



# The Group with the Scoop

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## DROWSY DRIVING can be deadly

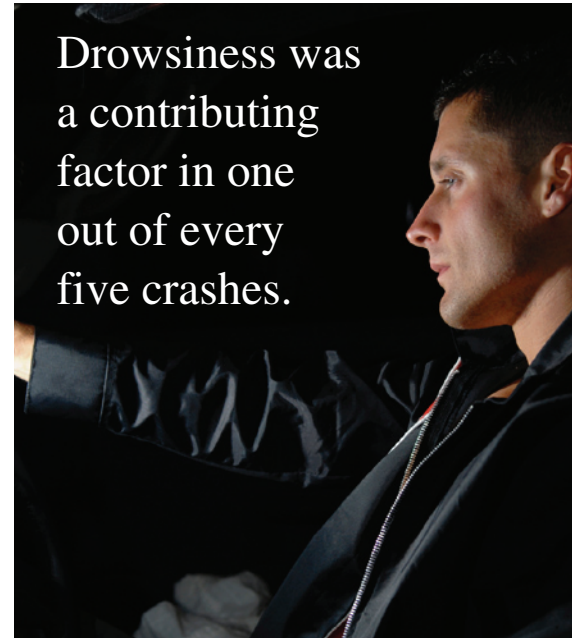
According to a study by the AAA Foundation for Traffic Safety, driving while sleepy nearly triples your odds of getting into a car crash. The study also determined that drowsy drivers are actually as great a risk as speeders and even more dangerous than aggressive or inattentive drivers.

Based on data collected by the National Highway Traffic Safety Administration, using video recorders and sensors, researchers determined that drowsiness was a contributing factor in one out of every five crashes or near crashes over the course of about a year.

There are around 100,000 police-reported crashes each year according to government estimates, though the number of crashes that could be attributed to sleepiness may be well below the actual number because of the difficulty in determining whether sleepiness was a contributing factor.

The most common times for sleep-deprived crashes occur between midnight and 6 a.m. and in mid-afternoon, when the body's natural rhythms tend to make people feel sleepier.

**Drowsiness was a contributing factor in one out of every five crashes.**



This is a reason why the State of West Virginia prohibits novice drivers (ages 15 to 17) from driving between the hours of 10:00 p.m. and 5:00 a.m.

According to experts, rolling down a window or blasting music do not help much if you are really sleepy, and caffeine takes a half hour to take effect. The only way to really protect yourself is to get enough sleep or let someone else do the driving. ■



*Fighting like a Tiger for you!*

The Miley Legal Group | 230 W Pike Street, Suite 205 | Clarksburg, WV 26301 | Phone: (304) 326-1800

# Spotlight:

NICOLE DESIMONE



Nicole DeSimone was born in Oakland, Maryland, but spent most of her formative years in Philippi in Barbour County, West Virginia. She is a 1996 graduate of Barbour County High School and a 1999 graduate of Alderson-Broaddus College with a bachelor's degree in secondary education.

Ms. DeSimone has been a personal injury legal assistant for over nine years, the last two being with The Miley Legal Group. Nicole is a driven and dedicated legal assistant who always strives for perfection. "When you assign a file to Nicole, you know that it will always be in immaculate order and that all tasks will be completed on time," said owner Tim Miley.

Nicole thrives as a member of The Miley Legal Group team. "I look forward to coming to the office every day and being part of an extended family – we make up an amazing team," said Nicole.

Nicole and her husband, Domenic, have been married for 10 years and currently reside in Nutter Fort with their two children – Gianna (8) and Anthony (5). Domenic, a Marine Corps veteran, currently works as a recruiter for the US Army out of Morgantown, West Virginia.

When not working, Nicole and Domenic love to travel and do all things related to their children. ■

## TORT REFORM ONLY HELPING INSURANCE COMPANIES

# boost their profits

State tort reforms have led to record profits for insurance companies while physician and patient premiums continue to do through the roof, according to a new report released by the American Association of Justice (AAJ).

AAJ researchers analyzed data from the National Association of Insurance Commissioners (NAIC), as well as insurance company annual statements, and determined that malpractice insurer profits are 24 percent higher in states with caps on medical malpractice awards. The data also shows that states with caps took in 3.5 times more in premiums that they paid out in 2008 as compared to just over two times in states without caps. West Virginia is a "capped" state, limiting noneconomic damages (such as pain and suffering) in medical malpractice cases to \$250,000 in most instances and \$500,000 in instances of death or seriously debilitating injuries.

The report shows that profitability for the medical malpractice insurance industry has increased 47 percent to the last 10 years. This came on the heels of an aggressive push by the insurance industry to enact tort reform because of "reported" losses.

With malpractice caps in over 30 states, insurance companies are realizing exceptionally high profits. For instance, the average profit of the 10 largest medical malpractice insurers was higher than 99 percent of Fortune 500 companies and 35 times higher than the Fortune 500 average.

The report's authors also believe the insurance industry leaders are already preparing to claim another "tort crisis" and lobby for even greater restrictions on patients' rights by 2012.

To view a copy of the report, please visit [www.justice.org](http://www.justice.org). ■

## sledding safety



With winter in full swing, many kids are taking every chance they can to go sledding. While sledding is a lot of fun for children, it is not without risks. In fact, tens of thousands of children are treated for injuries sustained while using sleds, toboggans, saucer-type disks, and inflated or plastic tubes every year. Common injuries include broken bones and dislocations, sprains, and facial injuries, but more serious injuries such as trauma to the head and spine also occur, sometimes even resulting in fatalities.

### **The American Academy of Orthopaedic Surgeons (AAOS) recommends the following safety guidelines to improve sledding safety:**

- Adults must supervise children while sledding at all times.
- Sled only in designated areas free of fixed objects such as trees, posts and fences.
- Do not sled on slopes that end in a street, drop off, parking lot, river, or pond.

- All participants must sit in a forward-facing position, steering with their feet or rope ties to the steering handles of the sled. No one should sled headfirst down a slope.
- To protect from injury, it is important to wear helmets, gloves, and layers of clothing.
- Do not sit/slide on plastic sheets or other materials that can be pierced by objects on the ground.
- Use a sled with runners and a steering mechanism, which is safer than toboggans or snow disks.
- Sled in well-lighted areas when choosing evening activities.
- Individuals with pre-existing neurological problems may be at higher risk for injury.

So next time your kids head to the slopes or their favorite hill, take a few minutes to make sure they are as safe as possible by following the key points listed above. ■

## FAQ



### **Does a bad outcome mean that medical malpractice has occurred?**

No. In medicine, bad things can happen without anyone being at fault. Doctors and other medical professionals treat people who are seriously sick or injured and medical science is not perfect. However, in West Virginia, like most places, if the bad outcome occurs because a medical professional failed to follow accepted medical standards, it may be malpractice. ■



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Clarksburg, WV 26301

Phone: (304) 326-1800

# deadly driving



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## did you know?

### SEAT BELT USE AT ALL-TIME HIGH

The National Highway Traffic Safety Administration (NHTSA) has reported that seat belt use during 2009 reached an all-time high of 84 percent, up by one point from 83 percent in 2008.

According to NHTSA, seat belt use continues to be higher in “primary law” states (states in which vehicle occupants can be pulled over solely for not using seat belts), as compared to “secondary law” states. West Virginia continues to be a “secondary law” state. ■

