

May 2012 Newsletter

Safe Boating Reduces Liability

With the boating season upon us, we take this opportunity to remind our readers that negligent boat operators are just as responsible to injured persons as negligent drivers. We have handled many of these cases over the years, and the standard boat insurance policy provides the same type of defense and indemnification as an automobile insurance policy. Also, Navigation Law § 48 mirrors Vehicle & Traffic Law § 388 by mandating that the owner of the boat is automatically responsible for the negligence of the operator of the boat even if the owner had nothing whatsoever to do with accident at issue. Just like a situation involving a car, if a boat owner permits a person to operate the boat, then the owner becomes automatically (vicariously) liable for the negligent acts of the operator. Please be safe on the water — and have fun.

Recent Changes in the Workers' Compensation Law Could Adversely Impact Injured Workers

As many of you know, we work very closely with workers' compensation lawyers. We need to stay abreast of any changes in the Workers' Compensation Law so as to consider how those changes affect the overall outcome of a client's case. One such change in the law became effective in December 2011. Chiropractic and physical therapy benefits for back and neck injuries can now be limited. Injured workers are allowed only three months of chiropractic or physical therapy treatment. After that, the treating provider must request a "variance" from the guidelines for more treatment. The variance request can be denied, and challenging those denials is possible. But it will cause delay and an interruption in treatment. Unfortunately, many injured workers give up the fight. Our workers' compensation specialists advise client to discuss this issue with the chiropractor or physical therapist early on and have them submit a detailed report outlining why a variance is necessary.