



KH Law News

September
2009 Edition



This Back to School edition includes:

- Fatigue Causes Major Accidents
- KH Kudos
- Living Trust:
- A Vacation Essential
- Free Estate Planning Seminars!
- Go Green!
- From All of Us

Fatigue is a Major Cause of Truck Accidents

In the United States, fatigue is the number one safety problem in the trucking industry and is a factor in 40% of all truck accidents. Even with those startling statistics, the trucking industry tries to systematically avoid and ignore violations of the Federal Motor Carrier Safety Regulations regarding fatigue.

As in all motor vehicle accidents, trucking cases require a substantial amount of investigation as to causation. Many times, the person reconstructing the accident is required to help put together the cause of the accident and help prove that the accident was caused by a tired truck driver.

Trucking companies are to keep evidence such as driver's log books and other documentation to show rest periods and how long drivers have been driving without rest. Many times, trucking companies try to hide or even destroy critical evidence such as the log books, the black box and more. It takes an experienced attorney to deal with these types of deceptive practices and prove the case regardless of the trucking company's tactics.

The importance of proving these types of violations and that the driver was operating the vehicle on an insufficient amount of sleep is important because it may entitle you or your family to recover punitive damages. These are damages awarded to punish the trucking company for their actions. Proving that the company altered records and that the driver was fatigued and caused the accident sometimes requires the use of medical doctors and professors experienced with sleep medicine in addition to the reconstruction experts. This is a relatively new area of law in which these types of expert opinions are often objected to by the trucking company and their lawyers. Your lawyer has to be experienced with overcoming these challenges and present your case in the most favorable manner.

Your lawyer should be able to locate and hire experts to assist in not only proving liability but in some cases willful, deliberate and intentional actions entitling you or your family to punitive damages. Often times other experts such as vocational experts and economists to value future losses are necessary as well. We work with both your treating physicians and specialized healthcare providers in order to recover what you are entitled to.

Krueger & Hernandez SC has represented adults, children and families of injured victims in trucking accidents as well as accidents of all kinds. Should you, a friend or family member have any questions or are in need of a lawyer able and willing to take on the trucking industry or need an attorney with experience handling these types of cases please contact Attorney Mark L. Krueger at (866) 455-2993 or e-mail at mark@kh-law.net.

KH KUDOS!

Congratulations Kate!



Krueger & Hernandez is proud to share that Kate, the face of our Madison office, will be attending UW Madison Law School this fall. Good luck Kate!

Welcome Kayleigh!



Kayleigh will be taking over Kate's position in our Madison office. Good luck in your new position and congratulations on your promotion!

Happy Anniversary Angela!



Attorney Nichols Philipp has been an amazing addition to the staff of Krueger & Hernandez for TWO years! We're so glad to have her!



Disclaimer

The information provided in this newsletter is not intended to serve as specific legal advice. Viewing this information does not constitute an attorney-client relationship. All testimonials are released by express consent of our clients.

Passport. Hotel Reservations. Living Trust? What no vacation is complete without.

When the inhabitants of Gilligan’s Island went out for their three-hour tour aboard the S. S. Minnow, chances are they were not prepared for what was about to befall them. Of course, Thurston and Eunice “Lovey” Howell (being the money-savvy individuals they were) probably had a comprehensive estate plan, complete with a Revocable Living Trust. But what about the rest of them? If they had never been rescued – or worse yet, died at sea – would Mary Ann’s family be stuck in probate court attempting to divide her property even today?

It’s easy to discuss life after disaster when we’re dealing with fictional characters, but what if it was you? Before you take a trip, you need to ask yourself some important questions: *What measures have I taken to protect my legacy if something were to happen to me? Who would make medical decisions for me if I were incapacitated? Is my family aware of my wishes regarding my kids, health, and finances?*

You may have booked your flight, reserved your hotel and arranged for a private tour of the Louvre, but if you haven’t made legal provisions for yourself and your family, you haven’t planned well enough. A postcard of the Champs-Élysées will not be enough to remind your loved ones of your individuality, your values, and your legacy.

So let’s take a leaf out of the Howells’ book. Here’s what you should have in place before you pack your bags: First of all, you should have a Will. A Will designates guardians for your minor children, as well as divides and distributes your assets among your beneficiaries.

In addition to a Will, you should establish a General Durable Power of Attorney and a Health Care Directive. These documents name an “agent” who will take charge of your financial affairs and medical decisions if you are unable to do so.

Finally, you should set up a Revocable Living Trust. Among the many benefits of a Living Trust is the fact that your loved ones will not have to deal with the possible delays and costs of probate. Furthermore, you will be able to designate not only to whom your assets are given, but when, and how. You may also establish guidelines for the use of the inheritance and protect it from things like divorce, creditors, remarriage, and unwise spending of your heirs.

Once these measures are put in place, you will be able to relax and enjoy the lights of Paris, the beaches of Hawaii, or even the oasis of the Sahara the way they were meant to be enjoyed: worry-free!



Attorneys Michelle T.L. Hernandez and Dera Johnsen-Tracy are active members of the American Academy of Estate Planning Attorneys and look forward to assisting with any and all of your estate planning needs. For more information or to schedule your free consultation, please call us at (800) 431-9776 or visit us on the web at www.KH-LAW.net.

In the mood to surf?
Check out our website at:
www.KH-LAW.net
There’s loads of free information and you can even listen to our free End of Life Planning Teleseminar!



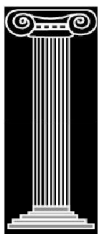
SHERATON MADISON
Tues. Sept. 22
706 John Nolen Dr.
10am-12pm
(Refreshments)

SHERATON MADISON
Tues. Sept. 22
706 John Nolen Dr.
7pm-9pm
(Refreshments)

ONE FINANCIAL PLACE
Wed. Sept. 23
8215 Greenway Blvd.
10am-12pm
(Refreshments)

ONE FINANCIAL PLACE
Thurs. Sept. 24
8215 Greenway Blvd.
10am-12pm
(Refreshments)

Attend one of these FREE seminars!
Seats fill up quickly so call today at (608) 824-9540 or register online at www.KH-LAW.net!

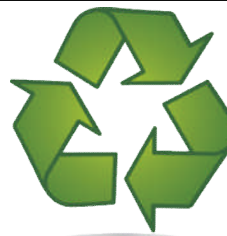


KRUEGER & HERNANDEZ SC
Attorneys at Law

**We Listen
We Care
We Get Results**

For all your legal needs:

- | | | |
|-------------------|------------------------------|--------------------|
| Divorce | Injuries from Accidents | Estate Planning |
| Real Estate | Vaccine Injury Litigation | Family Matters |
| Adoption | Workers Compensation | Products Liability |
| Criminal/Traffic | Professional Malpractice | Mediation |
| Guardianship | Employment/Discrimination | Business Needs |
| Personal Contract | Probate/Trust Administration | Funeral Trusts |
| | Personal/Business Litigation | |



Do your part!
It’s such an easy thing to do!
Simply email us at moassistant@kh-law.net and we’ll add you to our paperless newsletter list.
Save a tree!

Happy Labor Day from Krueger & Hernandez!

Mark L. Krueger
Michelle T.L. Hernandez
Angela Nichols Philipp
Dera L. Johnsen-Tracy
Kayleigh Robinson
Renee Nehring

Eileen Shanks
Shelley Craker
Kara Malston
Stacie Ray
Rynae Stefan

