The start of a new school year means new books, new supplies, and new friends. But it also means more children will be walking or riding their bikes to school, or waiting for a school bus. Follow these tips to keep kids traveling to and from school safe this year.

• Pay extra attention

Drivers need to pay extra attention to the road, due to the increased number of children standing near the street.

• Train your eyes to look for small children

Many drivers are not used to seeing children out and about in the early morning hours. Their eyes are not trained to look for small bodies, only for other cars. Teach your eyes to look for kids first.

• Check behind your car

Before even leaving your driveway, make sure that there are no children near or behind your car.

Kids and Cars, a child advocacy group, estimate that vehicular backovers take the lives of two children per week. Vehicular backover deaths occur when a driver is unaware that a person is behind their car, and they proceed to leave a driveway or parking spot in reverse, striking them or running them over.

“Small children are very likely to be at the wrong place at the wrong time,” Attorney Chuck Boyk said. “Extra caution is essential to protect everyone. Rollover accidents are devastating for entire families and will gravely impact them forever.”

• Know where your kids are

Make sure your children as well as those nearby your home are aware of your departure. Encourage them to stand at a safe, visible distance to “wave goodbye,” to ensure that you know where they are before backing up.

Honesty is best policy for injury cases

“Honesty is the best policy” may sound cliché, but when dealing with an injury case, the phrase couldn’t be closer to the truth.

The Ohio Accident Book’s Tip #8, “Honesty is the best policy,” discusses the importance of being up front with your attorney about everything - even those things you think may have nothing to do with your injury.

“As attorneys, we can deal with ‘known’ problems or uncomfortable issues,” Attorney Chuck Boyk said. “A client caught in a lie, even if it was unintentional, is the kiss of death for a personal injury case. I have seen defense counsel make the argument that if someone will lie about a small issue, then why should anyone believe them on the seriousness of their injury or how the accident happened?”

Read the following excerpt from The Ohio Accident Book, written by Attorneys Chuck Boyk, Michael Bruno, and Dale Emch, to learn the importance of being honest and upfront:

Be honest when it comes
In sudden emergency, accident victim may be out of luck

Dear Dale: An acquaintance of my wife recently was involved in a traffic accident after she blacked out while at the wheel. We wondered whether she could be held responsible for the injuries caused to the other drivers or the damage to their vehicles.

Answer: Your question raises an interesting legal issue. It speaks to whether it’s fair, on the one hand, to hold someone responsible for the consequences of events over which they had no control or, on the other hand, to say innocent accident victims are barred from recovering for their injuries.

In Ohio and most other states, a person who loses consciousness and causes an accident generally cannot be found to have acted negligently and therefore won’t have to compensate the injured person. Under what’s called the sudden-emergency defense, the driver who blacked out can only be found negligent if he or she had reason to anticipate the loss of consciousness.

It’s not enough, though, for someone who lost consciousness to simply declare she passed out so she shouldn’t be held liable. The person asserting the defense has the burden of proof to show the loss of consciousness caused the accident and that the blackout couldn’t have been anticipated.

An example might help to illustrate how this could play out. Let’s say that Betty was driving down Monroe Street one afternoon when she had a heart attack, lost consciousness, then crossed the centerline and crashed into Bob, causing serious personal injuries. If Betty can show she actually lost consciousness before the accident, the sudden-emergency defense will work in her favor and Bob will be out of luck.

If, though, Betty was driving down Monroe Street after a visit to her cardiologist and the doctor told her she had severe heart problems and shouldn’t be driving because she could pass out at any moment, she’d have a tough time using the defense. Her cardiologist’s warning would be reason for her to anticipate the loss of consciousness and she could be found negligent.

The rule is understandable and most courts across the country recognize the sudden-emergency defense. People who pass out from a medical emergency aren’t acting irresponsibly or driving dangerously, so they shouldn’t be held liable.

The problem with the rule is that it can produce an unfair result for the person who was injured. As a personal injury attorney, I naturally sympathize with the people like Bob in the example above. Even if the injuries are severe, no recovery is possible, which could be devastating to a family if the injured person was the breadwinner and is no longer able to work or will live in pain for the rest of his life.

Even accident victims who carry uninsured and underinsured motorist coverage are out of luck as a result of the sudden-emergency defense. This seems particularly troubling given that people buy this insurance to protect themselves when coverage isn’t available from the at-fault driver. But the only way that coverage kicks in is if the other driver could be deemed negligent, which doesn’t apply in the scenario we’re talking about. It would seem that the Ohio General Assembly could tweak the uninsured and underinsured motorist statute so coverage would be available in such circumstances. Bipartisan legislation to do just that has been introduced, but it may be tough to get through a legislative body whose majority often seems beholden to insurance companies at the expense of regular folks.
Employee Spotlight

Cynthia Walborn

First impressions often make the greatest impact, especially when a person is looking for help with a life-changing injury.

That is why we are so happy to have Cynthia Walborn as our receptionist. We think the way she handles new callers, as well as current clients, ensures that a great first impression is made by our office.

“Cynthia’s voice is the first one clients hear when they call our firm,” Attorney Chuck Boyk said. “She is pleasant, helpful, and conscientious, and she does an excellent job of providing friendly and helpful service to our clients.”

Handling the large influx of calls that flood in daily is not an easy task. Giving each caller personal attention and courtesy when numerous lines are ringing takes true talent.

“Cynthia has true grace under fire,” Office Manager Leslie Rombkowski said. “It takes a patient and compassionate person to take all of the calls that come in, pinpoint the caller’s problem, and route them to the right person who can help them.”

Cynthia has worked in the legal field for more than five years. A lot of her experience is in workers’ compensation, which allowed her to work closely with clients.

“It is nice working for a compassionate and caring firm,” Cynthia said. “My co-workers are very caring people and they show this everyday to the clients we represent. I am looking forward to learning more from all of them.”

Julia and Katlyn, Cynthia’s granddaughters, are the favorite part of her life, and the family frequently goes camping together on the weekends. Cynthia also loves to travel with her husband, Evan, and the pair is looking forward to celebrating their 25th wedding anniversary by taking a Caribbean cruise this December.

Employee Spotlight runs periodically in the Boyk Bulletin, as part of an ongoing feature highlighting our staff.
There is still time left to Join our Team!

Susan G. Komen 5K Run/Walk Race for the Cure
Sunday, Sept. 28 9am, Downtown
The cost is $25* and includes a Race for the Cure t-shirt

Contact Anneke at 419.720.4452 or akurt@charlesboyk-law.com to join our walking team or for more information.

*$25 goes directly to Race for the Cure

New address or phone number? Help us stay current by letting us know! Call Anneke at 419.720.4452 or email her at akurt@charlesboyk-law.com