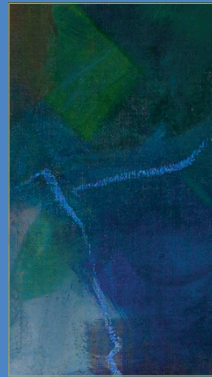
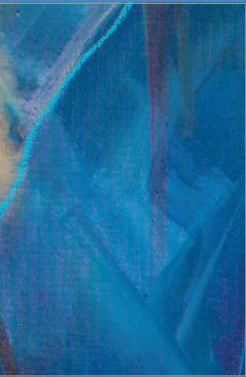


Legal Rights of Burn Survivors

...and a little practical advice



VARNUM
ATTORNEYS AT LAW

Thousands of people get burned every year and many of them die. A serious burn is probably the worst thing that has ever happened to you and your loved ones.

As lawyers representing BURN SURVIVORS and families of burn victims for over 40 years, we have learned what information you need if you or a loved one are badly burned. The purpose of this booklet is to provide that information to you.

It includes tips for the recovery process, identifies money that may be available to you to pay for your treatment, and information about financial assistance when you cannot work. It includes information about government benefits, insurance benefits and lawsuits. And it includes resources that will help you deal with the devastation of your injury, such as the Phoenix Society for Burn Survivors.

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I have been badly burned: What should I do?

Seek specialized treatment from a BURN CENTER or TRAUMA BURN UNIT. These highly trained doctors and nurses are better equipped to help you than a local hospital. Next, you should follow their advice.

Recovery from a burn injury can be painful. The process of making sure no dead skin will infect you can be extremely difficult. But it is critical to your safe recovery. After the initial treatment, your doctor may tell you to wear compression garments. They are like athletic wrap material, but they are custom manufactured to fit your particular body. Their purpose includes helping the healing process, protecting your skin from further injury and most importantly, minimizing scars. They are tight (they have to be) and can be very warm, especially in summer. But people who do not wear their garments often are left with disfiguring scars.

Stretching exercises are critical too. Skin grafts try to contract... and if they do, you may lose part of your ability to use your hands and/or other body parts. In stretching, you are doing your part to get as well as you can.

What help can I get to pay for medical bills?

We discuss some of the programs a little later in this booklet. But first you should talk to your Burn Center's social workers. They are highly trained in helping you find every place that may provide help. You should also consider talking to a lawyer. We, like many others, do not charge any fee for the first consultation. We do not charge any fee, ever, unless we obtain money for you.

I am frightened and depressed. I feel all alone and cannot see a future for myself. Is there help?

Most survivors have these feelings at first. Some even think about suicide. The first thing to remember is that these feelings are NOT permanent. Things will get better. But get help immediately. You are not alone. Ask the social worker if your hospital has a support group—other burn survivors that meet to encourage each other. Social workers are specially trained to help you cope with these normal feelings. If you need more intensive help, psychologists and psychiatrists are available. Psychiatrists can prescribe anti-depressant drugs for you. And, of course, your hospital will provide pain medicines as they are needed.

A wonderful group, called the PHOENIX SOCIETY FOR BURN SURVIVORS (800-888-BURN or www.phoenix-society.org) is a worldwide group of burn survivors and the families of burn victims that band together to help other survivors. There are no fees for their services which include providing written materials, connecting burn survivors with others who have been through a similar experience, referring survivors to those with specialized skill and direct person-to-person talking.

I am angry at the person or company who caused this accident. Can I sue?

Many burn injuries are caused by the carelessness of others. Only a lawyer can tell you if you have a case. Some of the types of accidents which are listed below have resulted in successful cases:

Scald Injuries

Children and the elderly are often burned in rental units or hotels because the water heater temperature is set too high. When

this happens, a full thickness or 3rd degree burn can occur in seconds. Other examples include hot coffee, boiling water where a child can reach it and careless spilling of hot liquid.

Flame Injuries

These can be caused by many careless acts involving cigarette lighters, gasoline, charcoal lighter, candles, fireworks, and flammable gases. The power company may provide "gas" which is actually methane, to your home. If the pipes are not maintained properly, they can leak. By the time the gas enters the house, it is odorless, colorless and tasteless. It can be set off by the pilot light on the water heater or any open flame.

Propane, usually delivered to tanks in the yards of rural homes, is also highly explosive. Accidents can occur when the pipes are not installed or maintained properly or when they are not capped after a gas appliance is removed.

There are endless ways in which flame burns can occur. In a recent series of cases, students were horribly burned in high school chemistry classes when methanol or other flammable liquids were not properly handled by the teacher.

Product Injuries

Products (cars, trucks, lawn mowers, coffee makers, toasters, etc.) are not supposed to explode. But when they are not manufactured correctly, they can, and the result is often a horrific burn. Especially horrible are injuries to children caused by their sleepwear, bedding or toys. Chemicals used in hair care products can also cause severe burns.

Electrical Injuries

Horrific burns can occur when power companies do not “isolate” or “insulate” their transmission lines as required by law. A common example occurs when trees are not properly maintained near uninsulated lines. Children, of course, climb trees. Merely touching one of these innocent looking wires can cost a child his/her arm or even cause death. Other injuries or death can be caused by transmission lines that are constructed too near a building or where proper warning signs are not used. These are only a few of the examples of the types of injuries that are the basis of lawsuits.

How do I know if I have a case?

Only a lawyer who is familiar with the laws and regulations governing potential burn injuries can answer that question. For example, when a child touches a power wire, it might appear that the child is at fault and that there is no case. The opposite is usually true.

How do I know which lawyer to hire?

Ask the hospital social worker for a recommendation. Burn injury work is highly specialized and medical social workers may know who is best qualified to help you. Your legal counsel should have a long history of successfully handling burn injury/death cases and be sincerely interested in helping the burn survivor get well physically, emotionally and financially. This is an important decision and should not be based on a television ad. Interview the lawyer(s), discuss their experience and settlements/verdicts. Find out how often they will meet with you and what they will do to help you get well.

What will my lawyer have to “prove” for me to win?

It is pretty simple. Your lawyer will have to prove that a person or company was careless and that you or a loved one was burned as a result. If you were also careless, the Court will decide what percent of the fault was yours, and subtract that percent from your recovery.

How can I pay for a lawyer?

Virtually all personal injury lawyers will only charge an attorney fee if they recover money for you. So you do not need money to hire a lawyer. The attorney fee will come out of the money your lawyer recovers for you.

Where can I get help with my bills?

Health Insurance

If you have private health insurance like Blue Cross, that is the place to start. These policies usually cover whatever is necessary to save your life and return you to functioning. Some companies are, of course, more supportive than others. A particularly touchy issue is whether surgeries to correct facial and other deformities are covered by the policy. Most policies exclude surgery which is “cosmetic.” Is trying to return your face or body to more normal appearance merely cosmetic? Our view, and that of most courts, is that those surgeries are “reconstructive” (covered by insurance) not “cosmetic” (not covered). Your lawyer may have to fight to obtain all of the help you will need.

Medicare

If you are 65 or older, or if you have Medicare for some other reason, it will pay a large portion of your medical bills. The rules are different than with private insurance.

Medicaid

If your income is below a certain level (it changes over time), you may be eligible for Medicaid. A very large number of burn survivors do not have health insurance or the money to pay for care, so Medicaid is often their best recourse. Your social worker can help you apply for Medicaid and explain the rules to you.

No-Fault Car Insurance

If your burn was related to a car accident or while working on a car, Michigan Law requires your car insurance company to pay all of your medical costs for reasonably necessary care and rehabilitation, regardless of who was at fault in the accident (even you!). There may be arguments over what is “necessary” but your lawyer will help with that. In Michigan (every state is different), benefits for injuries from a car accident are for the rest of your life.

Workers’ Compensation

If you were burned at work, your employer’s Workers’ Compensation Insurance will pay all of your medical bills, for life, that are necessary to treat your burn injury. Like No-Fault, it does not matter who caused the injury (even you). All you must show is that the injury happened while you were working and occurred as a result of your work.

What if I have questions? Can I call you?

Of course. We will be happy to answer your questions at no charge to you. This is true even if we do not think you have “a case.” We are dedicated to helping burn survivors and often provide free advice to do so. We can be reached at 800/400-9115.

Who is Varnum's Personal Injury Team?

We are a team of highly experienced Burn Injury Lawyers. For 40 years, we have obtained record-setting verdicts and settlements* for burn survivors and have been recognized for our work by burn organizations. Our team includes attorneys who are accustomed to the medical environment, including a licensed registered nurse who worked in a critical care hospital for 15 years before pursuing a career in law.

Who else should I know about?

The Phoenix Society! It is an international organization dedicated to helping anyone who has been affected by a burn: the burn survivor, his/her family, friends and employers. All services are FREE to individuals. PHOENIX has been recognized by the AMERICAN BURN ASSOCIATION (burn doctors, nurses, counselors and a few lawyers like us) for its outstanding service to the burn community. 800-888-BURN or www.phoenix-society.org.

How can I reach you? Will you come to me?

Our phone number is 800/400-9115

Website www.varnumlaw.com/pi

Of course we will come to you. We represent burn survivors in many states and are happy to fly or drive to wherever you are so that you can meet us in person. You should never choose us or ANY lawyer, without a personal meeting.

* Statements concerning past results do not assure similar outcomes in any other matter.

Disclaimer

This information is a general overview and should not be relied upon to make decisions. Examples, illustrations and statements are general in nature and may or may not be applicable to any individual case. There are exceptions to every rule and this booklet is not intended to cover or apply to any specific case. You should not view this booklet as offering any legal or medical advice. Each case needs individual assessment. We would be happy to answer any specific questions you may have.

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