

From the Law Offices of Martin E. Jackson



# Rail Safety

Bulletin

*Representing Railroad Workers Under The F.E.L.A. Since 1986*

## WHEN YOUR SPOUSE IS INJURED AT THE RAILROAD

It is a normal day, with normal things happening. Maybe you are at work. Maybe the kids are at school. Or perhaps you are at home preparing dinner or watching TV. Maybe you are in the garage, changing the oil in the car. The phone rings. You are told that your loved one has been hurt at work. Thoughts race through your mind:

**What happened?**

**How badly is he (or she) hurt?**

**Who do I call?**

**Where do I go?**

**What do I do?**

**What is going to happen now?**

**Have our lives changed forever?**

This is a call no one wants to receive. But, in the fast moving and dangerous railroad industry, it happens all too often. Hopefully, any injury will be minor and the consequences fleeting. But, what if the injury is serious and the potential consequences are profound? What should YOU do if your loved one is injured on the job? Who will help you if this happens? The answer is that we are here for you should you get that dreaded call. We will help you and your spouse through the difficult times that may lie ahead.

### WHAT TO DO WHEN YOUR LOVED ONE IS INJURED

#### 1. Get Proper Medical Attention Immediately.

Nothing else matters. It is a violation of federal law for the railroad to interfere with prompt medical treatment. The railroad supervisors and claims people have no right to be in the room with an injured person or to have communications with their doctors. Some supervisors and claims representatives have tried to direct the doctors in providing care. Generally, this is to prevent the doctor from prescribing medication that would require the railroad to notify the Federal Railroad Administration of the injury. Regardless

of insurance issues, the Railroad will be responsible for the medical bills if they were at fault in causing the injuries. So don't be intimidated by anyone telling you that you have to cooperate with Claims Department in order to get the medical bills paid. You don't.

#### 2. Do Not Discuss the Injuries or Medical Treatment with the Claims Representative from the Railroad.

Often, Claims Representatives will appear at the hospital to assure you that they will take care of medical bills, pay for you to stay in a hotel near the hospital and offer other, seemingly attractive services to you. However, the price for this is often signing a release for medical records or other documents which might limit your legal rights in the future. If the railroad is at fault, they are responsible for the medical bills and other costs associated with treating the injuries sustained in the accident. Even if the claims representative says that the railroad will pay all related costs, don't sign anything because he is offering nothing more than the railroad will be legally obligated to do anyway.

#### 3. Do Not Allow the Claims Representative to Take a Written or Recorded Statement from the Injured Person.

The only statement the Railroad is entitled to is a complete accident report form. If the injured person is on medication, in pain, or for other reasons cannot think clearly, the accident report form can wait until sufficient recovery has been made to fill the form out with a clear head. Do not let the Claims Representative even speak to the injured person, much less have the injured person fill out any forms, or talk with the Claims Representative in a tape recorded conversation.

#### 4. Contact a Knowledgeable FELA Lawyer Immediately.

The burden of managing your spouse's recovery and the consequences will fall directly on you. We can help. The

sooner we are able to begin advising you and your loved one on your rights, particularly under the specific circumstances of the injury, the more effective we can be in protecting your rights to compensation and advising you of other matters you should be aware of in connection with the injury. Why should you do this? Because: We can advise you about how to obtain benefits from the Railroad Retirement Board and other sources to tide you through and take steps to protect your rights to have fair compensation for your loved one's injuries. We can offer advice and options that the Claims Department will choose not to share with you.

#### **5. The Railroad's Claims Department Works for the Railroad, Not Your Family.**

Even though most Claims Representatives are very professional, their job is to protect the Railroad, not your loved one or family. Even while the Claims Representative is offering to help you, others at the Railroad are investigating the accident and preparing the legal defenses necessary to defeat your claims for compensation resulting from the incident.

#### **6. The Claims Department will Not Tell You About your Legal Rights.**

They will never explain to you about the powerful law, the FELA, which protects your loved one when injured. Our firm stands ready to provide you the information and guidance you and your loved one needs.

**KNOW THAT WHATEVER HAPPENS, WE ARE HERE TO HELP**

### **For Information And Free Legal Consultation**

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## **Martin E. Jackson**



Mr. Jackson has represented railroad workers and their families since 1986. Since that time he has represented, counseled, and tried lawsuits for thousands of railroad employees in over 30 states and in federal courts across the country, including the United States Supreme Court. His practice is exclusively dedicated to helping those

who are injured because of the negligence of others. In 22 years of representing railroad workers, he has obtained verdicts or settlements in excess of \$35,000,000.00 on behalf of his clients.

Mr. Jackson was born on September 21, 1959 in Rock Hill, South Carolina. He graduated from Wofford College in 1985 with a Bachelor of Arts in English Literature. He was awarded the degree of Juris Doctor from the University of South Carolina School of Law in 1985. During law school, he served as the law clerk for His Excellency Richard W. Riley, Governor of South Carolina.

After law school, Mr. Jackson served as the law clerk to the Honorable Marion H. Kinon, Circuit Judge. Upon leaving that position in 1986, he joined the nationally known litigation firm of Ness, Motley, Loadholdt, Richardson, and Poole in South Carolina. His first day practicing law was spent in representing a railroad worker dying of asbestos disease from working around steam locomotives that were maintained in a roundhouse in Virginia. He has since represented hundreds of workers suffering and dying from asbestos disease.

In 1990 he moved to Houston, Texas where he continued to represent railroaders until, in 2001, he opened The Law Offices of Martin E. Jackson in Conifer, Colorado located southwest of Denver. He represents injured railroad workers across the country in all types of injury claims arising from: traumatic injuries and deaths, cumulative traumatic injuries, asbestos disease (including cancer), lead, soil-borne bacteria, silicosis, welding fumes, hearing loss, diesel fumes, solvents and other types of injuries and occupational exposures. He also handles serious personal injury and death cases arising outside of the railroad industry.

Mr. Jackson is admitted to the bar of the United States Supreme Court. He is a member of the bar in South Carolina (1985), Texas (1991) and Colorado (2000), and Nebraska (2005). He is admitted to the United States Court of Appeals for the 4<sup>th</sup>, 5<sup>th</sup>, 9<sup>th</sup>, and 10<sup>th</sup> Circuits. He is admitted to the United States District Courts for the Districts of South Carolina, Texas (Southern), Nebraska, and Colorado.

Professionally, Mr. Jackson is a member of the American Association for Justice (Railroad Section). He is also a member of the Colorado Trial Lawyers Association, as well as the South Carolina, Texas, Colorado, and Nebraska Bar Associations.