

Contact Us We Can Help

If you or a relative have been injured or worse, the first thing to do is seek medical attention. Injuries may not seem serious at first, but if left untreated, they may become severe, debilitating and long-lasting.

An attorney, knowledgeable in injuries and wrongful death, can help you learn about your legal options, answer your questions and assist you in pursuing your claim.

Call Benson, Bertoldo, Baker & Carter today.

(702) 800-0000
www.bbclaw.com



Las Vegas Office - 7408 West Sahara Ave., Las Vegas, NV

Featured Practice

Motor Vehicle, Non-Motor Vehicle
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- Product Liability • Medical Malpractice
- Wrongful Death • Workers Compensation

Las Vegas Office
7408 West Sahara Avenue
Las Vegas, Nevada 89117
Tel: 702-800-0000
Fax: 702-228-2333



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Telephone 702-800-0000
Fax 702-228-2333
www.bbclaw.com



***Pedestrian Safety
Slow your wheels,
yield to pedestrians***



ACCIDENT / INJURY ATTORNEYS

Summer 2016

In The News



Lindsey McGuire, of West Career and Technical Academy, is the winner of the 4th Annual College Essay Contest. She will be receiving a \$2,500 scholarship.



Lindsay Cullen has been Nationally Ranked Top 10 Under 40 by NAOPIA.



Congratulations to Partner Lawrence Smith who was named as one of the 10 Best Attorneys in Nevada by the American Institute of Personal Injury Attorneys!

PEDESTRIAN SAFETY

It seems that almost every day we read in the newspaper or hear on the news of a pedestrian versus auto collision here in Las Vegas. And most, unfortunately, result in tragic loss of life or catastrophic injury. Pedestrian fatalities are at their highest levels, according to the Nevada Department of Transportation. Just this year alone there have been 19 pedestrian deaths, a 46% increase from the same period last year.

The Nevada Department of Transportation has recently launched an awareness campaign to educate the public on pedestrian safety. Their website <http://epedemic.org/> is complete with alarming statistics and useful safety tips for both drivers and pedestrians. They urge drivers and pedestrians alike to avoid distractions, pay attention to their surroundings, slow down, drive sober, obey all traffic signs and signals, and follow the rules of the road.

Sadly, we have represented many clients who have experienced the loss of a loved one to such a horrific tragedy. These cases can be very tough, especially if the responding officer deems the pedestrian at fault for crossing the roadway in an unmarked crosswalk, i.e., jaywalking, such was the circumstance for one of my clients.

Put simply, pedestrians are afforded protection under the law. Specifically, NRS 484B.280 states:

1. A driver of a motor vehicle shall:
 - (a) Exercise due care to avoid a collision with a pedestrian;
 - (b) Give an audible warning with the horn of the vehicle if appropriate and when necessary to avoid such a collision; and



- (c) Exercise proper caution upon observing a pedestrian:
 - (i) On or near a highway, street or road;
 - (ii) At or near a bus stop or bench, shelter or transit stop for passengers of public mass transportation or in the act of boarding a bus or other public transportation vehicle; or
 - (iii) In or near a school zone or a school crossing zone marked in accordance with NRS 484B.363 or a marked or unmarked crosswalk.
2. If, while violating any provision of this section, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.
3. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in NRS 484B.135.

The driver of a motor vehicle is required under the law to pay full attention while driving, to exercise proper caution while observing a pedestrian in the roadway, to exercise due care to avoid striking a pedestrian, to anticipate pedestrian traffic, and to decrease speed when special hazards exist or may exist with respect to a pedestrian.

But what if the pedestrian crossed the roadway in an unmarked crosswalk? Does the pedestrian still maintain any rights under the law? The answer is yes. The fact that a pedestrian crosses in an unmarked cross walk does not alleviate the driver's responsibilities under the law as a licensed driver in the state of Nevada. The Nevada courts have held that the statutes were "enacted to increase the safety of pedestrians crossing in unmarked crosswalks, not to protect motorists from careless pedestrians." *Anderson v. Baltrusaitis*, 113 Nev. 963, 965, 944 P.2d 797 (1997). That being said, however, pedestrians, too, have to obey the rules of the road and watch out for and not place motorists in a position that makes a collision unavoidable.

While we are able to use the law to obtain a good result for our clients, it will never replace the family members they lost. So please, slow down, pay attention. No one's life should be lost crossing the street.



WHAT KINDS OF INJURIES AND DISEASES ARE COVERED UNDER NEVADA WORKERS COMPENSATION LAWS?

The simple answer is every kind of injury or disease is covered if you can show that it arose while you were performing your normal job duties. If you sustain an accident, i.e. Lifting a box, and you feel back pain then that will always be covered as a compensable industrial injury as long as you have a physician directly relating your condition to your employment.

If you are a legal secretary and are required to type all day long and you see a physician who diagnoses you with Carpal Tunnel Syndrome, then that will also be considered a compensable Occupational Disease.

The important thing to remember is always report any accidents promptly. Although Nevada Law allows 7 days to report an accident, the longer you wait to report it, the greater the chances the Insurer will deny your claim.

With an Occupational Disease, you should report it once a physician advises you that your condition is due to your employment. In order to start a claim, you must FIRST report the injury or disease to your Employer and fill out a C-1 Notice of Injury form and list ALL body parts that are affected. After completing that form you should immediately see a physician to document your injuries.

At the doctor's office, you should be given a C-4 form to fill out what happened and again list ALL body parts that are injured. The physician will fill out the bottom portion and send it to the Insurer to begin the process of accepting or denying your claim. If you have any questions, you should seek advice from an Attorney who specializes in Workers Compensation.

