

*From the Desk of*  
**Steven J. Borel**  
Attorney at law

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Welcome! I am sending you, my clients and friends, this newsletter, which I hope will be the first of many. The purpose of the newsletter is to try to provide you with helpful information and to answer questions about legal issues. Please don't hesitate to contact me any time you have a question about any of the issues discussed in the newsletter. Thanks!

## **Your Rights Under Workers' Compensation Laws**

If you are injured on the job the first thing you should do is report your injury to your supervisor. The law requires you to give prompt notice.

After you have reported your injury, your employer is obligated to provide medical treatment. Unfortunately, the law in Kansas and Missouri give the employer the right, initially, to select the treating doctor. However, in Kansas, you can incur up to \$500 in unauthorized medical expenses from any doctor you like.

If you are taken off work, you will be entitled to "temporary total" benefits, which are two-thirds of your gross weekly wage, but not more than \$662.55 per week in Missouri and \$440.00 in Kansas. All workers' compensation benefits are tax free.

Once you reach "maximum medical improvement," you are entitled to a settlement for your "permanent partial disability". Permanent partial disability is a disability which affects you long term but does not prevent you from working. For example, if you injured your back at work and had to undergo surgery, you might have a permanent partial

disability of, say, 25% of the body as a whole. Under the current maximum compensation rate in Missouri, a 25% rating would entitle you to a settlement of \$34,702.00. In Kansas, 25% would be worth \$45,650.00.

If you are unable to return to any employment because of your accident, you would qualify for "permanent total" benefits which could be paid for life. If death occurs because of an accident, your spouse or minor children would be entitled to death benefits.

There are time limits involved. Missouri claims must be filed within two years of the date of the accident or the last payment of compensation or authorized medical

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## Do You Need “Underinsured” Motorist Coverage on Your Car?

There is a difference between “underinsured” and “uninsured” motorist coverage. Uninsured motorist coverage, which is required by law, only protects you if the other driver has no insurance at all. And, if you only have the minimum required of \$25,000, it does not provide you much protection. Underinsured motorist coverage protects you if the other driver has insurance but does not have sufficient coverage.

If you have purchased just the “minimum limits” of insurance on your car, you probably have no “underinsured” motorist coverage. If you are involved in a serious accident, and the other driver also has minimum limits, you will be unable to obtain full compensation for your injuries. To be protected, you should definitely have adequate uninsured **and** underinsured motorist limits. The additional cost really isn't that great, and the benefit can be vitally important to you and your family.

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treatment (or three years if the employer failed to file the report of injury). In Kansas, the written claim signed by the employee must be served on the employer within 200 days of the accident, payment of compensation or authorized medical aid, whichever is last (or within one year if the employer failed to file the report of injury).

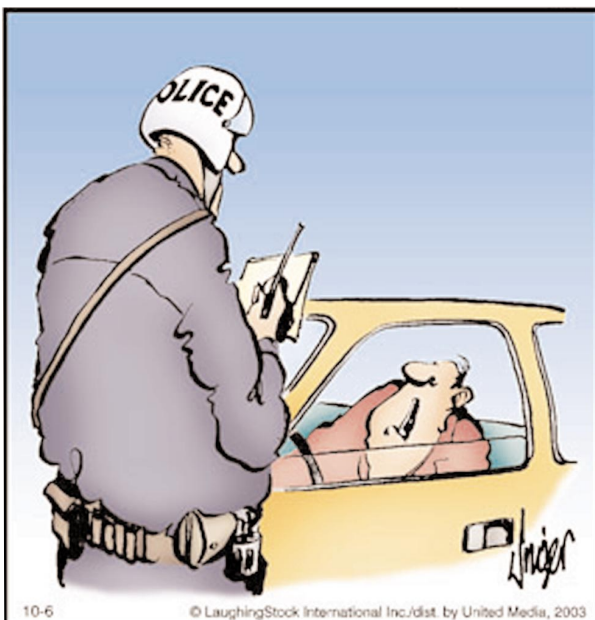
The usual attorney's fee in workers' compensation cases is 25%. If there is no settlement, there is no fee.

A person does not have to hire an attorney to get a workers' compensation settlement. However, the insurance company will not have your best interests in mind. They will try to get a low disability rating from their doctor, so they can close your case as cheaply as possible. An experienced attorney can obtain a higher rating and make sure all of your rights are protected.

If you ever have questions about workers' compensation, call me. I will be happy to help you and see to it your rights are protected.

**HERMAN**<sup>®</sup>

by Jim Unger



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I'll have a cheeseburger and a root beer.

## Office Move

In December of 2001 I moved my office to Olathe, Kansas. Before that I had been located in Kansas City, Missouri for about 30 years. I am licensed in Missouri and Kansas and have an active legal practice in both states. My office is located just off I-35 at 151st Street in Olathe. If my office is not convenient for you, I will be happy to come to your home or other location to meet with you.

Directions to my office from southbound I-35: Take Exit 215. Take a left at the second stoplight, which is 151st Street. Take a left at the next second stoplight, which is Mahaffie Circle. I am straight ahead at 1580 Mahaffie Circle.

## Is There A Malpractice Crisis?

We hear one horror story after another in the news. In Tampa, Florida, a man had the wrong leg amputated. In New York, a 4-year old girl bled to death after having her tonsils removed. In Denver, an 8-year old boy died after his anesthesiologist fell asleep during surgery. Up to 98,000 Americans die every year due to malpractice, but only a very small percentage of those deaths ever result in a lawsuit. In fact most patients don't even know when they become a victim of malpractice. In spite of these statistics, the insurance companies have managed to convince most Americans that there are too many lawsuits, and that this has caused a "malpractice crisis". The truth is there aren't too many lawsuits. There is too much malpractice.

Most doctors and other health care providers do a good job, but serious mistakes are still being made. When they are, people have a right to seek justice for the injuries and deaths caused by malpractice.

I hope that no one in your family is ever the victim of medical malpractice, but if you are, or if you have any questions about malpractice, please call me, and I will be happy to talk with you. I have been handling malpractice cases for over 20 years. The time limit for bringing malpractice claims in Missouri and Kansas is two years, subject to certain exceptions.



## Know Someone Who Needs a Lawyer?

Referrals of new clients are very important to me. If you have a friend or family member who needs a lawyer on a workers' compensation case, an automobile accident, a potential malpractice case or other personal injury claim, I would be very happy to talk to them. Thank you!

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## About Me

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I was born in Kansas City, Missouri in 1947. I graduated from Pittsburg State University in Pittsburg, Kansas in 1969 with a major in Business Administration. I received a Juris Doctor degree “with distinction” from UMKC School of Law in 1972. I have practiced law in the Kansas City area ever since. I am licensed in Missouri and Kansas and have an active practice in both states. My practice is limited to the following areas:

- Medical malpractice cases
- Automobile/Truck accidents
- Workers’ compensation
- Other personal injury claims

Martindale-Hubbell Law Directory rates me “A-V”, which is the highest rating available. I do not represent corporations or insurance companies. I only represent injured people and their families.

Please call me if I can ever be of service to you or your family.

Have a Safe and Happy Holiday Season!

*Steven Borel*



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