

POLITO & QUINN LLC

NATIONAL BOARD CERTIFIED TRIAL ATTORNEYS

Welcome to our newsletter

In April of 2002, **Michael Quinn** and **Bert Polito** created **Polito & Quinn, LLC**, a trial law firm dedicated to protecting the rights of injury victims in Connecticut and Rhode Island. Michael Quinn and Bert Polito are members of a select group of board-certified trial lawyers who have been recognized nationally after having passed a daylong examination and having demonstrated work in multiple trials before judges and juries. Michael and Bert received the recommendations of their peers and judges to be board certified.

The partners of Polito & Quinn are active members of the Connecticut Trial Lawyers Association. Michael and Bert frequently lecture on a variety of topics of interest to other lawyers and the community. Michael Quinn has been an adjunct faculty member at Fairfield University, where he has taught a course in legal ethics. Bert Polito will begin his sixth year teaching a semester course in trial practice at the University of Connecticut School of Law.

The backbone of Polito & Quinn is an experienced and dedicated staff. Our firm is ready to assist current and former clients, as well as other attorneys, with respect to personal injury and malpractice claims in Connecticut and Rhode Island, and in litigation involving businesses and corporations. We are not only lawyers, but also parents and spouses who are active in our community. We appreciate and are grateful for the continued strong support from our past and present clients. Your referrals are truly appreciated.

We are proud to be trial lawyers representing people who have been harmed and who seek fair compensation. We are here to serve you.

Polito & Quinn LLC

567 Vauxhall Street Ext.
Suite 230
Waterford, CT 06385
860-447-3300
FAX: 860-447-3389

*Personal Injury
Practice*

*No Fee
Without Recovery*

Home and Hospital Visits

OFFICE HOURS
Monday-Friday
8:30 a.m.-5:00 p.m.

More about Polito & Quinn



Humbert J. Polito, Jr., was born in Cleveland, Ohio. He graduated from the College of the Holy Cross with high honors. Bert then taught before going to the University of Connecticut School of

Law, where he graduated with honors. After law school, Bert clerked for Justice Shea at the Rhode Island Supreme Court. Following his clerkship, he joined a New London law firm, where he and Michael Quinn practiced together for nearly ten years and where they were both partners. Bert has three sons and has been married to his wife Barbara for 16 years.

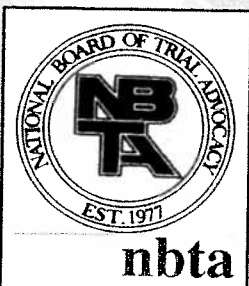
In addition to being board certified, Bert has received the highest rating for both his understanding of the law and his integrity from *Martindale-Hubbell*.



Michael J. Quinn was born in Baltimore, Maryland. He graduated from the University of Maryland with honors and received his Master's degree from Yale University. He taught before attending the

University of Connecticut School of Law, where he graduated with honors. Michael clerked for Judge Foti at the Connecticut Appellate Court. After his clerkship, Michael joined Bert Polito at the New London law firm, where they practiced together for nearly ten years and where they served as partners. Michael has three sons and has been married to his wife Terry for 23 years.

In addition to being board certified, Michael has received the highest rating for both his understanding of the law and his integrity from *Martindale-Hubbell*.



We take your family's safety and security personally.

"At the age of 20, I suffered a serious spinal cord injury due to a motor vehicle accident. Bert Polito provided me with both aggressive representation and honest counsel. He brought my case to a successful conclusion. Bert continues to provide valuable guidance to me today."

David Morgana

Dog bites

Dogs bite 4.5 million people, send 334,000 to emergency rooms, and kill 17 Americans each year. One insurer reported 14,000 dog bite claims and \$80 million in liability claims in a recent year. Unfortunately, children receive six of ten dog bites.

If you or a family member is bitten by a dog:

- Get medical attention.
- Report the incident to law enforcement and animal control.
- Contact us with any questions or comments.

Any dog, no matter how well-trained and friendly, can bite, and its owners should be liable. Here are steps we may take to help our clients receive fair compensation from animal-bite incidents.

- Check for license, collar, inoculations, and the like.
- Interview veterinarians.
- Review law enforcement and animal control reports.
- Talk to witnesses, neighbors, and mail carriers.

"Michael Quinn represented my husband and me in a case against the State of Connecticut for the wrongful death of our handicapped daughter. Without Mr. Quinn's expertise and his determination to get to the answers, we never would have known what really happened. We would refer anyone to Mr. Quinn for any type of case. He is very personable and puts you number one when handling your case."

Mike and Kathy Barry

What is uninsured motorist coverage?

Everyone who drives has it, but what is it for?

If you look at your automobile policy, you will see a line item generally called uninsured/underinsured motorist coverage. It may be identified by the initials UM/UIM. Generally, the amount of UM coverage is equal to the liability coverage.

What is it for?

UM coverage is coverage you carry that protects you and your passengers for injuries sustained in an automobile accident in which the other driver is uninsured or underinsured.

What is an uninsured driver?

An uninsured driver is just that. It is a person who has either failed to pay their premium and coverage has been canceled, or a driver from a state other than Connecticut that does not require proof of automobile insurance. In the case in which you are injured by an uninsured driver, your own insurance (i.e., your UM coverage) steps into the shoes of the other driver. Therefore, if you had \$100,000 of UM coverage and your injuries equaled \$80,000, you would be able to recover that from your own policy as if it were from the uninsured driver.

What is underinsured motorist coverage?

It differs from uninsured motorist coverage in that the value of your injuries must exceed the value of the other driver's policy, and the other driver's policy limits must be exhausted. For example, you are injured by a person who carries a \$20,000 policy. Assume you have suffered injuries equal to \$80,000 and you have \$100,000 in UM coverage, the following solution would generally result. You would exhaust the other driver's coverage. You would then be entitled to recover the difference between that and the value of your injuries.

| | |
|-----------------------|-----------|
| Your policy: | \$100,000 |
| Injury value | \$80,000 |
| Other driver's policy | \$20,000 |
| Difference | \$60,000 |

The amount recovered from your own policy is \$60,000. Two things are important to consider in determining if you have enough UM coverage. If, in our example, you only had a \$20,000 UM policy, you would not be able to recover anything from it. Also, if your injury value exceeds your own policy limit, you would be limited to the coverage available.

For example:

| | |
|----------------------------|-----------|
| Your policy: | \$100,000 |
| Injury value: | \$200,000 |
| Other driver's policy | \$20,000 |
| Recovery from your policy: | \$80,000 |
| Uncompensated injury: | \$100,000 |

What you should consider

Do I have enough UM/UIM coverage? Should I consider something called Conversion Coverage? Should I exercise the option to double my coverage? These are all questions you should ask your professional insurance agent.

Michael J. Quinn, Esquire

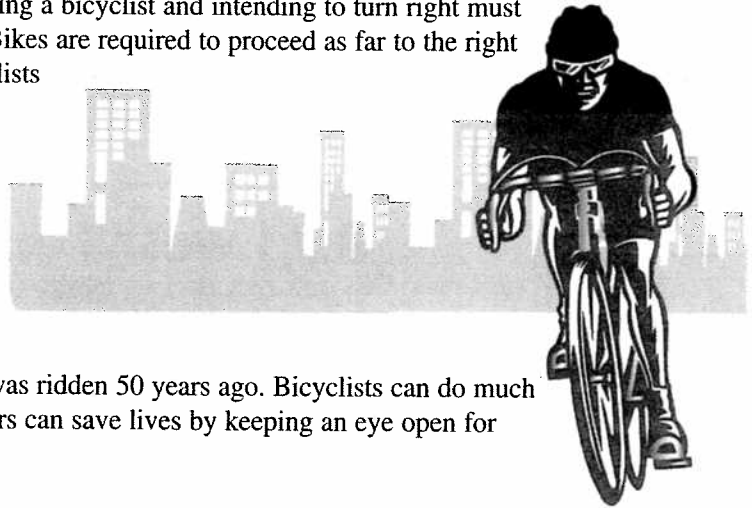
Bikes, traffic, and the rules of the road

As you read this, Lance Armstrong is attempting to, or has succeeded, in winning his sixth Tour de France on the race's 100th anniversary. After five consecutive wins, the publicity surrounding Armstrong has resulted in a huge resurgence in road-biking. Bike shops have sprung up all over southeastern Connecticut, with shops in Essex, Old Saybrook, Clinton, Groton and New London, and Mystic, to name just a few nearby locations. Both drivers and bicyclists are generally unaware of the traffic laws that control their interaction on the road. The most basic rule of thumb that will assist both drivers and bicyclists is to treat each other as if both are motor vehicles. In this way, even if you cannot recall the specific rule, it is reasonably likely that you will get it right. The essentials are these: A bike and rider are fundamentally the same as a motor vehicle. Bikes, like cars, must stop for all traffic-control signals, signal their intention to turn, and yield to oncoming traffic when making a left turn.

Unlike cars, bikes are not required to make a left turn from the extreme left of a lane, but may make a left turn from the curb. Obviously, this must be done with caution by the rider. The driver of a car may, however, incorrectly assume that a bicyclist has violated a rule of the road when seeing this. Right turns may be signaled with the right hand, unlike a motor vehicle, and need not be continuous. A motor vehicle overtaking a bicyclist and intending to turn right must signal its intention to turn and proceed only if safe to do so. Bikes are required to proceed as far to the right of a travel lane as is practical. (This does not mean that bicyclists are required to ride in sand, stones, or across storm drains. Practical means practical.)

There are other specific rules governing the operation of a bicycle on the road, but no rule is more important than that of operators of cars and bicycles recognizing and respecting each other. Cars average 3,500 pounds, compared with the typical bike that weighs 30 pounds. Cars are quieter and travel faster than ever before. Lance Armstrong, the fastest bicyclist in the world, will barely ride the Tour faster than it was ridden 50 years ago. Bicyclists can do much by learning and obeying the rules of the road. Operators of cars can save lives by keeping an eye open for bicyclists and giving them a break.

Michael J. Quinn, Esquire, is an avid road and mountain biker.



The "Golden Hour"

It's often said that drivers have one "Golden Hour" after being involved in an automobile accident to gather all relevant information and protect their rights. After an hour, cars may be moved, the driver may not recall important details, and witnesses may leave.

1. If you or anyone else is injured, get medical help right away.
2. Call our office as soon as you can. We'll advise you what to do.
3. Do not admit any wrongdoing or sign any documents.
4. You should also:
 - Write down the names and addresses of witnesses.

- Call the police and ask for a written accident report. Obtain police names, and phone and badge numbers.
- Try not to move cars until police arrive, unless the cars impede traffic.
- Ask for other drivers' names, addresses, and insurance information.
- Write down all cars' tag numbers.
- Advise your insurance carrier.
- If possible, return and photograph damage, skid marks, and other relevant images.
- Do not give a signed or recorded statement unless you are represented by an attorney.

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The information included in this newsletter is not intended as a substitute for consultation with an attorney. Specific conditions always require consultation with appropriate legal professionals.

Thanks for the referrals

Bert and **M**ichael would like to thank those of you who have referred potential clients to our law office.

Referrals are a very important part of our business and have been instrumental in our growth.

Although we greatly appreciate each of our clients, we take special pride in referrals since they mean someone liked us enough to give our name to a relative or friend.

Our past clients, current clients, other attorneys, accountants, bankers, friends, and families have all been instrumental in our firm's ability to keep serving our clients.

If someone you know asks you for the name of an attorney, we hope that you will consider us.

Thank you.

But I wasn't driving, I just own the car...

Your rights and responsibilities as an owner and operator of a motor vehicle in Connecticut.

Your child drives your car...

Your child wants to drive a car that he or she is unable to own at this time. For various practical reasons, you permit your child to drive a car that you as a parent own. Connecticut law supports the "family car doctrine," which holds the owner responsible for the actions of a family member when (1) a parent maintains an automobile for the pleasure, use, and convenience of one's family, and (2) authorizes the members of the family to use the car.

In other words, a parent who permits a child to drive his or her vehicle should appreciate (and help their children to do the same) that a parent is legally responsible for the actions a child takes while operating the family car.

Presumption of authority

The law in Connecticut goes so far as to presume that if the vehicle was being operated by a husband, wife, father, mother, son, or daughter of the owner, then the operator was acting within the general authority of the owner. In other words, the law presumes that your child had your permission to drive the family car. This presumption can be challenged but is not easily overcome.

Ownership has its responsibilities

The owner of any vehicle in Connecticut—whether a parent, spouse, or business owner—needs to appreciate the doctrine of vicarious liability—namely, that the law presumes that the operator of a motor vehicle is the agent or servant of the motor vehicle's owner and is operating the vehicle within the course of his or her employment. In other words, the law presumes that an operator is driving a vehicle as the agent or employee of the owner. This presumption can also be challenged.

What you should consider

Consider carefully whom you permit to drive your family's vehicle. Ask yourself, "What is my liability coverage for accidents caused by operators of my vehicle? Should I consider umbrella coverage, which can extend over and above both my home-owner's insurance and my auto insurance for actions by me as well as by drivers in my family?" These are questions you should ask your professional insurance agent or insurance company representative.

Humbert J. Polito, Jr., Esquire