



# Corradino & Papa, LLC

*A Personal Injury Law Firm*

973-574-1200



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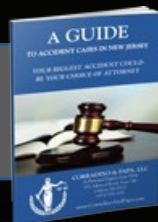
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## the complexities OF MEDICAL MALPRACTICE CASES

There's no use sugarcoating it: Roughly 80 percent of medical malpractice cases result in no payment to the injured party and/or their family. Prosecuting a case is expensive, time consuming, stressful, and the complexities can be daunting. All told, most attorneys will decline to pursue a case unless injuries and damages are well documented and substantial.

To be part of the 20 percent of cases that are successful, you must show all of the following:

**A doctor-patient relationship existed.** If you overheard a doctor giving advice at a holiday party, followed it, and were injured, that won't cut it. You must have "hired" the doctor, and he/she consented to the hiring.

**The doctor was negligent.** You must show that the doctor deviated from the normal "standard of care" in your diagnosis and/or treatment. "Standard of care" is what a reasonably prudent medical practitioner would or would not have done under the same or similar circumstances.

**The doctor's negligence was the source of the injury.** In some situations, patients may have already been sick or injured when alleged negligence occurred. This can greatly muddy the waters as to whether harm was ultimately caused by the medical provider or resulted due to the previous/current illness or injury.

**The injury led to specific damages.** If a medical provider does something wrong that "could have harmed you," but didn't, you've got no case. A person may file a claim for physical pain, mental anguish, additional medical bills, and lost work and earning capacity.

If you have suffered due to the negligence of a medical provider, contact a medical malpractice attorney to protect your rights. ■



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# involved in an auto accident??

## UNINSURED MOTORIST COVERAGE IS A LIFELINE.

When it comes to auto accident liability, some states are “tort” states, and others are “no-fault” states. In “tort” states, whichever side is at fault in an auto accident is required to pay for injuries/damages to the aggrieved party. In “no-fault” states, you always go to your own insurance company for compensation; who’s at fault does not enter the equation.

In a tort state, if you are involved in an auto accident with an at-fault driver who has no insurance (or minimal insurance), **it is vital that you have uninsured/underinsured motorist coverage (UMC)**. UMC will compensate you, up to the policy limits, if you’ve been harmed by a negligent driver without insurance. If they have only minimal insurance, your UMC will take over where the at-fault driver’s policy leaves off. UMC also protects you and your passengers from hit-and-run drivers.

In a tort state, if you don’t have UMC, you basically have two choices: pay the damages out of pocket, or file a personal injury claim against the at-fault driver. Even if you win your case, however, the other driver might not have the funds to pay you.

If you live in a no-fault state, the circumstances are a bit simpler, but UMC is still important. Health insurance can cover your medical expenses, but it will not address lost wages or pain and suffering—UMC does.

The Insurance Research Council estimates that one out of every seven drivers in the United States are motoring along without auto insurance. Counter that by purchasing the maximum UMC allowed by your insurance carrier. It’s a small investment that can pay big dividends.

If you are confused about what insurance coverage you need to carry, contact our [auto accident attorneys](#) at 973.574.1200 today for a **FREE CONSULTATION**. We’ll gladly review your current policy and make sure you have the protection you need when you hit the road. ■



## WHAT IS MY PERSONAL INJURY CASE **really worth?**



The value of a personal injury case that goes to trial is determined by the jury. They are given evidence to evaluate and a list of items they may take into consideration before making their decision.

When settling a case prior to trial, various factors play a role in establishing the worth of a case. A good personal injury attorney makes their evaluation based upon all the doctor’s reports, present and future medical bills, and a comprehensive discussion with your doctor. Information covered should include the invasiveness of, pain associated with, and duration of treatment; future pain and discomfort; and loss of enjoyment of life. Employment considerations include lost wages and future lost wages.

Insurance companies influence the landscape, too. They keep track of cases nationwide and can crunch the numbers. They know which doctors are “overtreaters” whose bills can more easily be challenged at trial, and which doctors make poor or excellent witnesses.

Insurance companies keep tabs on attorneys who are willing to go to trial, and those who settle in every circumstance. They also know which attorneys have expertise in a specific area of law, and those who are general practitioners. Insurance companies lick their chops when an attorney sends most of his/her clients to the same doctor, which they may exploit at trial by insinuating that the doctor is shading their testimony to favor the attorney.

There is no magic formula in determining the value of a personal injury case, but hiring the right [personal injury attorney](#) can go a long way toward winning your case or achieving a fair settlement. ■





# AUTO ACCIDENTS AND traumatic brain injuries



Traumatic brain injuries (TBI) are responsible for the deaths of approximately 50,000 Americans each year and the hospitalizations of roughly 230,000 more. Many more victims go undiagnosed.

Auto accidents are one of the leading causes of TBI. Most TBIs are closed head injuries, which means that trauma sets the brain in motion inside the skull. The brain gets slammed against the interior surface of the skull, resulting in contusions and swelling.

Trauma can also initiate rotational forces that twist and stretch the brain, which can damage axons. Brain neurons send messages via electrical impulses; axons are the carriers of these impulses. When axons are damaged, brain function is diminished.

A condition called diffuse axonal injury (DAI) occurs on a cellular level and leaves blood vessels and major brain structures intact. This type of damage cannot be detected by MRIs or CT scans, making DAI vastly underdiagnosed and undertreated.

Brain injuries are unlike injuries to other parts of the body. They not only have a physical component, they also affect the cognitive and emotional well-being of the victim. Impairments can be temporary or permanent, subtle or catastrophic.

It's important to note that low-impact auto accidents can result in TBI (e.g., concussion due to whiplash), not just high-impact ones. In addition, a person involved in a car crash may feel perfectly normal immediately following the incident; however, TBI symptoms might only present themselves hours, days, or weeks later.

If you have been involved in a car accident caused by the negligence of another driver, schedule a medical evaluation and contact an [auto accident attorney](#) to protect your rights. ■

November 2016 – Important Dates

November 1 – All Saints' Day November 6 – Daylight Saving Time Ends

November 8 – Election Day November 11 – Veterans' Day

November 24 – Thanksgiving Day

## a thanksgiving treat

Here's a simple and fun recipe/craft that you and your kids are sure to enjoy this Thanksgiving:

### INGREDIENTS

- 2 Oreo Double Stuf cookies
- 1 malted milk ball (like a Whopper)
- 4-6 candy corn
- Icing (optional)

### DIRECTIONS

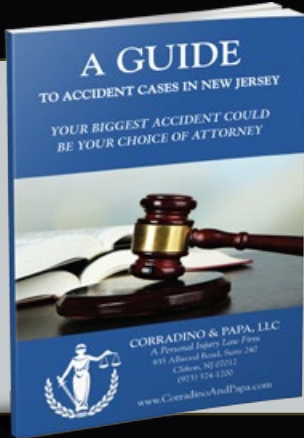
- Take 1 Oreo apart. This will be the base.
- Place the whole Oreo on its side on the base, so that it sticks to white of the Oreo.
- In front of the Oreo on its side, place a malted milk ball for the turkey's head.
- Place candy corn, points down, in between the Oreo cookie that is standing on its
- Use icing for eyes and waddle if you want.

Source: Food.com. ■



Photo by NcMysteryShopper





## FREE BOOK

Get Jack Corradino and Robert Papa's *New Ultimate Guide to Accident Cases in NJ*, written by Jack and RC. It will explain "Why your biggest accident could be your choice of attorney", and what to do in the event you are injured.

**Quote of the Month:** "Twenty years from now you will be more disappointed by the things that you didn't do than by the ones you did do. So throw off the bowlines. Sail away from the safe harbor. Catch the trade winds in your sails. Explore. Dream. Discover." —Mark Twain

This publication is intended to educate the general public about personal injury, medical malpractice, and other issues. It is for information purposes only and is not intended to be legal advice. Prior to acting on any information contained here, you should seek and retain competent counsel. The information in this newsletter may be freely copied and distributed as long as the newsletter is copied in its entirety.

# prolonged recovery

## FROM YOUR CAR ACCIDENT?

### *Getting the Insurance Company to Pay Gets Tricky...*

If you've been in a car accident, you likely experienced back and neck pain. Even insurance companies will agree, having your body thrashed around in a violent crash causes pain, stiffness, and often requires some medical treatment.

However, if you're experiencing a prolonged recovery, insurance companies are quick to deny your treatment. Generally, they will first argue that your prolonged treatment wasn't necessary and that you are malingering (a fancy way to say that you're faking it).

Next, they may claim that you had some type of pre-existing issue that is really the cause of the pain. Remember that back twinge you had three years ago while helping your brother move? Well, if you got some physical therapy for it, the insurance will claim that's really why you got all of that treatment after your accident.

If for some reason you had delayed receiving care after your accident, the insurance company will also argue that the treatment simply was unrelated to the accident. For example, if you didn't go to the ER after your accident because you didn't have health insurance, that may be held against you.

That said, if you've been in a car accident, and your recovery is more complicated than you had hoped, give the **car accident attorneys** of Corradino & Papa LLC. a call today. ■

