

BUILDING RELATIONSHIPS

Dear Clients and Friends,

At the Law Offices of John A. Willis, P.A., we are respected for our expertise in the full spectrum of personal injury litigation. **However, many of our clients do not realize that our office is available for clients to discuss a broad range of legal services, including:**

- Purchase and sale of property
- Wills and estates
- Commercial Litigation

Our goal is to be accessible, efficient, and to serve virtually all of a client's legal needs. We are ready to evaluate the practical legal questions of each client and offer legal guidance necessary for informed decisions.



CONTACT US:
To contact our office call
(561) 417-7033
www.willislaw.com

There is never any charge for a consultation

Attorney John A. Willis has an open door policy for his clients and combines the personalized service of a small firm with the strong presence of a large firm. If you or a loved one has been seriously injured, call the Law Offices of John A. Willis, P.A. for a free consultation and confidential evaluation of your claim.

**LAW OFFICES OF
JOHN A. WILLIS, P.A.**

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Representing Injured Clients

Summer 2008

PROTECTING OUR CHILDREN - SWIMMING POOL DROWNINGS

Each year, nationwide, about 300 children under 5 years old drown in a swimming pool, usually a pool owned by their family. In addition, more than 2,000 children in that age group are treated in hospital emergency rooms for submersion injuries. Medical costs for submersion victims during the initial hospitalization alone can be quite high. Costs can range from an estimated \$4,000 for a victim who recovers fully to \$160,000 for a victim with severe brain damage. Some severely brain damaged victims have initial hospital stays in excess of 120 days and expenses in excess of \$300,000.

Florida has the highest drowning death rate in the nation for children under age 5. Over 60% of these drowning deaths occur in residential swimming pools every year. In 2006 the State of Florida had more than one million private swimming pools. Lapses in adult supervision and lack of pool safety features as mandated in the Residential Swimming Pool Safety Act (Florida Statutes, Chapter 515) have been identified as contributing to these needless and preventable tragedies. In 2005, there were 50 reported drowning deaths of children under age 5 in residential swimming pools in Florida. There are also an unknown number of near-drowning incidents that occur in swimming pools every year. Residential swimming pools thus pose a significant drowning hazard for children in this age group in Florida.

Following are just a few facts uncovered by the U.S. Consumer Product Safety Commission (CPSC) in a comprehensive study of drowning and submersion incidents involving children under 5 years old in Arizona, California, and Florida.

- Seventy-five percent of the submersion victims studied by CPSC were between 1 and 3 years old; 65 percent of this group were boys. Toddlers, in particular, often do something unexpected because their capabilities change daily.
- At the time of the incidents, most victims were being supervised by one or both parents. Forty-six percent of the victims were last seen in the house; 23 percent were last seen in the yard or on the porch or patio; and 31 percent

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were in or around the pool before the accident. In all, 69 percent of the children were not expected to be at or in the pool, yet they were found in the water.

- Submersion incidents involving children usually happen in familiar surroundings. Sixty-five percent of the incidents happened in a pool owned by the child's family and 33 percent of the incidents happened in a pool owned by friends or relatives.
- Pool submersions involving children happen quickly. A child can drown in the time it takes to answer a phone. Seventy-seven percent of the victims had been missing from sight for 5 minutes or less.
- Survival depends on rescuing the child quickly and restarting the breathing process, even while the child is still in the water. Seconds count in preventing death or brain damage.
- Child drowning is a silent death. There's no splashing to alert anyone that the child is in trouble.

Attorney John A. Willis has been representing families of injured children for 15 years. If your child is injured contact the Law Offices of John A. Willis, P.A. at (561) 417-7033 for a free case consultation.

KEEPING CLIENTS INFORMED

WHAT TO EXPECT IN AN INITIAL CONSULTATION

For many of our clients who have been seriously injured as a result of the carelessness and negligence of others, this is their first venture into the legal system. We have developed this page to let you know what you can expect when you contact The Law Offices of John A. Willis, P.A., for help.

Do I Have a Case?

The first thing that most of our clients want to know is if they have a case. The answer is not always as easy to answer as one might think. When you contact The Law Offices of John A. Willis, P.A., one of our experienced support staff members will take information about your case by telephone. The next step will be to arrange a meeting between you and your lawyer. That meeting will either be at our office, at the hospital, or in your home. If you have no transportation to or from our offices we will be happy to provide it.

During this meeting, we will ask you to provide us with as much information as you can about the facts of your case. You will also have an opportunity to ask us about the civil justice system in Florida and how a personal injury lawsuit works.

What Will it Cost Me?

Our law firm will advance all costs of investigating and de-

veloping your case. We invest our time and knowledge, not knowing what the outcome will be. Our fee, if we are successful, will be a percentage of the recovery before expenses are deducted. We will keep track of the expenses that we pay, such as expert witness fees and court costs, and those expenses will be deducted from any compensation that we recover for you.

Helping Injured Clients Through Difficult Times

Every case that we handle is individualized. Our law firm will evaluate your medical needs and life-care planning needs and project those costs over a lifetime. If you can return to your place of employment, we will determine what training or vocational rehabilitation you may need. If you cannot return to the workplace, we will seek to replace your lost income. Your lawyer will advocate for better services while we are in the process of developing your case.

John A. Willis, Esq., and his support staff recognize the vulnerability of our injured clients and we believe that kindness and compassion are the keys to helping you through a difficult time. Our law firm is proud of our passion that drives us to help people who need help and our success at obtaining compensation for people who need it most. Clients can reach a member of our staff at any time of the day or night **(561) 417-7033**.

Attorney John A. Willis, pictured here with his wife Lori and sons Brannon and Alexander, was recently recognized as one of the top 3000 Plaintiff's Lawyers in the U.S. by **Lawdragon.com**. He has also been given the highest rating of "Superb" by **Avvo.com** lawyer directory and has obtained the highest peer review rating of "AV" by **Martindale-Hubbell** legal directory.

Mr. Willis is listed in **Who's Who in American Law, Who's Who in America, Who's Who in the World, and America's Registry of Outstanding Professionals**. He is also a member of the exclusive *Million Dollar Advocates Forum*, whose membership is limited to those select attorneys who have obtained jury verdicts in excess of one million dollars.



CAN A PARENT RELEASE THEIR CHILD'S RIGHT TO SUE FOR NEGLIGENCE BEFORE THE CHILD IS INJURED?

If you have children, you have likely visited commercial establishments that have bounce houses, gymnastics, water sports or other forms of kids' activities. All of these commercial establishments make you sign, on behalf of your child, that you are releasing them from any negligence as a condition of your child participating in the activity. So what happens if you sign one of these "pre-injury releases" and your child is seriously injured or killed because the establishment or its employees were negligent? Until recently, these "pre-injury releases" were valid and enforceable in the Florida courts and barred all negligence lawsuits.

On January 4, 2008, the Florida 5th District Court of Appeal, in the case of **Applegate v. Cable Water Ski** invalidated these commercial "pre-injury releases" finding that they were against public policy. In the **Applegate** case, the parents of five-year-old Jessica Applegate brought a negligence lawsuit against Cable Water Ski when Jessica was struck and badly injured by a wakeboard operated by another customer while engaged in supervised wakeboarding. Specifically, Jessica's parents alleged that Cable Water Ski did not have appropriate safety procedures, their staff was not trained, they were understaffed and that these failures led to their daughter's injuries.

Cable Water Ski's attorneys successfully convinced the trial judge to dismiss Jessica's injury lawsuit because her parents had signed a "pre-injury release." The parents' attorney appealed the dismissal to the appellate court. The appellate court reversed the decision of the trial judge and reinstated the lawsuit finding the "pre-injury release" was unenforceable because it was against public policy. The court noted that "Florida's public policy manifests a strong intent to protect children from harm" and that the State of Florida's authority may be invoked when necessary to protect children.

Since this is the only opinion by a Florida Appellate Court holding these "pre-injury releases" invalid at this time, it

is the current law in the State of Florida. However, the case is being reviewed by the Florida Supreme Court and the court has the final word on this matter. The Supreme Court's decision should be rendered in the next 18 months.

Attorney John A. Willis has been representing injured children for 15 years. If your child has been injured, it is important that you choose the right attorney to handle your child's case. It is essential to select a law firm with considerable experience in dealing with claims involving children. Following an accident of any sort, you need professional and trusted advice. If your child has been injured, the Law Offices of John A. Willis, P.A. can help you evaluate your claim adequately, taking into account all of the circumstances and all the applicable laws.

As a father of two children, Attorney John Willis recognizes that the injuries sustained by children, through no fault of their own, frequently have lifelong implications which may not always be obvious at the outset. An accident involving a child can have a huge impact on the lives of everyone in the family – the child itself, the parents, grandparents, brothers, and sisters. No matter how severe the injury, you may need legal assistance to ensure that your child's rights are fully protected.

The issues surrounding a child's "pre-injury release" are examples of how the law can be complicated. Therefore, it is important to seek legal advice to determine whether your child can recover compensation. Compensation can be a lifeline to help you and your child pay medical bills, re-build your lives and obtain the maximum assistance to enable you to cope with your new situation. If your child has suffered an injury contact the **Law Offices of John A. Willis, P.A. at (561) 417-7033**, for free no-obligation advice on your child's personal injury claim. We want to help.