Many are composed of two parts: the base, which can be installed and left in the car, and the seat itself, which securely clicks into the base.

Who Is It For?

It is recommended that infants should ride in a rear-facing seat until they weigh at least 20 pounds and are at least one year old. These seats usually come with weight limits of roughly 22 pounds. Infants who exceed the weight limit but are not yet one year old should continue to ride in a rear-facing seat, but in one with a higher weight limit.

Why Should It Be Used?

The benefit of a rear-facing seat is that, in the event of a crash, the seat supports the infant's head, neck and back, absorbing the force of forward momentum. Infants in a rear-facing seat should never be placed in the front seat, particularly in cars with airbags. A rear-facing seat in the front of the car positions the infant's head and neck directly in front of the airbag, which, if deployed, could cause a life-threatening injury.

Another benefit of these seats is that they position the infant's body at a gentle angle. It's important that the seat not tilt upwards more than 45°, so that the infant's head rests against the back of the seat rather than flopping forward. A greater angle puts pressure on the child's neck and may obstruct the airway.

How Does It Work?

How one installs an infant-only seat depends on whether or not the car is equipped with a LATCH system, and if the seat is LATCH compatible. LATCH, which stands for "Lower Anchors and Tethers for Children," was created to make it easier to install child safety seats. Nearly all vehicles made after 2002 include a LATCH system

in the back seat. For a guide to installation, it's best to read the instructions that came with the car seat, as well as the car's owner's manual. For older vehicles, the seatbelt must be used to secure the child safety seat. Neither LATCH nor seatbelts are necessarily safer than the other for installing a seat. The difference is mostly one of convenience. Because the tethers don't need to be threaded through the seat as the seatbelt does, installing the seat using LATCH tends to be quicker and easier.

But regardless of which method you use, the seat, once installed, should not move more than one inch from side to side or away from the seat. You should also make sure that the seat doesn't position the infant's body at too steep an angle. If the angle needs to be changed, you can put a rolled up towel under the base of the seat, towards the front by the child's legs. The harness should be tightened across the baby's chest and hips so that he or she can't slide down or to the side. If necessary, you can also put rolled up towels or blankets on either side of the baby. Do not, however, insert any padding under or behind the infant, as this changes the seat's ability to absorb impact.

The Forward-Facing Child Safety Seat

What Is It?

These seats, as the name suggests, face the child forward, and at more upright position than infant-only seats. Like rear-facing seats, they include a harness that snaps over the child's chest and hips.

Who Is It For?

These seats are meant for children between one and four years old who weigh at least 20 pounds. If the child exceeds the weight or height limits of their rear-facing seat, or if the child's head comes within one inch of the top of the seat, you can make the switch. As a general rule, it's best that the child continue to use a rear-facing seat for as long as it's safe.

Why Should It Be Used?

Like infant-only seats, those that face forward also include a harness, which fits over the strongest parts of the child's body—the chest and hips. Toddlers do not need as much head and neck support as infants, allowing them to safely face forward, but their bodies have not yet developed to the point at which they no longer need the support of a harness, which is better able to distribute the jolt of an accident. And because their bodies are smaller overall, there is a greater risk that the seatbelt wouldn't keep them in their seat in an accident.

How Does It Work?

These seats are also secured in place using seat belts or a LATCH system. Again, make sure that the seat can't move more than an inch or so forward, or to either side. Likewise, the harness should fit snugly. Make sure that the harnesses come through the slots in the seat that are at or above the level of the child's shoulders. If it's any lower, tightening the harness will put downward pressure on the body that can not only be uncomfortable, but restrict the child's breathing as well.

The Booster Seat

What Is It?

There are a number of kinds of booster seats, but they all work according to the same principle. The benefit of a booster seat is simply that it raises the position of the child relative to the seatbelt so that it fits as it would on an adult. Because the bottoms of booster seats are also usually shorter than those on most car seats, they allow the child's legs to bend naturally at the knee, making it more comfortable. One type is a "high back" booster seat, which includes the back support so that the child is sitting against a booster seat, rather than directly against the car seat itself. A "backless booster seat," on the other hand, is simply placed under the child's hips and thighs, serving as a comfortable platform that elevates the child to the right height for the seatbelt. There is even some combination

forward-facing child seat and booster seats, in which the harness can be removed and replaced with a seatbelt.

Who Is It For?

Booster seats are for children that have outgrown forward-facing safety seats with harnesses. A child is ready for a booster seat if he or she exceeds the height or weight limit, if his or her shoulders are above the top harness slots, or if his or her head extends more than two or so inches past the top of the seat.

Why Should It Be Used?

As we discussed at the beginning of the chapter, seatbelts were designed with adults in mind. On a child, a regular seat belt typically cuts across the abdomen and neck, rather than the upper thighs or hips and the chest. Consider the difference. In the middle of our chest is our sternum, a hard piece of bone that connects our rib cages and protects our heart. Adult hips are also strong, made up of two large pelvic girdles that can move independently of one another. In contrast, vital organs of our abdomen are protected only by our abdominal muscles, and a strap across our neck might easily choke us in the event of a crash.

Car seats are also adult-sized. They are deeper than children's legs are long. Not only does this make them uncomfortable for children, but also encourages them to slouch or scoot down in the seat, which only worsens the problem of seatbelt alignment.

How Does It Work?

Unlike other child safety seats, booster seats are not themselves attached to the car. The seatbelt secures both the child and the booster seat. The important thing is that the seat belt fits properly. The lap belt should run across the child's upper thigh, not the stomach, and the shoulder belt should cut across the middle of the chest, not at the neck or arm.

How Do You Know When Your Child Is Ready For An Adult Seat Belt?

There are a number of signs that your child is ready to use a seatbelt without a booster seat.

If your child...

- can sit comfortably with knees bent over the edge of the seat,
- can sit with feet flat on the floor of the car,
- can sit with back flat against the seat,
- is tall enough so that the lap belt comes across the upper thigh or hip,
- is tall enough so that the shoulder belt comes over the shoulder and across the middle of the chest,
- and can sit comfortably in this position,

...then it's time to say goodbye to the booster seat. The adult safety belt now offers the critical protection for which it was designed.

On The Street: Children and Pedestrian Safety

Over the course of my career as a personal injury attorney, some of the most heart-wrenching cases I have seen have been those involving children who were victims of pedestrian accidents. In this chapter, I'd like to take a look at why children are particularly vulnerable to pedestrian accidents and what you can do as a parent and a driver to prevent these tragic accidents.

Why are child pedestrians at risk?

Pedestrian injury is the second leading cause of unintentional injury-related death among children ages 5 to 14, claiming the lives of about 600 children annually, according to a recent report. This same report also indicated that more than 38,400 children were treated in emergency rooms for pedestrian-related injuries. Although pedestrian injuries are not as common as motor vehicle occupant injuries, a disproportionate number of the injuries sustained by child pedestrians are severe.

External circumstances can increase the chances of child pedestrian accidents, but more often it is their innocence that makes them vulnerable to dangers on the road. Child pedestrians can be killed for a variety of reasons, including high traffic volume, high posted speed limits, absence of a divided highway, few pedestrian control devices, lack of alternative play areas like parks and irresponsible driver behavior. However, children are particularly at-risk pedestrians because they are exposed to traffic threats that exceed their cognitive, developmental, behavioral, physical and sensory abilities. This is exacerbated by the fact that parents often overestimate their children's pedestrian skills. Take a look at some of the reasons why children under age 10 are unsafe, at-risk pedestrians:

- They often “dart out” into traffic, perhaps chasing after a toy or a pet.
- They may believe that if they can see the driver,

the driver can see them.

- They may believe a green light means it is always safe to cross.
- They may believe drivers will always stop if they are at a crosswalk.
- They may believe cars can stop quickly.
- They often cannot accurately tell which direction sound is coming from.
- Their peripheral vision is significantly less than that of an adult.
- They may not be able to tell how fast a car is traveling or how far away it is.

Children simply do not have the cognitive abilities to be safe pedestrians. Both parents and drivers should be educated about the most common types of accidents, how to prevent them as both a pedestrian and a driver, how to teach children to be safe and how to improve pedestrian safety in their communities.

What are the most common types of child pedestrian accidents?

Though we call them “accidents,” there are some noticeable patterns to when, where and how child pedestrian accidents occur. Urban areas have twice the rate of traffic-related pedestrian deaths as rural areas. Children are most likely to be involved in pedestrian accidents when walking on straight, paved, dry roads in urban or residential areas. Accidents are also most likely to happen between the hours of 4pm and 8pm, when children are traveling from school and playing in residential areas. It was recently calculated that 43 percent of fatal child pedestrian accidents occurred between these dangerous hours.

In addition to being aware of the riskiest times and places for child pedestrians, you can also reduce the risk of accidents by becoming familiar with the most common types of collisions, which are explained below.

Child darts out

In the last chapter, I mentioned the common example of a child chasing a stray ball into the street, which is certainly one reason why a child might dart into traffic. In many cases, however, children have not been educated on how to properly cross the street. A recent study in San Diego indicated that 90 percent of children ages 5 to 12 did not know how to safely cross the street.

As a driver, you should be aware that this type of crash happens both at intersections and mid-block, and you must be on the lookout for children entering the road, even at non-intersection locations. Statistics show that over 80 percent of children who died in pedestrian accidents were killed at non-intersection locations.

Vehicle turns into the path of a child

A child may assume that a green light or a WALK signal means that it's safe to cross, but a driver turning may not look for a pedestrian or might not see the child crossing.

Child hidden from view by an ice cream truck

Sadly, a child's excitement about getting an ice cream treat may make them unaware of the surrounding traffics, and a large truck might block them from view before they step into the street. Exercise caution when passing ice cream trucks—you might even want to come to a full stop.

Child is hidden from view by bus and driver does not stop

Think back to when you were a kid, and how excited you were for school to let out at the end of the day. Did you pay any attention to the traffic around your school bus? Children exiting a school bus are distracted, and the large bus not only obstructs the exiting children from the view of drivers on the road, but also can block the road, making some drivers impatient—and potentially dangerous. Children may exit the school bus and step into the street, all the while they are blocked from view by the school bus. That is why every state in the U.S. requires traffic in both directions to stop on

undivided highways when students are getting on or off a school bus.

Vehicle backing up in roadways, driveways or parking lots

While some “backover” accidents are caused by careless drivers, often young children are just too small or quick to be seen by even the most careful driver. In addition to teaching children to look for people in the driver’s seat of cars in driveways, and for illuminated reverse lights before crossing a driveway, parents should never allow young children to play in their own driveways or around parked cars.

What can I do to increase safety for child pedestrians?

Teach your children how to be safe pedestrians

Although teaching children how to be a safe pedestrian might not prevent every accident, you can teach your children to protect themselves and exercise caution. Children should learn about street safety as soon as they are able to walk outdoors. Here’s how you can teach children street safety at all ages:

Preschool

- **Supervise them at all times.** Preschoolers should never be allowed to cross the street alone, and you should always hold their hand while crossing the street.
- **Teach by explaining.** Explain what you are doing as you do it. For example, if you are crossing the street together, you should say, “When I cross the street, I always stop at the curb. Then I look and listen for cars. First I look left, then right, then left again. If it’s clear, then I can cross, while I keep looking for cars.” If your child can’t tell the difference between left and right, you can say “this way” and “that way.” You can also point out others who are exhibiting safe or unsafe behaviors (quietly, of course).
- **Teach by example.** Your behavior should be an example for your children. They are watching you to show them how to do the right thing.

- **Praise them.** Encourage safe behavior by praising them for copying your actions or words.

Children ages 5-10

- **Accompany them.** Young children should have an adult or older child with them every day until they show they can safely cross the street. Don't overestimate their abilities.
- **Make sure they follow these rules when crossing the street:**

STOP at a curb or the edge of the road, and only at a corner or intersection.

LOOK left-right-left for moving cars.

WALK, don't run, when road is clear or all cars have come to a stop.

STAY ALERT and keep looking for cars as you cross.

- **Remind them to use their eyes and ears at all times.** Child pedestrians can be at risk not only when crossing the street, but whenever they are near a street. Remind them that cars that appear to be parked may not always be parked, and to exercise caution when walking near driveways and parked cars.
- **Teach them to obey all traffic markers.** In addition to learning to cross at a WALK signal, children should learn to check for traffic, even if there is a green light or WALK signal.

Children ages 10 and up

- **Choose their route to school.** Walk to school together to find the most direct, safest route to school. When walking alone, they should follow that route and never use shortcuts.
- **Make sure they use the sidewalk.** If there is no sidewalk

along their route, then they should keep to the left and walk facing oncoming traffic so they can see cars coming.

- **Make sure they are visible.** Many jackets and backpacks come with reflective materials built-in. You can also add reflective tape to any article of clothing, which is available at hardware or fabric stores.

Encourage “walkability” in your community

In the ten years between 1990-2000, there was a 49 percent decline in the rate of traffic-related pedestrian deaths in children ages 14 and younger. The decline can be attributed to decreased exposure to traffic, educational programs, increased law enforcement and efforts to improve pedestrian environments. Unfortunately, some of the decline may be because children are simply not walking as frequently. According to the SAFE KIDS organization, nearly half of all elementary school children walked or biked to school in 1969. But by 1995, only 10 percent of children walked or biked to school.

Walking is a no-cost mode of transportation which gets children to exercise, improves air quality by reducing vehicle emissions and allows parents and children to spend time together, free from the distractions of driving. You can help make your community a place that allows children to walk to school and other activities—safely and free from danger.

However, teaching children how to safely cross the street is not enough. The National SAFE KIDS Campaign collected over 9,000 “walkability checks” across the country. The study showed that nearly 60 percent of parents and children found at least one serious hazard on their routes to school. Frequent hazards included a lack of sidewalk or crosswalk, wide roads, complicated traffic conditions, improper parking and speeding drivers. You and your community can help kids avoid these hazardous conditions by creating safe walking environments. Here’s what you can do:

- Promote driver awareness about safe behaviors,

traffic laws and penalties for violations through media campaigns, brochures and public service announcements.

- Encourage parents to walk or bike with their children to school, and also to walk or bike to work, to ease traffic congestion.
- You can create programs such as “walking school buses,” which provide adult supervision along routes child pedestrians take to school.
- Develop programs that encourage more walking and less driving, such as creating a school-wide “Walk-to-School” day.
- Contact your local law enforcement department about increasing traffic enforcement around your child’s school, community center or other facility where you notice hazards.

Drive safely

General safe driving tips are covered in the “Dos and Don’ts” chapter at the beginning of Part I . Let’s take a quick look at some safe driving tips that can help prevent child pedestrian accidents specifically.

Come to a complete stop at stop signs.

Children are told to wait until cars have stopped completely before they step into the road. Make it easy for them to know when to cross—always stop fully and completely at stop signs, and before the crosswalk.

Obey the speed limit in school zones.

A National SAFE KIDS Campaign study found that two-thirds of drivers exceeded the posted speed limit in school zones during the half-hour periods before and after school. In addition, one-third of drivers were traveling at a speed of 30 mph or more. This is bad news for child pedestrians. The likelihood of a pedestrian being killed if struck by a vehicle traveling 20 mph or less is about 5 percent,

whereas the likelihood of death increases to 40 percent if the vehicle is traveling 30 mph or more. Prevent tragedies by driving within the posted speed limits.

Know your blind spots.

Larger vehicles such as trucks, vans and SUVs can make it difficult to see small children. Be aware of your blind spots at all times, particularly when turning or backing up. At home, you should also trim any hedges or landscaping in your driveway or yard that might block your view or the view of other drivers.

I would do just about anything to protect my children, and I know all parents feel the same way. In an ideal world, children would be able to walk to school and play in their neighborhoods without exposure to danger, but the truth is that cars are dangerous machines, and people make mistakes. My hope is that awareness of this information can prevent accidents before they happen.

On the Bike: How to Keep Young Cyclists Safe

It can be easy for children—and even parents—to see their bicycle as a toy. The reality is that bikes are not toys. In fact, more children ages 5 to 14 go to hospital emergency rooms for injuries associated with bicycles than with any other sport. Despite the obvious dangers, riding a bike is a wonderful activity for kids. For younger kids, it improves coordination, provides exercise and is a fun activity that the whole family can do together. For older kids, riding a bike gives them the chance to be independent. You can teach your kids to understand that biking should be a whole lot of fun—with a healthy dose of caution. In this chapter, I've put together a list of tips to help parents make sure that their children ride safely.

Understand their limitations

Remember—children are not small adults. Children simply do not have the cognitive abilities that adult riders do. Here's some examples:

- Children are not able to use their peripheral vision as adults do, and particularly children in grades K-3 have trouble spotting objects in their peripheral vision.
- Children do not naturally use sound to identify where traffic is coming from, and instead rely solely on their vision.
- Children are unable to grasp the complexity of many traffic situations. For example, they might believe that a road is safe because they cannot see any cars present, despite a nearby blind curve.
- Children are easily distracted and have poor impulse control. They may not understand the serious consequences of crossing a road without waiting for the light to change or the road to clear.
- Children believe that adults are responsible for their safety, and will look out for them, even a stranger driving an oncoming car.

Know their abilities

Though of course each child is different, there are some general guidelines about the abilities of children at different ages.

Ages 1 to 5

- Most children ages 5 and under are not ready to ride a bike. You can start teaching them about bike safety while they are passengers on your bike, however.
- Teach preschool cyclists how bicycles are not the same as a toy car or a tricycle. Bicycles are not toys.
- Teach them to stay away from the street, and to keep an eye out for things that might hurt them.
- Make sure they wear a helmet at all times, and they understand why helmets are so important.
- Familiarize them with different parts of the bike and helmet, and how to use the brakes to slow and stop.

Ages 5 to 8

- Many children learn to ride a bike during this time, and they should learn safe riding skills at the same time.
- Children at this age should not ride unsupervised.
- The Center for Disease Control and Prevention (CDC) recommends that children in this age group ride only on the sidewalk, assuming that riding on the sidewalk is legal in your community. Make sure that your children learns to alert pedestrians to their presence, and understand that being on the sidewalk does not mean they are free from danger. They should still watch for cars in driveways, and always walk their bikes across intersections.
- Make sure your child develops riding skills like avoiding obstacles in the road and riding in the straight line while looking behind.
- Teach them about selecting a good route. If they ride their bike to school, you should ride or walk with them until you are confident they can do it on their own.
- Even if they are riding on the sidewalk, children should always ride in the direction of traffic, and learn to obey

traffic signs and signals.

- Teach them how to communicate with others on the road with hand signals and eye contact, and to look out for signs from others.
- Familiarize them with all the equipment on the bike, and the importance of their helmet.

Ages 9 to 12

- There is no set age for determining whether a child is ready to ride on the road. However, most children in this age group have developed the skills to ride on arterial roads. Beginner cyclists, no matter their age, should ride with supervision.
- Before letting your child ride on their own, think about their behavior out of traffic. Are they able to control their impulses? Do they take risks? Do they have trouble paying attention? Their behavior on the road will likely echo their behavior off the road.
- Never, ever let them ride against traffic.
- Teach them about advanced riding skills such as selecting gears and road positioning.
- Emphasize the importance of wearing a helmet. Many preteens and teens will begin to think helmets are uncool. See below for tips on how to get around this dangerous notion.

Ages 13-17

- Teen cyclists have much more independence. Stress that this means that they also have more responsibility as well.
- Teens should continue to work on riding skills like panic stops and riding in the winter.
- Teach them about common collision types and how to avoid them.
- Everyone should avoid riding at night. If they must, teach them to use proper lights on their bike, along with reflective clothing
- As they learn to drive a car, remind them of what they

learned as a cyclist, and how to keep an eye out for cyclists on the road.

Set the rules

It's never too early to teach them the rules of safety. Even if they're just a passenger on your bike, you can start pointing out the rules of the road as you ride. Once they have their own bike, you should go over this list with them, and make sure to review real-world examples when you're actually on the road. Here's the essential list for bike safety directions for kids:

- Ride in the same direction as traffic.
- Obey all traffic laws.
- Stop and look both ways before entering traffic.
- Walk the bike across busy intersections.
- Watch for cars entering the road from driveways or parking spots.
- Use hand signals and look in all directions before turning.
- Ride predictably—avoid swerving suddenly.
- Ride single file on the right.
- Never ride at night or at dusk. If you are out late, you should call for a ride.
- Wear bright colored clothing.
- Never wear headphones or eat while riding.
- If you need to carry something while on the bike, you should put it in a backpack to keep your hands free.
- Always keep at least one hand on the handlebars.
- Never carry anyone on your bike.
- You should make your own decisions about safety—don't do something just because your friends did it.
- Wear a helmet at all times.

These rules are essential. Set an example for your children and follow these rules at all times.

Get the right equipment

Parents should make sure that their child's bike fits properly. Buy a bike that is the right size, not large enough to “grow into.” Your child should be able to place his or her feet on the ground while seated, and with an inch or two of clearance while straddling the crossbar. Make sure that your child can grasp the hand brakes, if the bike has them, and can also apply sufficient force to stop the bike completely. Make sure they can be heard and seen—equip the bike with front and rear lights, reflectors for pedals and wheels, as well as a bell or horn. Of course, they'll need a helmet, too. There's more on helmets, and tips on how to get your children to actually wear their helmets later in this chapter.

Do regular safety checks

Every time your children ride their bike, you should do a safety check with them. First, see that the wheels, seat and handlebars are secure and move freely. Test the hand brakes. Make sure the tires are properly inflated. Make sure the brakes, chain and wheels are free of any dirt that might clog their operation, and that the chain is well-oiled and tight. Make sure that their clothing or shoelaces will not get caught in the chain—that could cause a fall.

Make sure they wear a helmet

Wearing a helmet can mean the difference between walking away from an accident with light injuries and death or debilitating injury. According to the CDC, wearing a helmet can cut brain injury by 88 percent, and face injury by 65 percent. Getting your kids and teens to wear their helmets can be challenging, however. Here's some tips on how to get them to wear their helmets:

- **Start them early.** Children who learn to wear a helmet when they get their first bike will wear their helmet as a habit throughout their life. If you didn't start them early—don't give up. It's never too late to start being safe.
- **Let them pick their helmet.** If your children choose their

own helmets, they are less likely to tell you the helmet is uncool or feel like you are forcing them to wear it. Realize that if they want a more expensive helmet, it might be worth it to get them to actually wear it. You might want to try a fun trick at the bike store, too. Find a salesperson who you think your child might look up to—someone young and athletic—and ask them to show your child the helmet that they wear when they ride.

- **Be an example.** Wear your helmet when you ride—your kids learn by watching you.
- **Encourage their friends to wear helmets.** You can make peer pressure work for you if all of their friends wear helmets.
- **Make it a package deal.** If they want to learn to ride a bike, they have to agree to wear the helmet at all times.
- **Explain why you want them to wear a helmet.** Wearing a helmet should not seem like an arbitrary rule. Explain why they should wear a helmet as part of a larger conversation about bike safety. They should understand that you want them to wear a helmet because you value their safety, and not wearing a helmet can hurt them permanently or even cause death.
- **Point out helmets while watching sports.** Bike racers like those in the Tour de France are required to wear helmets. Even players in other sports—football, baseball, hockey—have to protect their heads.
- **Reward them.** Praise them or give them a special treat or privilege when they wear their helmet without being reminded.
- **Do not let them ride without a helmet, ever.** Be consistent. There is no time or place when it's safe to ride without a helmet, and if you are inconsistent, they will learn that wearing a helmet is optional.

The Top 5 Legal Documents Every Parent Needs to Protect Their Kids in the Event of an Emergency

This chapter appears through the generosity of a terrific friend and lawyer Alexis Neely. Alexis Martin Neely has been called “America’s Favorite Lawyer.” As the CEO and founder of the Family Wealth Planning Institute, Alexis is revolutionizing the way legal services are provided to families and small business owners throughout North America. The bestselling author of Wear Clean Underwear! A fast, fun, friendly—and essential—guide to legal planning for busy parents and a regular legal commentator for CNBC, CNN and FOX. Alexis has also been featured on the Today Show, Good Morning America, Fox and Friends, O’Reilly Factor and View From the Bay. You may have heard her on Oprah & Friends radio, NPR and on local stations across America.

While it’s critical you learn what to do if your child is in an accident (as discussed in the following chapter), it’s equally important to ensure your children will be taken care of by the right people in the right way, should YOU suffer an accident and your children escape unharmed or remain blissfully unaware of the situation while they play at home with a babysitter, friend or relative.

Let me give you an example to make this crystal clear.

You go out to run errands and leave your children at home with their teenage babysitter. On the way home, there’s a car accident and you cannot communicate. Based on the information in your wallet, the police have just enough information to ID you, but they have no idea you left your little ones at home with a babysitter and that your spouse is out of town on business.

After several hours, your sitter begins to worry. She calls her own mother for advice—who suggests calling the police because you haven’t made it home yet. The police arrive and confirm that, yes,

you've been in an accident and ask the sitter if she knows anyone in your family who could come be with the children.

But, your babysitter only knows your neighbors. And the authorities won't leave your children with the neighbors because there isn't any written authorization from you to do so. Instead, they call in social services to figure out what to do. Social services has no choice but to take your kids out of your home, into the care of strangers, while they figure out what to do and who has the legal authority to stay with and care for your children.

Your babies are scared, upset and now are taken out of the security of their own home because there weren't proper directions left for them to be cared for by someone you know and trust in the event of an emergency.

Is it possible that this is what would happen if you were in an accident?

Without a doubt, the answer is yes because it's what would have happened to my kids if I was in an accident a few years ago... and I'm a lawyer!

In my case, I had a will and a trust set up to ensure my money would pass to my children as easily as possible in the event of my death and that my children would be raised by the people I wanted to in the long-term. But I discovered there was a major hole in this planning when I thought about what would happen in the immediate term if I had been in an accident.

Everyone I had named as legal guardians for my children lived at least halfway (or more) across the country, and no one who took care of my kids on a daily basis even knew where my legal paperwork was or how to reach my named guardians.

There was a huge gap in my planning that would have left my kids at the mercy of the state if I had been in an accident.

As I began talking to other parents in my community, I discovered that just about all parents who had named guardians had this hole

in their legal documents as well. And as I did a little more research, I discovered that a whopping 69 percent of parents have never even named legal guardians at all.

Whether you are part of the 69 percent of parents who have done nothing at all, or if you are one of the 31 percent of parents who have taken action but have made one of the six common mistakes, your kids are at risk if you are in an accident. (To discover if you have made one of the six common mistakes that most parents make when naming guardians, go to www.KidsProtectionPlan.com).

Getting Started With the 5 Legal Documents Every Parent Needs to Protect Their Kids in the Event of an Emergency

The good news is that setting things up the right way and doing the right thing by your family can be easy once you know what to do. And the process of getting things set up the right way can be downright enlightening, as it helps you to gain clarity about what's most important to you and what you really want for your children.

Let's start with the bare minimum of what you need to have in place to make life as easy as possible for your kids and the people who will care for them should anything at all happen to you.

Document Set #1: Kids Protection Plan

Regardless of the size of your bank account, if you have a child at home who depends on you, you need to have a comprehensive Kids Protection Plan® (KPP) in place to ensure your child's well-being and care in case you can't be there.

A KPP begins with naming legal guardians to raise your children if anything happens to you and your spouse. But that's just the beginning. A comprehensive KPP will also name local friends or family as guardians for the immediate/short-term care of your children so that the authorities never have to take your children out of your home and into the care of strangers. With a KPP in place, you'll carry an ID card in your wallet listing the names and addresses of your immediate/short-term guardians, as well as provide written

instructions to all of the people who care for your children, such as babysitters and schools.

Finally, a KPP will confidentially exclude anyone you know you would never want to serve as guardian of your children to ensure there are no court-room battles over your child's care, in addition to providing detailed instructions about things like health care, education, discipline and your values, so your children are raised the way you want, no matter what.

If you are not yet working with an attorney to ensure your wishes are properly documented and disseminated to the appropriate recipients, you can get started at www.kidsprotectionplan.com. This site offers a fast and interactive process to help you chose the right people to raise your kids if you can't, and then easily document your choices... legally. Best of all, this site is totally free, so there's no excuse not to get things taken care of anymore.

Document Set #2: Financial Durable Power of Attorney

A financial durable power of attorney is something every adult needs, even if you don't have little kids at home. This document is what will let your family access your bank accounts, pay your bills, and make financial and legal decisions for you if you are hospitalized or otherwise incapacitated.

This story should bring home the importance of having a durable power of attorney in place:

My law firm was contacted by a young woman after her father was hurt at his janitorial job, hospitalized and unable to communicate. This man thought he didn't need estate planning because his income was very low and he had less than \$10,000 in the bank.

Unfortunately though, his failure to plan left his family in a lurch. They needed the little bit of money he had in the bank, but couldn't access it without going to court because the account was in his name and he didn't have a durable power of attorney naming anyone to act for him legally.

The cost of going to court was going to cost their family more than the money that was in the bank!

Don't leave your family in this kind of a painful situation, unable to access the limited resources you have because you didn't do what you need to do. Be sure you have a financial durable power of attorney in place and make sure it's comprehensive and will work when your family needs it.

Document Set #3: Health Care Directive (Living Will)

A Health Care Directive (also known as a Living Will or Health Care Power of Attorney) is another document set that every adult needs, even if you don't have little ones at home counting on you.

These sets of documents do two important things:

1. Appoint the person you want to make health care decisions for you if you cannot make them for yourself; and
2. Tell your appointed decision-maker how you want those decisions to be made.

Each state has its own rules for how these documents should be prepared. In some cases, your instructions can be all in one document and in others they need to be two separate documents. The most important thing is that you get something down in writing.

And, once again, make sure you've got something that will really work when your family needs it. I recommend giving broad discretion to someone you trust to make decisions about all of your health care needs, including life-saving medical care, such as respiration, but also continued nutrition and hydration in case you are incapacitated. If you recall the Terry Schiavo case from several years ago (in which her husband and her parents fought over whether she should be kept alive or not and the case was brought all the way to the Florida Supreme Court), the issue was not whether to continue to keep her lungs pumping, but whether to continue to provide nutrition and hydration – so be sure your medical directive addresses these issues.

Document Set #4: Will

When it comes to estate planning, most people think of having a will. Unfortunately, having a will often provides a false sense of security to people who think “I have a will, therefore, I’ve taken care of everything.” Sadly, that’s a myth.

In fact, your will is the **least important** of the five legal documents every parent must know about.

A will sets forth what you want to happen to your assets at the time of your death. But, when there’s a will and your assets are owned in your name, the will merely acts as instructions to the court as to what to do with your assets.

That means your family is stuck dealing with the court after you are gone. Nobody wants that, trust me.

The court process for handling your assets after your death is called probate. It’s typically expensive time-consuming, and always totally public, which means anyone in town can find out how much you’ve left behind, who it went to and when they get it. That puts your loved ones on the radar of every con artist in the neighborhood.

A will alone is really only appropriate for parents who have no (or very limited) assets titled in their name. If you have assets, such as a home, bank accounts, life insurance, and retirement accounts, you need to have a living trust to keep everything out of court, totally private and make it easy for your loved ones.

You may have heard that if you only have life insurance and retirement accounts, you can simply name beneficiaries on those assets and avoid probate. That’s true, but not going to work if you have minor children because they are too young to be the beneficiaries of your assets and would end up in court with a guardian appointed to handle them—which I can tell you from experience is not what you want.

Document Set #5: Trust

If you have financial assets or real estate, you want to have a living

trust. A living trust is the single best way to make life as easy as possible for the people you love, bar none. It keeps things totally private, out of court, and ensures your assets are passed in the way you want, to the people you want, easily and quickly.

But, and it's a big BUT, most people who have a living trust in place have one that won't work when their family needs it.

It's the same for each of these documents I've talked about; they are only going to work the way they were designed to work if the law stays the same and your life stays the same.

As your life changes, the documents need to change. As the law changes, the documents need to change.

And, for your living trust, it won't work unless all of your assets are titled in the name of it, not just once, but every time you acquire an asset in the future.

Far More Important Than All of These Documents....

While these five document sets are vitally important for all parents to have in place, they are not the end all, be all. Why is that? Well, think about it this way: In the event of an accident or your death, will your family know what to do even if you have great documents in place? No, they won't.

What you really need to leave behind for your loved ones is clear guidance that ensures they know what to do and whom to talk to when something happens. That guidance is simply not going to come from a set of cold documents. It's going to come from a relationship with a trusted advisor who knows you, knows what's important to you and is going to be able to guide your loved ones and make things as easy as possible for them during a trying time.

Is Hiring a Lawyer the Answer to All My Problems?

Unfortunately, no, hiring a lawyer won't guarantee that everything will be as easy as possible for your loved ones when something happens.

I've met with loads of people who thought they had everything taken care of because they had prepared these five documents or had them prepared by a lawyer, but because the documents had not been kept up-to-date or their assets were not owned properly, the documents didn't work!

In fact, that happened in my own family when my father-in-law died. He had spent thousands of dollars to work with a lawyer who put in place a set of documents for him and then didn't keep them up-to-date and didn't make sure his assets were owned properly on an ongoing basis. What that meant is at the end of his life, we were stuck dealing with the one thing he thought he was protecting us against—the probate court and a fight with his ex-wife.

Even Michael Jackson, who no doubt spent hundreds of thousands of dollars with his lawyers, had a trust-based estate plan that he was probably told would keep his family out of court. As we now know, his family has already been dragged into court multiple times since his death—with everything open to the public. It's sad to say, but his lawyers failed him and his family.

So, what needs to happen to ensure your family has what it needs in a crisis? You need to be sure you are working with a lawyer who is not only going to put in place these five vital documents that will make life as easy as possible for your family, keep your loved ones out of court and get them easy access to your assets in the midst of a crisis, but who will also **keep the documents up-to-date throughout your lifetime, ensure your assets are owned properly AND focus on capturing and passing on not just your money, but your most valuable intellectual, spiritual and human assets, as well.**

Most people do not have the time, knowledge and discipline to do this for themselves the right way. If you do, great. But who is going to guide your family to make the right decisions and carry things out the right way after you are gone?

Because when all is said and done, that's really what this is about, isn't it?

There's nothing more important to you than your family. They are why you do everything you do, right? So, to protect them, it's essential to find a lawyer who will guide you throughout the course of your lifetime and be there for your loved ones when you can't be. It's far easier for you to take care of things now, while you are living and able, than it will be for them to take care of things after you are gone. Legal planning is not about the money; it's about making life as easy as possible for the people you love ... no matter what.

Part II

If the Unthinkable Should Happen

My Child Has Been Injured in an Accident— What Should I Do?

Your child's involvement in an accident is a traumatic experience, for your child, as well as you as a parent. On top of worrying about your child's physical pain from injuries sustained, there's the emotional turmoil that inevitably arises—the fear from not knowing what will happen and the confusion from not knowing what to do for them. In working with clients, I've seen that the sense of fear that parents feel about their child's future can easily become overwhelming.

I hope that this chapter, which covers the most important actions you can take the following your child's accident, will in some small way mitigate the sense of powerlessness, giving you a clear course of action and the certainty that you are doing the right thing.

Help your child write an account of the accident

Your child's memory of the accident, as well as your own if you were involved or at the scene, is a valuable source of information, but it becomes less and less reliable as time passes, and important details can be forgotten. So, as soon as you can, sit down with your child and write a detailed account of the accident, being careful to leave nothing out. If you were a witness to the accident, you should write down your account separately.

To help you do this, I've created the *Diary for the Injured: A Workbook for Recording your Injuries & Losses*, an easy-to-use tool designed to ensure that all critical information regarding the accident is recorded. If you haven't already, I highly recommend acquiring a copy. This record could make an important contribution to the success of your child's case.

If you feel that the accident was clearly the fault of someone else, it's tempting to assume that because the truth of the situation was so obvious, there's little need to be so meticulous in collecting

information and making records. The reality, however, is that claims can be denied for virtually any reason, no matter how unmistakable the other driver's negligence was at the time of the accident. It's impossible to know exactly what will later prove to be significant in the success of your child's claim. By taking these steps, you are helping to ensure that you will be able to obtain the financial resources you need to help your child fully recover.

Take them to see a doctor

If your child sustained an injury in the accident, no matter how minor you think it is, take them to see their doctor immediately—this is one of the most important pieces of advice I can offer, not only for your child's health, but also for the success of your child's claim. Some injuries will be obvious of immediately—abrasions or fractures, for example. However, many of the most common injuries don't become symptomatic until hours and even days later. Damage to soft tissue occurs immediately, but they may not feel it for some time. Additionally, children may not have the words to describe what is wrong. That's why it's so important to have your child see your family physician at once, and in-person. That way the doctor can give your child a full evaluation and document any injuries.

And don't just see a doctor, but *listen* too. Your child's condition can become chronic and permanent if not properly treated, and your physician is the best judge of the necessary treatment. If your physician recommends physical therapy and on-going care for your child, listen and follow those recommendations. Sadly, I've seen a great many people ignore the doctor's directions, taking the attitude of "it'll heal on its own," only to find that their child's injury gets worse as time wears on.

Document their injuries

When it comes to receiving fair compensation from insurance companies, documentation is everything. Records, we might say, are the language of insurance adjustors, and to get what you need to help

your child fully recover, you have to learn to speak their language. But now, more and more, the work of insurance adjustors is being delegated to computers. To fully understand this what this means for your child's case, I recommend you get a copy of my book, *The Car Accident Survival Guide*, which covers this issue in detail. Please call 800-4Accident (800-422-2433) and I will be happy to send you a copy at no cost.

Both you and your doctor are responsible for documenting your child's injuries, but each of you is looking at the situation from somewhat different, though equally important angles. Your physician is responsible for recording the nature of the injuries, any diagnostic procedures your child undergoes, and all care and treatment your child receives—in other words, from a medical perspective. Your job is to record the ways in which your child's injuries impact their lives from a personal perspective: the pain they feel, the activities they can no longer engage in, and any other ways in which the injuries have impacted every day life.

To help you, your child's doctor and your child's attorney ensure that the full extent of his or her injuries are understood and well documented, I urge you to use *The Injury Victim's Diary*, which I mentioned above. In addition to helping to record important details of the accident, it is also designed to help document injuries sustained during the accident. It contains both specific questions regarding your child's symptoms and a convenient format for tracking them over time.

Report the accident to your insurance company

If you intend to make a claim, you should promptly report the accident to your insurance carrier. In my book *The Car Accident Survival Guide* I discuss the various types of automobile insurance and identify those that cover your child in different types of accidents. But for now, the types of coverage most likely to be relevant are

Medical Payments, Uninsured and Underinsured Motorist coverage and Personal Injury Protection (if it is offered in your state).

Contact a qualified personal injury attorney

Because the injuries children sustain in motor vehicle accidents can be severe, it is most often in your best interest to immediately contact an attorney with experience handling these types of cases. *Unless your child escaped the accident with the most minor of injuries, you should consult with an attorney even before reporting the accident to your insurance company.*

Why? Because your insurance company is not always on your side. It all boils down to money. If you are seeking compensation on behalf of your child under the other driver's insurance policy, then your own insurance company can be a powerful ally. If, however, the situation requires that your insurance carrier cover some of the losses, suddenly their interests are counter to your own. While still honoring the terms of your policy, they are now looking to pay you as little money as possible. And when your insurance company is no longer on your side, you need someone who is—someone who can level the playing field, someone who can advocate for you and protect your interests. The problem is that it is not always clear ahead of time which insurance company is going to pay for what, and that's why I recommend consulting with an attorney in the event of a serious accident.

I also recommend speaking with an attorney before discussing the accident with the driver's insurance carrier. Think about it. You intend to show that the other driver was at fault and that their insurance should pay for your child's medical treatment and pain and suffering. The other driver's insurance company wants nothing of the sort. They would much prefer to show that you or your child were at least partially at fault in the accident, and that they should therefore only pay for only a certain percentage of your losses.

Educate yourself

In my experience as an attorney, the most effective clients are continually seeking to empower themselves with an understanding of the legal process, particularly those that are protecting a child. They are committed to playing an active role in securing the fair outcome to which their child is entitled. In your relationship with your attorney, don't hesitate to assert yourself. All attorneys worth their salt encourage their clients to ask questions, become involved and seek to understand the legal process.

Relax

In light of your circumstances, relaxing may sound absurd or impossible. You may be caring for a child with serious injuries who needs your protection; you may be facing a mountain of medical bills and an uncertain future. The healing process will take time, but healing will happen. Rest assured that, having hired a qualified attorney, you and your family are in good hands. When things go wrong, there's great value in knowing that you have an experienced, professional advocate on your side. It's your attorney's job to fight for you and your child's interests and rights. Though you should provide whatever assistance and information you're asked for, your most important job is to take care of your family—body and mind—as best you can.

How Do I Find the Right Lawyer for My Child's Case?

This chapter is inspired by the writings of an exceptionally talented and dedicated trial attorney, Benjamin W. Glass. Mr. Glass is a sought-after professional speaker and is America's premier authority on effective, ethical and outside-the-box marketing for lawyers. He is a Certified Trial Attorney, and the former editor of both the Superior Court Digest—a publication summarizing trial court opinions in the Superior Court of the District of Columbia—and the Journal of the Virginia Trial Lawyers Association.

In 1977, when the United States Supreme Court ruled that lawyers could advertise, it was hoped by many that this move would empower consumers with additional knowledge of available legal services. At the time, no one could have anticipated the vast number of confusing messages to which the legal consumer is exposed today. Injured victims are told to call immediately to get the vast sums of money that they deserve as compensation for their injuries, at no cost to themselves. This information is incomplete at best.

The consumer of today opens the phone book or turns to the internet with a desire to obtain the knowledge necessary to make a wise decision as to the selection of an attorney. The consumer is then exposed to meaningless slogans disguised as information, such as:

- No recovery no fee.
- Free initial consultation.
- Member of Million Dollar Roundtable.
- Best lawyer in XYZ County.
- You may be entitled to cash for your pain.
- We come to you.
- Largest verdict in the city.
- Former judge.
- Member of the American Bar Association.

- Former District Attorney.
- 37 years combined experience.

These slogans are truly meaningless and can result in misleading the legal consumer. Let's take a look at what a few of these slogans really mean.

- “*No fee if no recovery*” generally refers to the fact that no attorney fee will be due to the attorney unless and until the case is settled or won at trial. However, the consumer is not told that there may in fact be costs and expenses. There are many costs involved in a personal injury case including court filing fees, expert witness fees, and other third party expenses that the attorney may incur and charge to their client. All costs should be clearly covered in your retainer agreement with any attorney you consider hiring.
- A “*free initial consultation*” is generally available with most attorneys in cases involving personal injury. Nevertheless, many attorneys continue to brag about this offer in their advertising.
- “*Member of the Million Dollar Roundtable or Million Dollar Advocate Club*” indicates that the attorney may have settled a case for \$1,000,000 or more sometime in his legal practice. This impressive figure might grab your attention, but it says nothing about the competence of the attorney, merely showing that they represented someone who suffered a very serious loss or injury.
- Any lawyer who claims to be the “best” is making an unethical claim. No one can prove

such a statement, as no standard is presented and such a claim is precluded by state Bar ethical rules.

- A number of years experience is another meaningless claim we see all too often. The experience could be on cases totally unrelated to your needs and the quality of work performed during this experience could be clearly substandard.
- Claims of experience as a former prosecutor could be of value, if you are charged with a crime. However, such a claim is not directly relevant in the case of a personal injury.
- “*You may be entitled to cash for your pain*” is the kind of claim that can hinder a personal injury case, because such claims can make jury members unsympathetic toward accident victims. Our law is meant to protect injured victims by providing them just compensation for their injuries. It is not a new form of lottery where the ticket is a fender-bender.

These slogans are not only inaccurate—in some cases they can be misleading. Let’s discuss some of the truth and fiction that we find in lawyer advertising.

Fiction: Every lawyer goes to trial.

Truth: All lawyers do not go to trial, and many that advertise personal injury as their specialty do not go to trial.

Fiction: The state Bar authorizes a lawyer to advertise the specialty of personal injury.

Truth: In fact, there are virtually no restrictions for advertising an area of focus.

Fiction: All lawyers are basically the same.

Truth: The expertise of lawyers varies as much as any profession that we are exposed to in modern society. Many lawyers take pride in their craft and continue the study of law throughout their career. Regrettably, many do not.

Fiction: A lawyer who is talented at DUI will be a good personal injury attorney.

Truth: Personal injury is a complex area of the law which requires understanding that a general practitioner simply may not possess.

Fiction: If a lawyer advertises for personal injury, he or she must have experience in personal injury.

Truth: There is absolutely no relationship between advertising and experience. It is up to you as the consumer to determine the experience level of the attorney you interview.

Fiction: A “lawyer referral service” is the best way to find an attorney.

Truth: Lawyer referral services can be hit-and-miss, because lawyers pay to join such services and the requirements to be featured on the lawyer referral service can vary tremendously between jurisdictions.

Fiction: All lawyers who advertise on TV are successful.

Truth: Advertising in any media is no barometer upon which to base your decision to hire a lawyer.

Fiction: Internet “pick-a-lawyer” sites are a good way to find an attorney.

Truth: Though these sites do serve an important function, the consumer is at the mercy of the standards of the

particular site. Many of these sites require only a check from the attorney to qualify to be featured on the site.

Now that we've examined some of the myths about lawyer advertising, you're probably wondering how to navigate the road to finding the right attorney. By following these six steps, you can make a well-informed and wise decision.

Action Steps on the Road to Finding the Right Attorney

Action 1: Gain an understanding of the legal problem you face.

Before the advent of the internet and other mass media, knowledge of the law was all but reserved to attorneys and the legal community. However, in today's world everyone has immediate access to important information through the internet. You should be forewarned that there is no guarantee that the information you're going to garner from your study of the internet will be accurate.

You have made an excellent choice by reading this book. You can follow up by visiting the Consumer Resource Alliance website. All the information on the site is provided by member attorneys who have agreed to adhere to ethical standards and have demonstrated a very real commitment to provide the injured consumer with the information necessary to empower them to make wise decisions for themselves and their family.

Action 2: Begin to gather names of potential attorneys to consult with.

Certainly the authors of the books on the Consumer Resource Alliance website are a good start in compiling your list of attorneys to consult with. However, there are other valuable sources you should consider, including friends and family members who have had experience with an attorney in your community. You may also wish to consider a state Bar-approved referral service as a source for qualified attorneys. Once you have put together what you believe to be an adequate list of attorneys, consider moving to Action 3.

Action 3: Call the attorney's office and ask for written information.

If an attorney cannot or declines to provide you with written information, you may want to remove them from your list. You are about to enter into a very important contract with an attorney who is going to be responsible for your legal and financial welfare. If they have not taken the time to put together meaningful consumer information in writing, they may be a poor choice. If you contact their office and find yourself experiencing high-pressure sales tactics, immediately run the other way.

Warning: Always beware of any lawyer who calls you first or has someone else solicit your case either by phone or in-person. Unless you have a pre-existing professional relationship with the attorney, any such contact is unethical, and may be illegal.

Action 4: Narrow your choices.

At this stage, you should narrow your choices to three to five lawyers that appear experienced and have provided you with written information about your particular legal problem. No matter how experienced the attorney, it is critical that you feel comfortable entrusting your case to the attorney at what can be a very stressful time.

Action 5: Ask questions.

Listed below are a series of questions you may want to consider.

1. *How many years have you been a practicing attorney?*
You do not want someone who has just graduated from law school.
2. *What actual experience do you have in handling cases like my child's?* The attorney should have worked on not just any personal injury case, but one with real similarities to yours.
3. *Please explain my child's case to me. What legal*

challenges do you see? This is a good test of the attorney's ability to communicate clearly with you in a caring and understanding manner.

4. *What is your rating on www.Avvo.com?* This is an excellent web resource to find meaningful information on the attorney you may be considering.
5. *Do you carry malpractice insurance?* If they do not carry this insurance, it may show that they are reckless and unconcerned with your welfare.
6. *Have you been disciplined by your state Bar association?* If they have, let them offer you an explanation and you can decide if it is something that should take them off your list.
7. *Please describe the process that I will experience in the handling of my child's case.* Again this will be a good test of communication skills and allow you to determine if this is a firm that you want to work with.
8. *Who in your office will I be working with on my child's case?* Find out if you are going to be working with a qualified attorney or only a paralegal.
9. *How will you keep me informed as to the status of my child's case?* The attorney you hire should be able to give you a clear explanation of their communication policy with their clients.
10. *What is my child's case worth?* This is a good trick question. Any attorney that begins quoting you numbers is someone that you should not consider.

Most ethical attorneys are going to review your case in detail with you and explain the different parameters involved. No attorney can predict with any certainty the ultimate result in your case.

11. *Do you represent insurance companies?* This is a good question to ask because you will want to know whether there may be a conflict of interest with this particular attorney and your case.
12. *Do you regularly attend continuing legal education courses in the area of personal injury?* Did their education end with law school? If yes, take them out of the running.
13. *Have you published articles, guides or books for consumers or other attorneys?* You want the best, and if they have published a book, you will be able to see their expertise in print.

Action 6: Rank the information you've received.

By ranking the information you've received into the categories that you feel are most important, you'll be in a position to make a decision that is both wise and based on real information that you've gathered from the attorneys you've interviewed. Take your time in your selection of your attorney, as this will be one of the most important decisions you can make in determining the outcome of your child's personal injury claim.

If you follow all these guidelines and suggestions, as well as your personal instincts, you should be able to find the right attorney for your child's case. Always remember—YOU ARE THE BOSS and your attorney serves at your pleasure. Do not be afraid to demand the level of service and care your family deserves.

Afterword

There's no doubt: if you've been injured in an accident, you need all the help you can get. I hope that reading this book, at the very least, has given you a measure of confidence—and more than a little knowledge—in your pursuit of the compensation you need to get your life back on track. I can imagine nothing more important than protecting you and your family's well being. In representing my clients and in writing this book, helping people do just that has been—and, so long as I am able, will continue to be—my single greatest aim as an attorney.

If you would like to speak to me directly about your case, don't hesitate to contact me. You can reach me—whether by mail, e-mail or phone—at:

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I wish you a complete recovery and the full fairness and justice of our legal system.

Joseph M. Ghabour

Also By Joseph M. Ghabour

Your Car is Wrecked! Don't Wreck Your Injury Case

-Guide to Auto Injury Claims

When the Open Road is Not So Friendly

-Guide to Motorcycle Accident Claims

A Basic Guide for Injured Bicyclists

-Cycling Your Way to Recovery and Compensation

Diary for the Injured

-A Workbook for Recording Your Injuries & Losses.

The Essential Guide to Pedestrian Safety

-Know What you are Walking Into

A Simple Guide to Auto Insurance

-How Much is Enough Coverage?

WA

SAFE & SECURE

A GUIDE TO KEEPING YOUR CHILD SAFE

I wrote this book to share what I've learned over the years about keeping children safe in and around our cars. I also wrote this book because I understand how important it is for parents to feel as though they are doing everything reasonably possible to protect their children from serious injury. If the advice contained in the following pages is in some way responsible for preventing a single accident, or if it gives a parent some peace of mind—in whatever measure—then my efforts will have been more than worth it. If you would like to speak to me directly about your case, don't hesitate to contact me. You can reach me—whether by mail, e-mail or phone—at:



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