

Steve Watrel, P.A.

6129 Atlantic Boulevard, Jacksonville, FL 32211 ■ Toll Free 1-800-SWATREL ■ Phone 904-723-0030 ■ Web site www.stevewatrel.com

◀... RECENT CASES ...▶

Million-Dollar Jury Verdict Reached in Motorcycle Accident

A client injured in a motorcycle accident received **\$1.7 million** in a case tried by Steve Watrel. The client and his fiancée were injured as they were returning by motorcycle from dinner with family and friends. The couple was stopped and waiting to make a turn when struck by a motorist with an outstanding warrant for his arrest who was fleeing police. Captured on police videotape, the collision threw the client about 30 feet, resulting in a fractured vertebra in his spine and broken kneecap. Steve Watrel prevailed over the defendant's insurance company, which refused to tender the \$10,000 limits of insurance to the client in a timely manner. The case was tried in Daytona Beach. ■



"Medical malpractice reform is bad medicine... Yet despite this epidemic of [medical] errors, fewer than 2% of the victims of medical malpractice ever sue their doctors... verdicts of \$1 million occur in only 4% of medical malpractice cases, and they are usually reduced to a median of \$235,000 upon final judgment."

—BusinessInsurance.com, Joanne Wojcik, Senior Editor, Commentary, 2/24/03

Million-Dollar Settlement in HMO Nursing Home Case

The death of an 82-year old nursing home client due to infection from stage IV bedsores has resulted in a combined settlement of **\$1.2 million** for the victim's adult children. The case—in which a Medicare HMO was forced to pay damages for denying care to a nursing home resident—was one of the first of its kind.

Steve Watrel successfully sued the two nursing homes and the client's Medicare HMO for causing the bedsores and infection. Both nursing homes denied responsibility for the bedsores and infection, claiming they had resulted from

old age and were not preventable. The HMO, in turn, contended it had acted appropriately and had paid all bills for treatment.

Watrel successfully proved the HMO's culpability through records establishing the HMO's ultimate control over how much treatment the client received at the nursing homes. Specifically, the records established the HMO's denial of therapies necessary to helping the client become more functional and avoid becoming bed bound. Further evidence obtained by Watrel against both



nursing homes shows that the facilities were chronically understaffed, failed to meet the needs of the residents, and failed to do any type of turning and repositioning that would have prevented the bedsores. ■

Motor Vehicle Accident Results in Pepsi-Cola Settlement

A male driver on his way to work was injured at a red light when a Pepsi delivery truck rear-ended his car, resulting in two herniated disks in his neck and the potential for neck fusion surgery in the future. Though Pepsi disputed that its driver was responsible for the collision and instead blamed the client for the collision, Steve



Watrel was able to prove that the Pepsi driver had a history of being behind on his deliveries and had been reprimanded on three occasions. The case was settled in the client's favor for **\$135,000**. ■

Damages Due to Fall Awarded to 83-Year-Old Plaintiff

An 83-year-old disabled woman with a long history of prior falls and health problems received a **\$235,000** jury award, thanks to the legal representation of Steve Watrel. The woman was injured in a fall at the handicap entrance of Shand's Jacksonville Facility Clinic, whose electronic door sensor malfunctioned due to a missing wire. As a result, the doors closed on the client, knocking her backward to the ground and resulting in a broken hip that would prevent her from walking again.

Steve Watrel proved that the facility had attempted to hide documents showing the defect. Furthermore, he successfully countered its attempt to use the client's long history of prior falls and medical problems as a defense. Watrel found former employees who testified that the door malfunctioned frequently and closed on other people. The firm located further eyewitnesses to the fall, who testified that the door closed on the client as claimed, thereby disproving the defense's contention that the client caused her



own injury by tripping. The overwhelming evidence of the door's defect as provided by Watrel caused the facility to admit liability prior to trial, and the case was tried on damages. ■

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VERDICTS AND SETTLEMENTS

From nursing home abuse cases to motor vehicle accidents, the firm of Steve Watrel has fought for and won both significant settlements as well as jury awards for clients who have been injured wrongfully.

\$3.1 million settlement for a retarded resident of a mental hospital who was paralyzed by an aide who threw him into a wall.

\$1.7 million verdict for a motorcyclist who suffered cracked vertebra and broken kneecap when struck by a car fleeing the police.

\$1.1 million settlement for the husband of a deceased nursing home resident who died from sepsis related to stage IV bedsores.

\$1.1 million settlement for the adult children of parent who died at a nursing home from sepsis related to stage IV bedsores.

\$700,000 settlement for adult children of parent who died from infection in a nursing home.

\$700,000 settlement for adult children of parent who died from medication error.

\$500,000 settlement for adult children of parent who died from bedsores, malnutrition and dehydration.

\$500,000 settlement for adult children of parent who died from abuse and neglect at a nursing home.

\$500,000 settlement for adult children of nursing home resident who died from fatal urinary tract infection.

\$150,000 settlement for abuse of a nursing home resident who was punched in the face by an agency nurse.

\$225,000 settlement in trial for woman who had neck surgery due to motor vehicle collision.

\$164,000 verdict for woman who suffered disc bulge in trucking accident.

\$235,000 verdict for 82-year-old woman who suffered broken hip after being knocked down by a malfunctioning electronic door at hospital.

\$116,000 settlement for man who underwent shoulder surgery as a result of being rear-ended by a company dump truck.

\$125,000 policy limits settlement for woman who had neck surgery due to injury in automobile accident.

\$125,000 settlement for minor child who suffered a broken leg in an automobile accident with a drunken driver.

\$80,000 settlement for woman who fell and fractured left foot and arm while attending wedding reception.

\$70,000 settlement for shoulder injury by adult who was injured in auto collision.

\$70,000 settlement for adult who suffered a herniated disc in automobile accident.

PROTECTING YOUR RIGHTS



"I've worked on significant cases with Steve Watrel over the years, including car crashes, nursing home and medical malpractice cases where we achieved some pretty significant results. We've handled from the investigation through the litigation stages together and actually went through a trial and a jury verdict. So I know him and his capabilities extremely well. I think he is one of the most caring and compassionate attorneys I have ever met. He truly believes in his cases and treats each client as if they were a family member. I personally believe that he provides as good a service as any attorney out there."

"One of our cases resulted in a \$1.6 million verdict. Initially, the highest offer was less than one-fifth of the ultimate result. We've since achieved a number of settlements that are significant, in large part due to Steve's intelligence, hard work and diligence in covering every single detail."

—David Paul, Senior Partner, Dalton and Paul, Attorneys, Orlando, Florida

About Steve Watrel, P.A.

Steve Watrel began his practice in 1993, representing clients who have been injured due to accident or negligence in cases ranging from automobile accidents to nursing home abuse to medical malpractice. Since that time, his level of expertise and commitment to getting compensation has been

demonstrated in a long list of significant awards for the injured, ranging from \$70,000 to \$3.1 million.

Staying Small, Winning Big

The advantages of the firm's small size are significant. Today, Steve Watrel provides what few large firms can: personal and expert attention to every client, from start to finish. As a legal practitioner, Watrel is committed to taking on only those cases that can succeed and to handling the details that many larger firms hand off to a lower level associate, paralegal or case manager. This approach requires Steve to provide the highest possible level of professional conduct and excellence. The result: an 80-85% client repeat/referral rate.

That's a powerful endorsement. Whether in a hospital, at home or in a nursing facility, Steve Watrel's clients have one thing in common: a powerful advocate who listens and answers every question. Watrel has the financial and professional resources to prepare for trial, present effectively and pursue compensation to the highest possible degree. He also can help you see a doctor or get you a rental car if

your vehicle has been damaged.

Many big firms don't offer that kind of care. But Steve Watrel does because that's the kind of service he'd expect from another attorney. From his ability to stand up to insurance companies, to handling depositions, negotiations and juries,

he fights to maximize the client's recovery—and succeeds.

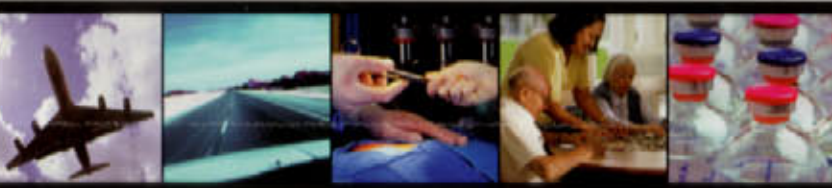
Professional Memberships and Contributions

Steve Watrel is a member of The Florida Bar, Jacksonville Bar Association, United States Court of Appeals for the Eleventh Circuit and US District Court for the Middle District of Florida. He is an Eagle Member of the Academy of Florida Trial Lawyers (AFTL), a member of the Million Dollar Advocates Forum, in addition to the First Coast Trial Lawyers Association, Association of American Trial Lawyers (ATLA) and National Institute of Trial Advocacy (NITA).

Steve is active in legislative efforts to preserve Florida citizens' right to seek compensation for injuries. He has also donated thousands of dollars to fight off attacks from big insurance and big business.

Education

Steve Watrel graduated from Tulane University in New Orleans, Louisiana, with a degree in finance. He received his Juris Doctor from Syracuse University. ■



PRACTICE AREAS

Steve Watrel focuses on getting compensation for clients whose injuries involve:

- Automobile accidents
- Trucking accidents
- Motorcycle and bicycle accidents
- Nursing home abuse, neglect and improper care
- Medical malpractice
- Wrongful death
- Dog bites
- Slip and fall
- Insurance company disputes
- Pedestrian accidents
- Aircraft
- Railroad
- Defective and harmful products
- Defective drugs and pharmaceuticals
- Other accidents involving injury or death

Steve Watrel also can refer you to attorneys specializing in cases involving workers' compensation, corporate law, family law and wills, among others.

◀ ● ● ● MISCELLANEOUS NEWS ● ● ● ▶

We've Moved

Be sure to visit our new office, conveniently located, at the intersection of Atlantic and University Boulevards. There's plenty of parking. Come by and visit—and pick up a free non-injury accident injury kit. This informational booklet tells you such important information as how to get your car fixed, who's responsible for paying for damage, and what happens if the paint doesn't match after you get it fixed. ■



Watrel Attends Regional Gerry Spence's Trial Lawyers College

Located in Jackson Hole, Wyoming, Gerry Spence is the legendary trial lawyer who successfully defended Randy Weaver in the Ruby Ridge incident, handled the case of Karen Silkwood v. Kerr-McGee, and provided commentary during the OJ Simpson trial. Spence's seminars included instruction in how to communicate with jurors through the use of storytelling and psychodrama techniques, leading to a better understanding of who we are and how we need to communicate to jurors in order to effectively present cases on behalf of clients.



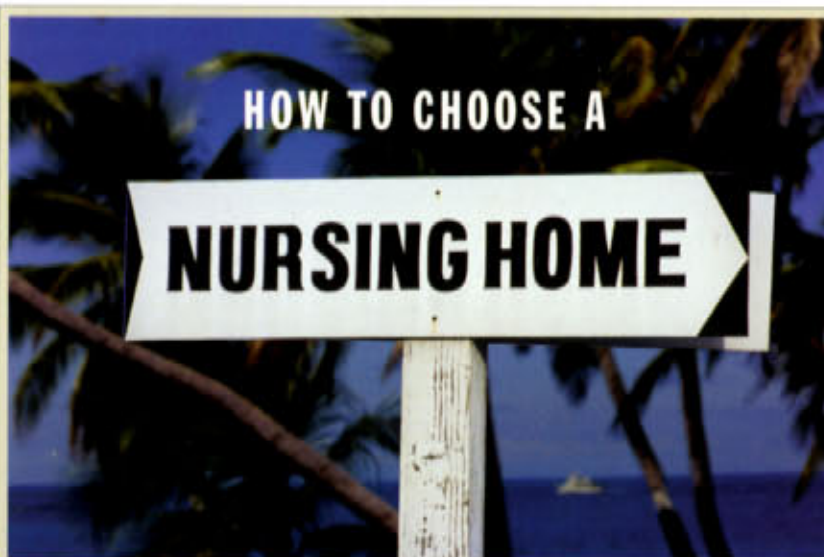
Watrel was recently one of 48 attorneys selected to attend Spence's three-week program at his ranch in Dubois, Wyoming. ■

Steve Watrel Plays Tiger Woods

A chance meeting on May 1 brought Tiger Woods and attorney Steve Watrel together at the Legacy Golf Club in Longwood, Florida. Watrel and three friends recovered Woods's forgotten wedge at the thirteenth hole while the golf superstar was filming a Buick commercial. When Woods returned to reclaim his club, he challenged the foursome's gamesmanship—and skills.



Watrel and friends walked away with Nike bags and balls, not to mention a picture—and story—worth a thousand words. ESPN—which had cameras all over the fairway recording Woods's antics—will air the segment during the US Open from June 12-15. And Tiger? Well, he got his wedge back. It was a winning day all around. ■



Selecting a nursing home is one of the most important and difficult decisions that you may be asked to make.

Though it may be difficult to admit, you—or a family member—may spend several years in a nursing home. To make the best choice possible, decisions should be based on the most complete and timely information available. This takes effort, tenacity and plenty of research into each facility's services, reputation and inspection history. It means visiting the facility repeatedly (see checklist below); talking to other family members or contacts who have loved ones there; making phone calls; and, once you've made your decision, scheduling frequent visits to follow up on your loved one's care and comfort.

✓ CHECKLIST

Resident Appearance

- ✓ Are residents up and dressed for breakfast? Does the staff get them up hours before breakfast (too early) or just before lunch (too late)?
- ✓ Are the residents well groomed (shaved, clothes clean, hair combed, nails trimmed and clean)?
- ✓ Do residents appear alert, content and occupied? Or are they lethargic, listless or stuporous?
- ✓ Are residents comfortably positioned in comfortable chairs? Are they restrained in their chairs or beds? Are they in chairs that have a tray or "lap buddy"?

Staff

- ✓ Is there adequate staff? What is the staff to resident ratio? Are call bells and resident requests responded to in a timely manner (5 minutes or so)?
- ✓ Is the staff courteous to residents? Do they treat residents with dignity and respect? Or is the staff attitude condescending? Are childish or otherwise inappropriate nicknames used when speaking with residents? Does staff talk about residents as if they were not present or as if they were children?
- ✓ Does the administrator/manager and director of nurses appear to know the residents?
- ✓ Is privacy respected (e.g., knocking on doors before entering rooms, keeping privacy curtains drawn while care is being given)?
- ✓ Does staff wear name tags?
- ✓ Are there therapists on staff or does the facility contract out for therapy?
- ✓ Is there a licensed social worker on staff? Full time?
- ✓ Does the facility have permanent full-time nurses and certified nurse assistants (CNAs) or are registry nurses and aides used?

Facility Environment

- ✓ Is there an obvious odor in the facility? Strong urine and body odors may indicate poor nursing care or poor housekeeping. Heavy "air fresheners," deodorants and other temporary chemical cover-ups may be substitutes for conscientious care and maintenance.
- ✓ Is the facility clean, well lit and free of hazards? Do you see soiled linen or is it properly disposed of? Is there adequate linen?
- ✓ Are floors clean and nonslippery?

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<< Continued From Page 3 HOW TO CHOOSE A NURSING HOME

Resident Rooms

- ☑ In which area of the facility would the resident's room be located?
- ☑ How many residents share a room? Generally, rooms should have no more than four beds, at least three feet apart, with privacy curtains around each bed.
- ☑ Is there a bedside stand, reading light, chest of drawers and at least one comfortable chair for each resident? Is there adequate storage space and is it separate from other roommates?
- ☑ Are the beds easy to reach? Is there room to maneuver a wheelchair or Gerichair easily?
- ☑ Are call buttons accessible to residents?
- ☑ Is there fresh drinking water at the bedside?
- ☑ Are residents allowed and encouraged to bring any of their own belongings or furniture? Have residents personalized their rooms?

Hallways, Stairs and Lounges

- ☑ Are halls free of obstacles and debris?
- ☑ Are stairways and exits clearly marked?
- ☑ Are there handrails in all corridors?
- ☑ Are fire extinguishers visible? Is there a disaster plan posted and does the facility have drills?
- ☑ How many lounge areas are available for residents and visitors? Are they clean and comfortably furnished? Is there sufficient room for visiting?

Bath and Shower Rooms

- ☑ How many residents share a bathroom?
- ☑ Do bathrooms have handgrips or rails near all toilet and bathing areas?
- ☑ Are bathrooms conveniently located?
- ☑ Do residents have a choice between a shower and a bath; how frequent and during which shift?

Kitchen and Dining Areas

- ☑ Is the kitchen clean and well organized?
- ☑ Is the food handled and stored in a safe and sanitary manner?
- ☑ Is the dining area pleasant, clean and comfortable?
- ☑ How many residents eat in the dining area? Is it large enough to accommodate most of the residents? Are there shifts for meals?
- ☑ Do chairs fit under the table so that residents are comfortably close to their food?

Menus and Food

- ☑ Try to visit the facility during a meal. Observe the way the food is served, how residents are assisted with eating and what their reaction is to the food. You can probably buy a meal to sample the food.
- ☑ A menu for the current and following week should be posted. If a menu is not posted, ask to see one. Is the food listed on the menu actually being served?
- ☑ How often are meals repeated? Are alternatives available, as required by law?

- ☑ Does the food appear and smell appetizing? Is it nutritious? Are fresh foods used, or is it mostly canned or frozen? Do residents enjoy the food?
- ☑ Are dishes and silverware used, or are disposable plates and utensils used?
- ☑ Are those residents who need assistance with eating and who are being fed by nurse's aides finishing their meals and eating at their own pace? Are assistive devices available to those who may be able to feed themselves with a little help?
- ☑ Are meals served at appropriate temperatures?
- ☑ What provisions are made for patients who are unable to eat in the dining room?
- ☑ Who plans the meals? Is a professional dietician on staff? How are special dietary needs met?

Activities

- ☑ Are activity calendars posted? If not, ask for a description of the activity program. Meet the activity director, if possible.
- ☑ Do the activities cover a broad range of interests?
- ☑ Are activities tailored to individual preferences?
- ☑ What activities are available to residents confined to their rooms?
- ☑ Do volunteers visit the facility?
- ☑ What arrangements are made for residents to participate in religious services of their choice?
- ☑ What is done for holidays and birthdays?
- ☑ Is there a resident council? When does it meet and what is its function?

Miscellaneous

- ☑ Is there a family council? When does it meet and who are the officers?
- ☑ How often do residents' physicians visit the facility? It should be at least once every 30 days.
- ☑ How long has the facility been operating under the present management? Are there any plans to change in the near future?
- ☑ What hospital is used in emergencies?
- ☑ What is the billing procedure?
- ☑ Who should be contacted when there is a problem?
- ☑ How does the facility notify the resident and family members of the time and place of the quarterly care planning meetings?
- ☑ Is the ombudsman program's phone number posted?
- ☑ Are the results from the last inspection by the Department of Health Services posted?
- ☑ Ask to review a copy of the admission agreement. Does the facility demand a "responsible party" signature? What is their "informed consent" policy?
- ☑ What is included in the basic costs and what is extra?
- ☑ If you are looking at an Alzheimer's unit within a facility, what makes it different from the rest of the facility (especially if it costs more)?
- ☑ How is transportation provided for trips to hospitals, medical offices or community functions? Is there a charge?
- ☑ How is personal laundry handled?
- ☑ Is there a system to protect wanderers? Is it operational? Ask for a demonstration.

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ACCIDENT AND INJURY LAW

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Phone: 904-723-0030
e-mail: info@stevewatrel.com

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