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# WINGFIELD & GINSBURG

## ATTORNEYS AT LAW

### The role of a personal representative in a wrongful death lawsuit

When families lose a loved one in an accident and bring a wrongful death lawsuit, a personal representative is appointed to act in the best interest of anyone who might have an interest or benefit in such action. When someone dies, anything that they owned of value becomes part of their estate. The estate will pay the decedent's debts, though it's possible that the estate is valued at less than the sum of its debts, and collect any money owed to the deceased, which includes money from a wrongful death lawsuit.

If your family is considering a wrongful death lawsuit, you will have to appoint a personal representative who will choose an attorney, communicate with the attorney and opposing counsel, handle the paperwork for the case, and make all major decisions regarding settlement or proceeding to trial. An executor, spouse, or next of kin (or someone appointed by a spouse or next of kin) is typically chosen to fulfill the role of personal representative. It is not uncommon for overwhelmed relatives to hire an administrative professional to help with the case.

If you are considering filing a wrongful death lawsuit, contact our office to discuss your family's legal options.

### Snow and ice removal

There is nothing quite as cozy as the season's first snowfall, but by the fourth or fifth snow, the novelty has worn off. No matter if it's the first or the last storm of the year, be sure to properly clear your sidewalks, walkways (those that border the property and those on the property), and driveway. Homeowners owe the duty of reasonable care to anyone who might need to walk past or onto their property, and many municipalities use 24 hours as a reasonable time frame for snow and ice removal.

Laws regarding responsibility differ by state and municipality. For example, in some states, homeowners are liable for snow and ice removal on the public sidewalks that border their property; in others they can't be held liable for accidents that occur on public sidewalks, but

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## Referrals

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can be fined for not removing snow in a timely manner. An exception would be when someone attempts to remove ice and snow, doesn't do a good job, and creates a new hazard (shoveling a narrow trail down the sidewalk, for example).

Winter slip-and-fall accidents often happen at a friend's, relative's, or neighbor's house. Please know that homeowner's insurance covers these claims. If you've been injured, call our office for a confidential consultation.

## Riding with rigs

If you find yourself riding alongside tractor-trailers, be aware that large commercial vehicles—despite having professional drivers—are hard to stop and more difficult to operate in poor weather. Due to the size and weight of commercial trucks, accidents can be severe. According to the U.S. Department of Transportation, in 2012, 3,921 people were killed and 104,000 people were injured in crashes involving large trucks. Of the fatalities, 73 percent were occupants of other vehicles.

If you are involved in an accident with a commercial truck and file a personal injury claim, you can expect the process to involve a lot of paperwork. There are several reasons that the claims process is so much more complicated when a car and commercial truck are involved in an accident.

When commercial vehicles are in accidents, there are many parties involved, which may or may not be partially responsible for an accident, beyond the driver. These include the trucking company, its insurance company, the vehicle insurance company, the vehicle manufacturer, and the truck driver's personal insurance company. If road conditions were a factor in an accident, local government could also be named in a claim. When commercial trucks cross state lines, federal laws come into play, which further complicate claims.

Finding an attorney is vital to manage your claim and secure fair compensation.

## Driving under the influence of marijuana

As more states legalize marijuana for medicinal and recreational use, motorists are concerned that in addition to smartphones and alcohol, pot use will become another safety issue. Drugs, including marijuana, and driving don't mix. Here is what the National Highway Traffic Safety Administration (NHTSA) has to say about the subject:

“Epidemiology data from road traffic arrests and fatalities indicate that after alcohol, marijuana is the most frequently detected psychoactive substance among driving populations. Marijuana has been shown to impair performance on driving simulator tasks and on open and closed driving courses for up to approximately three hours. Decreased car handling performance, increased reaction times, impaired time and distance estimation, inability to

matters that need attention, please let us know. If we cannot handle the matter, we will refer you to a competent firm that can. Please feel free to refer us to your family, friends, and neighbors for their legal needs. We welcome the opportunity to help.

maintain headway, lateral travel, subjective sleepiness, motor incoordination, and impaired sustained vigilance have all been reported.”

It seems simple enough to say that driving impaired, no matter what substance was used, should be illegal. The problem with marijuana is measuring impairment. With alcohol, a blood or breath test is accurate. With marijuana, according to the NHTSA, “It is difficult to establish a relationship between a person’s THC [tetrahydrocannabinol, the psychoactive chemical in marijuana] blood or plasma concentration and performance-impairing effects.” The levels depend on how much is used and how often. It would be possible for an impaired recreational user to test the same as a regular low-dosage medicinal user.

If you or a loved one has been injured in an accident and suspects that the driver was impaired, contact our office for a case evaluation.

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

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