

SB @ ISSUE

SHERROD + BERNARD A NEWSLETTER FROM THE LAW OFFICE OF SHERROD + BERNARD

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SHERROD + BERNARD

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Sherrod & Bernard Partner Travels to the Capitol on Behalf of Victims of Insurance Company Wrongdoing and Banking Abuses

Ken Bernard recently traveled to the nation's Capitol to advocate for victims of insurance company abuses and to serve as a voice for individuals threatened by overzealous banking regulators. During the trip, the firm's managing partner spoke to House and Senate leadership about issues affecting good citizens everywhere, including "Goliath" insurance companies paying their managers large bonus checks on the backs of injured parties, and individual consumers in good-standing on loans who are now being intimidated with loan non-renewals for illegitimate reasons. Ken also reminded lawmakers that mom and pop businesses are being forced into bankruptcy by overzealous regulators and those seeking to avoid the bad loans "they made".

Ken told the story of a public servant denied payment on a medical bill by her health insurance company after a double bilateral mastectomy and multiple reconstructive surgeries arising from breast cancer. Despite the Women's Health and Cancer Rights Act (WHCRA) federal law passed to protect women with breast cancer who choose to have their breast rebuilt after a mastectomy, the insurance provider initially denied paying benefits because it claimed that the procedures were cosmetic. Subsequently, it denied

for different reasons, including claiming she did not file a written appeal timely, despite her numerous contacts. The carrier also chose to ignore the cancer victim's own doctor and his multiple oral telephone conversations and written communication with the carrier explaining that reconstruction was done in two stages in order to safely expand the breast tissue and not for cosmetic purposes.



Thank you for the referrals...

A referral from a former client or friend is the greatest compliment our firm can receive. We are grateful for every referral – below is a list of the people who recently referred a friend or family member to our firm. We would like to publicly thank each and every one of them by listing them in our newsletter. And again, we say, "Thank You!"

Deschell Anderson	Joseph Dixon	Gina Lybrand	Camille Sheppard	Aida Tullis
Chad Bailey	Stacey Davis Furiness	Elizabeth Mabry	Frank Sheppard	Paul Tullis
Chris Baggett	Brian Goltart	Renee Mason	Rod Sisson	Jim Uglum
Ken Barber	Earl Head	Phil Miller	Billy Smedley	Jerry Valdaro
Ashley Bedosky	Kevin Head	John Millsaps	Richard Smith	Scherry Gilley Varnedoe
Ashley Billeri	Linda Holcomb	Mike Murphy	Bobby Solomon	Cheryl Varney
Rebecca Borum	Thomas Huey	Rodney Nesselhut	Dudley Spruill	Martha Whitlock
Tim Brown	Scott Kimbrough	Ken Nettles	Crystal Stephens	Tony Williams
Tom Carter	Marti Kitchens	Mike Nixon	Darlene Stone	Chris Womack
Larry Cleveland	Jeannie Terry Lee	Paul Patuka	Bobby Sullivan	Eric Ziegler
Ed Cole	Darren Lodge	Mac Pilgrim	Michael Tackett	
Winford Cox	Javier Lopez	P.O. Piper	Joel Tidwell	
Randy Daniel	Brad Loudermilk	Randy Rider	Shawn Trousdale	

Hip Replacement Recall: Is It A Little Too Late?

By: Ken Bernard



A large manufacturer and player in the manufacture, marketing, and distribution of health products finally concedes that its hip replacement devices are flawed after a series of recalls, including Children's Tylenol and Acuvue contact lenses.

DePuy Orthopaedics, a division of Johnson & Johnson, recalled the ASR XL Acetabular System and ASR Hip Resurfacing System, hip replacement devices, more than 2 years after the Food & Drug

Administration started receiving complaints regarding high failure rates after surgical implantation. According to reports more than 93,000 devices have been implanted worldwide. Those concerned about hip replacement devices should contact their doctor immediately. Hip revision surgery depends upon a number

of factors, which your doctor can assess. If hip revision surgery is needed, it is not uncommon for the surgery to take 5-8 hours. The surgery may be more invasive as it could also involve bone grafts and is typically more complicated than the original implant procedure. Indications of problems with the original implant include pain, loss of mobility, and inability to put weight on the hip.

According to the New York Times, after the recall DePuy was criticized by the FDA for marketing an unapproved knee device. DePuy reported sales of over \$5.4 billion in 2009.

Sherrod & Bernard is currently assisting clients who have serious injuries believed to be caused by the use of the recalled hip replacement devices. If you or someone you know has suffered any symptoms or complications, Sherrod & Bernard believes you may be entitled to compensation. Please contact us for a free legal consultation about your rights.*

** This article is not intended to provide medical or specific legal advice. It is intended as general information. Always consult with your Medical Doctor to address healthcare concerns.*

John and daughter Lindsey Sherrod visit President Carter

John and daughter, Lindsey, were guests of President Jimmy Carter at a Carter Center breakfast in December where they heard updates on the Centers work around the world on issues affecting global humanitarianism including eradication of the Guinea worm, election monitoring in Côte d'Ivoire and the college internship program. Lindsey, a high school sophomore at the Heritage School in Newnan, is interested in volunteer work at the Center and hopefully being an intern during her college years.



It Happened on February 6

1895: Babe Ruth was born

1911: Ronald Reagan was born

1952: Elizabeth II became Queen of England

1998: J.T. Bernard was born

2011: J.T. Bernard became a teenager

Our own Ken Bernard has now officially passed into a new phase of his life, taking on the official title, "Dad of a Teenager". Law school and the USMC cannot prepare a parent for this transition, but we're confident Ken will handle it well. He may get a few more gray hairs, but he will get through it! And a special note to J.T.: Behave yourself!



An Injured Employee's Nightmare: When Employers Fight *By John W. Sherrod*

Brandon Momon had the classic workers' compensation case. While working for a lumber company (Employer "1"), he slipped and fell off of a piece of heavy equipment. Falling nine feet and landing back first on a concrete floor, Brandon was seriously injured. Without defenses, Employer "1" paid workers' compensation benefits for a painful herniated disc in Brandon's lower back. So what could go wrong with this open and shut case?

Brandon left Employer "1" and began a new job with a welding company (Employer "2"). This new job paid better and was less strenuous on his back. Never one to miss work, Brandon worked at his new job drilling and cutting steel components into fabricated parts. Employer "1" now had the break that it was looking for.

Employer "1" argued that any further treatment should be the responsibility of Employer "2". Employer "1" stopped providing workers' compensation benefits. Brandon was forced to go without treatment. This is an old insurance company tactic that is used to claim that a new job caused the existing condition to get worse amounting to a new injury. Attempting to escape any further payments to Brandon, Employer "1" now blamed Employer "2" and any further benefits would be its responsibility.

As we see all too often, Employer "2" took the position that the injury was not on its watch. While both Employers pointed the finger at each other, Brandon suffered going without treatment for a condition that now required surgery.

In order to be safe, our firm filed workers' compensation cases against both Employers. At trial, the Employers blamed each other. Employer "1" said it was at Employer "2" where Brandon's back condition got so bad that it now required surgery. Employer "2" countered that his back was in need of surgery as a result of the original fall. On behalf of Brandon, we took the position that regardless of which Employer was responsible, Brandon was a victim and entitled to compensation and medical treatment.

The Court found against Employer "1" ruling that the condition did not worsen at the easier subsequent position. The case, however, did not end there. Rather than accept the decision and provide benefits to Brandon, Employer "1" appealed and appealed and appealed. Over a year later, and after the Georgia Supreme Court denied the last appeal, Employer "1" agreed to a financial settlement. The settlement included payment for all lost wages and the required back surgery.

This case had a happy ending for Brandon and his family. The case, however, is a prime example of the lengths which employers and insurance companies will go to shift the blame to save money. Injured workers should always consult with experienced counsel to insure that the responsible employer pays all benefits allowed by law.



Beware of the Distracted Driver

By: John W. Sherrod

Last month, our firm was hired to represent the innocent victims in two separate car crashes. These horrific wrecks involved a common element that we are seeing more and more of in our personal injury section: the distracted driver. In both cases, the at-fault driver was texting while driving. Our clients have permanent injuries because someone chose to take attention away from the road and engage in insignificant texting.

Did you know?

- 20 percent of injury crashes in 2009 involved reports of distracted driving. (NHTSA).
- Of those killed in distracted-driving-related crashes, 995 involved reports of a cell phone as a distraction (18% of fatalities in distraction-related crashes). (NHTSA)
- In 2009, 5,474 people were killed in U.S. roadways and an estimated additional 448,000 were injured in motor vehicle crashes that were reported to have involved distracted driving. (FARS and GES)
- The age group with the greatest proportion of distracted drivers was the under-20 age group – 16 percent of all drivers younger than 20 involved in fatal crashes were reported to have been distracted while driving. (NHTSA)
- Drivers who use hand-held devices are four times as likely to get into crashes serious enough to injure themselves. (Source: Insurance Institute for Highway Safety)
- Using a cell phone use while driving, whether it's hand-held or hands-free, delays a driver's reactions as much as having a blood alcohol concentration at the legal limit of .08 percent. (Source: University of Utah)

We at Sherrod and Bernard urge our clients and friends to refrain from texting while driving. No text is too important to risk a life.

Referrals

We want you to think of us as your law firm. If you have a legal matter that needs attention, let us know. If we can't handle the matter, we will refer you to a firm that can.



Search for Sherrod & Bernard

or go to <http://www.facebook.com/pages/Douglasville-GA/Sherrod-and-Bernard/141192559420>

Client's Bill of Rights

Lawyers will tell you that it is impossible to offer a guarantee in the legal business. **WRONG!** We say that law firm clients should settle for nothing less! Remember, your attorney works for you – not the other way around.

At Sherrod & Bernard we believe we can promise our clients quality service with personal attention. We believe that as our client you are entitled to have the:

1. Right to loyalty to you and your cause.
2. Right to be updated regularly and in a timely manner as to the progress of your case.
3. Right to our respect.
4. Right to expect competence from our firm and all who work here.
5. Right to know the truth about your case.
6. Right to prompt attention from us.
7. Right to have your legal rights and options explained in plain English without legal mumbo jumbo.
8. Right to a fair written fee agreement with our firm.
9. Right to a fair fee for the work we do.
10. Right to make the ultimate decision on your case.

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Ben Copeland Joins Leadership Douglas Class of 2011

Sherrod & Bernard's Ben Copeland was recently admitted into the Leadership Douglas Class of 2011. We sat down with Mr. Copeland to learn more about this program and how it affects the Douglas County community.

Ben, could you tell us what Leadership Douglas is?

Leadership Douglas is a community organization hosted by the Douglas County Chamber of Commerce. Each year the Chamber chooses approximately 25 individuals from Douglas County to learn about what the County has to offer its citizens, to participate in community betterment projects, and to develop leadership skills to help improve the Douglas County community as a whole.

What is the most important thing that you have learned while participating in Leadership Douglas?

The most interesting and eye-opening thing that I've learned is that there are tremendous people and organizations in Douglas County that are committed to helping its citizens.

You also mentioned that as a part of Leadership Douglas you participate in community betterment projects, describe one of those?

Each Leadership Douglas class chooses a community project that is aimed at assisting those in the Douglas County community. Last year, the class installed playground equipment and landscaping

at Share House, a family violence crisis center in Douglas County. This year, our class is renovating the greenhouse at Douglas County High School, making it operational once again. The greenhouse will be used to grow food for needy families in Douglas County. Once fully operational, hundreds of families will be provided food each year because of these efforts.

