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truck driver error:

THE MAIN CAUSE OF MOST TRUCKING ACCIDENTS

While trucking accidents can occur for a variety of reasons, including bad weather, road conditions or vehicle performance, truck driver error is the leading cause



of accidents involving big trucks, according to a recent study by the Federal Motor Carrier Safety Administration (FMCSA).

One of the most common ways that truck drivers contribute to accidents occurs when they become very fatigued. "Highway hypnosis" can come out of nowhere on long drives – as the repetitive patterns of the road begin to lull the driver to sleep.

But, as common as driver fatigue is, another type of driver error accounts for the majority of truck accidents – drug use. Both illegal and prescription drug use, along with alcohol, can impair a truck driver's ability to safely maneuver the roads. Truck drivers can't take any controlled substances unless they have been prescribed by a doctor who is familiar with the driver's medical history and job assignments.

Poor driving decisions by truck drivers can also lead to accidents, including:

- Driving too fast for road conditions
- Improperly distributing the truck's load
- Failing to watch blind spots carefully
- Distractions
- Depowering the front brakes to reduce wear-and-tear on the truck
- Improperly securing any attachments to the truck

Each of these errors can lead to a truck rolling over, which greatly increases the likelihood of severe injuries or fatalities. Even the slightest reduction in reaction time on behalf of a truck driver can lead to devastating accidents.

If you or a family member has been injured in an accident caused by truck driver error, you may want to consult with an experienced truck accident attorney to discuss your situation. Trucking accidents tend to be much more complicated than auto accidents because there can be multiple trucking companies and insurance companies involved, plus it is extremely important to track down evidence regarding the accident scene, the truck and the truck driver. ■



Mr. Winston is
Board Certified in
Civil Trial by
The Florida Bar

WINSTON, CLARK & WIGAND IS PROUD TO SPONSOR charitable holiday events

Community involvement is very important to our team at Winston, Clark & Wigand. We particularly like to combine our enthusiasm for helping others with our love of motorcycle riding! Here are some of our current activities:

HOLIDAY TOY RUN AND BIKE RALLY

November 19-20, 2011

We are proud to be a sponsor of the annual Holiday Toy Run and Bike Rally. Proceeds will benefit Big



Mama's House, which provides a safe play area for disadvantaged youth, and the Home Sweet Home Foundation.

The fun starts on Saturday with an escorted motorcycle ride from Sunrise Harley Davidson to Nervous Nellie's in Fort Meyers Beach. We return on Sunday, ending with a 1:00 rally at Big Dawgs 2 in Davie.

24TH ANNUAL SOUTH FLORIDA CHRISTMAS TOYS IN THE SUN FUN RUN

December 11, 2011

Plan to join us for fun and friendship at the Toys in the Sun Run. Over 30,000 motorcycles participate in this event each year, and we are proud to sponsor this fine charitable activity. Learn more at <http://www.toysinthesunrun.com>.

Come and join the fun, or make a donation. ■

confronting dangerous toys

Let's face it, children love toys. Always have, always will.

But, despite all of the joy and fun that toys can provide, there have always been some that prove unsafe for children. Even today, with advanced technology and greater attention given to child safety than ever before, some toys are simply too dangerous for children.

According to a report by the American Association for Justice (AAJ), the top six dangers linked to children's toys are:

- Choking hazards
- Magnets
- Children's jewelry
- Scooters
- Lead
- Unforeseen problems



There are systems in place to help keep potentially dangerous toys from going onto the market. The Consumer Product Safety Commission (CPSC) is responsible for spotting defects and issuing toy recalls. In fact, the commission has issued over 850 toy recalls since 1974.

Unfortunately, the actions of the CPSC tend to be of the 'too little, too late' variety. In some instances, it can take several years from when the CPSC first spots a safety hazard to when the product is finally taken off the shelves. Additionally, the commission simply hasn't been equipped to sufficiently handle the sheer amount of products entering the U.S. market every year – it could be compared to squirting a water gun at a raging fire.

That may be one of the reasons why toy-related injuries have skyrocketed approximately 54 percent over the last ten years.

To learn more about dangerous toys, what you can do to protect your children and to understand the important role our civil justice system plays in holding manufacturers of dangerous toys responsible for harm they cause, please visit the AAJ website (www.justice.org) to read their detailed report on child safety and toys. ■

WINSTON, CLARK & WIGAND

wins legal malpractice jury trial

Attorney Bradley Winston successfully represented the owner of a Broward County corporate shopping plaza in a case involving legal malpractice.

Like many South Florida commercial properties, the shopping plaza owner was facing difficult financial times. His property was in receivership, and he was working through a foreclosure process.

Selling the property for the highest price possible was a top priority for the plaza owner. Multiple buyers took an interest in purchasing the property.

The client's original real estate attorney mishandled the sale, unfortunately, and locked the receiver into accepting a below-market sales price of \$4,250,000. A prior offeror flipped the property for \$4,800,000 on the same day as the receiver closed for \$4,250,000.



The jury agreed that the original attorney was guilty of legal malpractice and awarded Mr. Winston's client \$550,000, which represented the difference between the two sales. Total damages are over \$800,000 after interest and expenses.

Mr. Winston has been representing South Florida injured parties for over 20 years, and is available to discuss a potential case with you. Call our office at 954-475-9666 for further details. ■

Important Dates – November 2011

Nov 1 – All Saints' Day Nov 6 – Daylight Saving Time Ends (Set clocks back one hour)
Nov 11 – Veterans Day Nov 24 – Thanksgiving

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another legal malpractice win



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Thanksgiving by the numbers

As we move further into autumn, the telltale signs of the season have mostly come and gone. The leaves have changed into their new colors and fallen from the trees, the pumpkins have long since been carved, and another Halloween is in the books. And now, amazingly, Thanksgiving is already upon us.

Everyone at our firm would like to wish you and your family a very happy and safe holiday, great memories with your loved ones, and of course, lots of delicious food.

Speaking of Thanksgiving food, there may be no other holiday that has more distinct dining traditions. The lineup in many households will include the usual suspects: cranberry, sweet potatoes, stuffing, pumpkin pie – and the main event – turkey.

According to estimates from the National Turkey Federation, approximately 46 million turkeys were laid out on dinner

tables across the country on Thanksgiving in 2010. That's the equivalent of 736 million pounds of turkey meat. Though turkeys are raised in many parts of the U.S., there are six states that produce the majority of turkeys in the United States: Minnesota, North Carolina, Virginia, Arkansas, Missouri, and Indiana. Similar to the turkey, the cranberry is also native to the Americas – and U.S. farmers produced approximately 735 million pounds of them in 2010.

One more Turkey Day factoid – if you overeat this Thanksgiving and feel fatigued afterward, scientists say you have only yourself to blame, not the tryptophan that is found in turkey. In reality, that sort of post-feast weariness typically is due to a combination of a large caloric intake, alcohol consumption, and the general relaxation that the holiday brings. ■