

THE

# GOLDLAW

REPORT

# TRUCKING ACCIDENTS: A RISING PROBLEM IN FLORIDA

Practice Area Spotlight:

**SLIPS, TRIPS, & FALLS** 

GOLDLAW has been helping victims of trucking clams for two decades with significant success. **Pg. 12** 

AMY BOYKIN

**TECHNOLOGY MANAGER** 

Property owners have a duty to maintain safe premises and warn visitors of potential dangers. **Pg. 9** 

GOLDLAW's Employee Spotlight. Pg. 8

#### The Gold Standard.

We strive for excellence in everything we do. We have resources to fight the insurance companies. We run a well-organized and stable practice that has given back to the community for more than 20 years.

#### Compassion.

We are sensitive to the trauma our clients have suffered, which drives our commitment to help them recover. We provide support during a difficult time. We practice compassion with our clients, our team, and our community.

#### Innovation.

We've reinvented the practice of personal injury law. We empower our team to develop new ways to serve our clients. We pursue cutting-edge technologies to aet the best results.

# WE HOLD ACCOUNTABLE THOSE WHO HURT OTHERS.



CEO & Founder Craig Goldenfarb, Esq.

#### Our Mission Statement:

When the unforeseen becomes a reality, our mission is to provide hope, compassion, and guidance as your partners in recovery.

#### Integrity.

We conduct ourselves with professionalism in the office and in the community. We have strong moral principles. We are trustworthy and ethical.

#### Respect.

We value our clients' time, respond to their needs, and diligently pursue their case. We support our coworkers, enjoy working together, and celebrate the successes of our teams.

#### Success.

We have a strong record of winning. Our clients benefit due to our dynamic working environment and dedicated, long-term employees. Our leaders support and develop our teams.





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# A LETTER FROM CRAIG

Florida has Stolen the Rights of Victims of Negligence with Newly Passed Law

Unfortunately, during the recent legislative session, the Florida Legislature destroyed decades of laws that shielded Florida citizens from profit-driven insurance companies.

In May, 2023, in a sweeping new law written by insurance company lobbyists, the folks in Tallahassee stripped the rights of victims of negligence. The new law ensured billions in profits for insurance companies, without mandating any reduction of insurance premiums for customers.

How did this happen? It is because our Florida legislature has been the subject of constant pressure from Big Insurance to bail them out and help ensure their continued profitability.



PHOTO: THOMAS BARRAT - GOLDLAW LICENSED THIS IMAGE FOR EDITORIAL USE

Here is how it affects you:

# 1. You could be barred from filing a case if you wait too long.

Under the new law, you must file a lawsuit within two years of the occurrence that injured you. For decades, the limitation has been four years. It was cut in half. Unfortunately, this will clog the court system, as cases take time to develop and more cases will enter the courts earlier than they should.

# 2. You will be barred from recovering any money if you are found more than 50 percent at fault for your accident.

Let's say you turn left in front of a person in your car while driving. You get hit by another driver and you become paralyzed and will need care for the rest of your life. However, the person who hit you was going 100 miles per hour. If they weren't speeding, perhaps they could have avoided you or stopped. You both may be partially at fault. However, if the insurance company convinces a jury you are more than 50 percent at fault, you get **NONE** of your medical bills paid off, and **NOTHING** for your lifetime of pain and suffering. This threshold used to be different; if you were 75% at fault, you could get 25% of your damages. No longer. Insurance companies win; you lose.



#### CRAIG M. GOLDENFARB, ESQ.

Founder / Principal Attorney

-

Duke University Bachelor of Arts - 1992

University of Florida Doctorate of Jurisprudence - 1995

# 3. Your attorney's fees may no longer be paid by the insurance company when they wrongfully deny a claim.

For 130 years, there has been a safeguard in Florida against insurance companies wrongfully denying a claim. The safeguard was that they had to pay your attorney's fees, once they lost (which they usually did). However, this law has now been repealed.

For example, if you have a claim from a Hurricane for \$100,000 in roof damage, and the insurance company wrongfully denies your claim and then gives up shortly before trial, \$40,000 of the \$100,000 goes to your lawyer, and you only get \$60,000 (even though it will cost \$100,000 to fix your roof). Before the new law, you would get the entire \$100,000 and the insurance company would pay your attorney. No longer. Insurance companies win again.

This new law has many other parts to it-all of it is bad for the citizens of Florida. The insurance companies, once again, fooled the public, and the legislature, that insurance companies are the victim of a culture of "frivolous lawsuits".

Next time you see an endless stream of commercials for Progressive, Geico, Liberty Mutual, and other insurance companies, ask yourself where their advertising budgets come from, and why such budgets are so big. The answer? Your skyrocketing premiums, and no accountability.

Sadly, Big Insurance wins again, and you lose.

Next time you choose a candidate to vote for in future elections, see where they stand on whether they want to protect Florida's citizens or protect Insurance Company profits. Your vote matters.

Craig M. Goldenfarb, Esq.

Founder / Principal Attorney

MM



**UNFAIR AND UNBALANCED** 



#### LITTLE SMILES NURSES WEEK

May 6-13, 2023

GOLDLAW celebrated Nurses Week along with child charity Little Smiles $^{TM}$  at four local hospitals, by providing lunch and



beverages to the nurses who have dedicated their lives to help and protect others.

#### **SEVEN FIGURE ATTORNEY**

April 20, 2023

Attorneys from 18 States and Canada attended the 7 Figure Attorney Summit in Atlanta. Attendees received valuable insight from Craig on how to build their law firms into successful and profitable businesses.





#### SILVER SLUGGERS

Spring/Summer 2023

GOLDLAW is proud to once again be a sponsor of the Silver Sluggers Club at Roger Dean Chevrolet Stadium! This program for baseball fans 55 years of age and over offers discounted tickets, complimentary

food, and the opportunity to speak with GOLDLAW staff at all Wednesday games throughout the Florida State League baseball season.

#### **GOLDLAW STAFF PROMOTIONS**

GOLDLAW is proud to recognize the following staff members, who have recently been promoted:

Ruth Nelson - Litigation Secretary
Rosie Rodriguez - Lead Concierge
Gerald Arroyo - Employee Experience Coordinator

Thanks for your hard work, and enjoy your new positions!



RUTH NELSON Litigation Secretary



ROSIE RODRIGUEZ Lead Concierge



**GERALD ARROYO** Employee Experience Coordinator

# PRACTICE AREA SPOTLIGHT: SLIP, TRIPS, & FALLS

Premises liability holds property owners or occupiers responsible for injuries or damages caused by hazardous conditions on their properties. In Florida, premises liability laws aim to safeguard individuals visiting or residing on others' properties.

Property owners and occupiers must maintain their property in a reasonably safe condition and take necessary precautions to prevent harm to visitors. The duty of care varies based on the visitor's status: invitee, licensee, or trespasser.

- Invitees: Property owners owe the highest duty of care to invitees, who visit for business purposes or as members of the public. Regular inspections, hazard repairs, warnings, and reasonable care to prevent accidents are required.
- Licensees: Licensees, such as social guests, enter the property with the owner's permission for their own purposes. Owners must warn them about non-obvious dangers known to them.
- Trespassers: While property owners owe a lower duty of care to trespassers, intentionally causing harm or setting up dangerous traps is still prohibited.

To establish a premises liability claim in Florida, the injured party must prove the following elements:

- Duty: The property owner or occupier owed a duty of care to the injured party.
- Breach: The owner or occupier failed to fulfill their duty by neglecting property maintenance or addressing hazardous conditions.
- Causation: The breach of duty directly caused claimant's injuries or damages.
- **Damages:** The claimant suffered actual harm, including physical injuries, medical expenses, pain and suffering, or property damage.

Property owners and occupiers have a responsibility to maintain safe premises, warn visitors of potential dangers, and prevent accidents when possible. If you, a relative or acquaintance have injured due to hazardous conditions at someone's property, call GOLDLAW at 561.222.222 for a COMPLIMENTARY consultation to see if you have a case for monetary damages.







### SHARE YOUR EXPERIENCE WITH OUR TEAM!



#### **NEIL SYX**

**APRIL 21. 2023** 

The team at GOLDLAW was professional & supportive from Day 1! You'll truly appreciate the diligence they put into getting you the most. Thanks so much to Paul, Celina, Szu and the entire team!



#### **TERESA GONZALEZ**

**APRIL 26, 2022** 

I am very happy with GOLDLAW!
They treated my very well...
especially Paola Delacruz and
reception. They resolved my case
in less than a year...a marvel. I
recommend GOLDLAW 100%!



#### **JELSY SANCHEZ**

**APRIL 28, 2023** 

You are all so amazing at what you do...I cannot express how grateful I am! Special shout out to Diana Ramirez, my case manager who has been amazing. Thank you so much, GOLDLAW team!

# EMPLOYEE SPOTLIGHT

#### **AMY BOYKIN**

**Technology Manager** 

How long have you been at GOLDLAW, and what positions have you held?

I've been at GOLDLAW for 16 years now! I started in reception and now I'm the Technology Manager. In between, I've been a legal and administrative assistant, a bookkeeper, and an intake department manager.

#### Tell us about your present position?

I'm responsible for implementing, programming and training staff on all the software the firm uses. I have been doing this job since 2013, but my title changes to Technology Manager this year.

You work mainly remotely. Tell us about that, and how you juggle working from home and one week every month at the GOLDLAW offices...

Working remotely took some adjusting, as I was used to the office setting. But now, I'm able to do 95% of my job from home. The week I am in West Palm Beach is usually a "blur." I get to the office at 7:30am and sometimes don't leave until 7:00pm. I spend most of my time troubleshooting and helping staff that may need training or tech issues resolved. When I was a kid, I always told my family I would have a job that I would travel for. Getting that job didn't happen exactly how I planned, but I wouldn't trade what I do for anything!

### What do you enjoy most about your job and working at GOLDLAW?

I like making the staffs' visions come to life, implementing our case management system, FileVine, was a vision we had, and I helped make it happen! I'm also proud that the Executive and management teams listen to employees' thoughts and ideas. Numerous processes have been implemented and made more effective thanks to staff input.



### What changes in tech, such as the advent of AI, do you see influencing the legal industry?

Changes in tech, and the use of AI, will help streamline many processes, especially in such areas as legal research and contract review. This will have a positive affect on our industry, as it will allow attorneys and support staff to better manage their time, which allow them to focus on building better relationships with clients.

#### In my free time, I like to...

There's not much of it. But, I love to read, and my husband and I make travel a priority...we try to visit somewhere new every year. At home, we spend a lot of time with our fur babies! Our yellow lab Oliver loves being outside, and our two cats, Toby and Louie, love to be cuddled.

### Talk about any changes in tech that may be coming to GOLDLAW.

As a team, we are always looking at what new technology is out there to help streamline processes. Some changes coming to the firm may include: more cloud-based software usage, (i.e. SharePoint and OneDrive), and back-end automation, which will allow staff to push out reminders, emails, and texts to clients to let them know what is going on with their case faster and more efficiently.

### **ANNUAL SCHOLARSHIPS AWARDED TO ASPIRING FUTURE ATTORNEYS**

For 20 years, GOLDLAW founder and CEO Craig Goldenfarb, Esq., has made it a priority to give back to Palm Beach County and to show his appreciation for how the local community has helped the firm grow and succeed. One way GOLDLAW shows its appreciation to local students and future legal professionals is through The Emanuel McMiller Scholarship for Higher Education (EMSHE).

The scholarship program was created to benefit graduates of The Gerald A. Williams Center for Pre-Law at Palm Breach Lakes Community High School, as they apply and enroll in college and/ or law school. The scholarship is dedicated to Emanuel Miller, a former employee of GOLDLAW and graduate of Notre Dame Law School.

"Awarding the scholarship is one of the highlights of the year for me," Goldenfarb said. "It's an honor to help high achieving students at The Center for Pre-Law, and GOLDLAW looks forward to continuing this annual tradition."

On Friday, May 5, 2023, three students from the Gerald A Williams Center for Pre-Law took part in the award ceremony at the GOLDLAW offices. Here's a look at the winners:



#### SHIA ROZIER

Shia Rozier will be a first-year student this fall at North Carolina Agricultural & Technical University, where she anticipates graduating in 2027 with a Bachelor's Degree in Political Science.

Currently a senior at the Center for Pre-Law at Palm Beach Lakes Community High School, Shia ranks No. 2 in her class. She is dual-enrolled at Palm Beach State College.

#### IJAHALA POTTINGER

Ijahala Pottinger will be a 1L this fall at Columbia Law School, where she anticipates graduating in 2026 with a Juris Doctor degree and a Master of Laws degree in International Criminal Law.

Ijahala works as a litigation paralegal for the Law Offices of Esfand Nafisi. She previously worked as a senior litigation paralegal for Cravath, Swaine & Moore LLP.

#### **MIRIAM VIDAURRE-ZARATE**

Miriam Vidaurre-Zarate is a student at Palm Beach State College, where she received her Associate's Degree magna cum laude in 2022. In the Fall of 2023, she will transfer to Florida International University, where she anticipates graduating in 2025 with a Bachelor's Degree in Political Science. Miriam is also a 2022 EMSHE Award recipient.

Miriam works as a legal assistant at the Teebagy and Medeiros Law Group. She took the LSAT in April 2023 and plans to apply to law schools in 2024.

Alumni of the program have graduated from prestigious law schools across the country including Georgetown University Law Center, Notre Dame Law School, University of Florida Levin College of Law, University of Miami Law School, and the Thurgood Marshall School of Law at Texas Southern University.

Applications for the 2024 Emanuel McMiller Scholarship for higher Education will open in late December 2023 and close in late February 2024. For more information, visit EMSHE.org.

# OUR TEAM OF ATTORNEYS

Our team of personal injury attorneys is fully committed to representing those who have been injured or killed due to someone else's negligence.



#### **PROFESSIONAL AFFILIATIONS**

- Florida Bar Association
- United States District Court, Southern District of Florida
- Palm Beach County Bar Association
- Legal Aid Society of Palm Beach County
- Personal Injury/Wrongful Death Committee

#### **FEATURED ATTORNEY**

PAUL SHALHOUB, ESQ.

Litigation Attorney

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University of Florida

Bachelor of Science

New England School of Law

Doctor of Jurisprudence

AV Preeminent rated by Martindale-Hubbell and his peers since 2015, Paul Shalhoub may be a recent addition to the GOLDLAW litigation team, but he has already made an impact in his short time with the firm.

Recently named to Florida "Super Lawyers in Personal Injury," Shalhoub has been named to the National Trial Lawyers "Top 40 under 40 Trial Lawyers in Personal Injury." In 2022, he was selected to join the National Trial Lawyers: Top 100 for Civil Plaintiff, an organization that only invites premier trial lawyers who meet stringent qualifications.

His success in winning substantial recoveries cannot be questioned. Shalhoub has recovered over \$20M for clients in trial verdicts and settlements since 2017. In court, he has taken on major corporations including Walmart and State Farm, and beat them, resulting in significant awards for his clients. When not in the courtroom, Shalhoub is heavily involved in his community. He is the former mayor of Lake Clarke Shores and served three terms on the town council. He also teaches paralegal courses at Palm Beach State, focusing on trial and discovery strategies, and through Leadership Palm Beach County, speaks on panels pertaining to the roles of an elected official, running a campaign, and the issues surrounding taxation and the government use of tax revenue.

#### LITIGATION TEAM



CRAIG GOLDENFARB, ESQ. CEO, Civil Trial Attorney



SPENCER T. KUVIN, ESQ. Chief Legal Officer Civil Trial Attorney



TIMOTHY KENISON, ESQ. Civil Trial Attorney



JEFFREY D. KIRBY, ESQ. Civil Trial Attorney



PAUL M.
MCBRIDE, ESQ.
Civil Trial Attorney

# PAUL SHALHOUB, ESQ.

#### Why GOLDLAW?

Because of the structure Craig has built here. I wanted to be with a firm that was committed to giving back to the community and could match my level of commitment to community service. Craig and GOLDLAW embodied that, and he and the firm has supported every endeavor I have taken on. Coming to GOLDLAW also gave me the opportunity to reconnect with my first mentor, Spencer Kuvin. I interned with his firm in 2008, and my experience there verified my desire to practice personal injury law.

# Talk about your role as a member of the GOLDLAW litigation team...

As a litigator, it is our job to present cases in court in front of juries. One of the first things a litigator must do is develop a "theme" for the case. The theme is the framework or storyline that is created so that we can easily explain the facts surrounding the case to a jury. It is crucial that the theme makes it easy for the jury to understand the facts and evidence that is presented so that they reach the conclusion we want them to reach.

# Why did you decide to practice personal injury law?

From day one upon entering law school, there was one thing I wanted to do: practice personal injury law and do jury trials. I wanted to represent plaintiffs who were injured, and work to get them justice. Tort law is exciting to practice, because it allows us to advocate for clients in and out of the courtroom. We make society safer by holding wrongdoers accountable. That is what truly inspired my to practice law.

## Talk about how litigators can get juries to side with them?

If you can get jurors to engage with you on a substantive level, you can tell who will be leaders and followers. Lawyers do this by putting things in terms that all jurors, regardless of their interest or educational level can understand. One of the first things young attorneys learn is to eliminate complex terms and phraseology. I was taught to simply present the "meat and potatoes," because facts are what determine the case. This also helps cut down on time. We want to keep the jurors interested and engaged, so we focus on making what we present relatable. The last thing we want is for jurors to lose interest. When that happens, cases are lost."

LITIGATION TEAM



RAFAEL J. ROCA, ESQ. Civil Trial Attorney



PAUL SHALHOUB, ESQ. Civil Trial Attorney



MICHAEL WASSERMAN, ESQ. Civil Trial Attorney



DONALD W.
VOLLENDER, ESQ.
Pre-Suit Managing Attorney



JORGE
MAXION, ESQ.
Pre-Suit Attorney

PRE-SUIT TEAM

### TRUCKING ACCIDENTS AND YOU: WHAT YOU NEED TO KNOW

In the United States, large trucks - including semi-trucks, 18-wheelers, and commercial vehicles - are involved in a staggering number of accidents each year. Data from the National Highway Traffic Safety Administration (NHTSA) shows that there were 5,601 large trucks involved in fatal crashes in 2021, a 12% increase from 2020.

Florida ranks third among states for most truck accidents, trailing only California and Texas. In 2020 alone, accidents in Florida involving large commercial trucks caused 29 fatalities and more than 500 severe injuries.

#### Why Hire GOLDLAW for Your Trucking **Accident Claim?**

"GOLDLAW has been helping victims of trucking claims for two decades with significant success," said GOLDLAW Founder and CEO Craig Goldenfarb. In 2014, the firm negotiated a \$6.5M settlement for the family of a tow truck driver who was killed after being struck by a passing tractor-trailer while helping a motorist who had broken down on I-95, "It was a heart-wrenching, emotional case," said Goldenfarb. "It took a lot of time and resources, but ultimately our expert team was able show that the truck driver was at fault, resulting in a significant recovery for the family."

Truck accident claims are more complicated than those involving standard passenger vehicles due to these key differences:

#### 1) Severity of the crash and Resulting Injuries

Because of the truck's size, injuries to victims are generally severe, and in many cases lead to incapacitating conditions or death. According to the National Safety Council, in 2021, 5,700

large trucks were involved in fatal crashes, an 18% increase from 2020 and 49% increase over ten years. These crashes resulted in 5.788 deaths in 2021.

#### 2) Complexity of the Case

In large truck crashes, it's important to realize that multiple parties could be held liable for the accident. "It's been GOLDLAW's experience that many entities can be held legally responsible for an accident involving a commercial truck," said Goldenfarb. "This may include the driver's employer, the mechanics and techs who maintained the vehicle, manufacturers of the truck and its parts, and multiple insurance companies. That's why victims need a law firm experienced in cases like these to represent them."

#### 3) Causation/Evidence

"So many factors come into play with truck accidents that are not normally part of the car accident settlement/litigation process," said Goldenfarb. "In addition to multiple insurance considerations, we have to investigate state and federal transport laws, information stored on the truck's data recorder, driver's log reports, and cargo manifests. It's a time consuming, and detail-oriented process, but we must be thorough to get the best result for clients."





#### **Common Causes of Truck Accidents**

Florida experiences a high volume of trucks traveling through the state daily. Accidents happen for any number of reasons, but there are a few common factors including:

- **Distracted Driving** Because they spend most of their lives on the road, truckers often eat, drink. and perform other tasks while driving to stay on schedule. Accidents caused by these factors are a big problem, even though most of them are illegal under federal regulations.
- Driving Under the Influence According to the NHTSA, around 3% of truck drivers involved in fatal accidents in 2020 were intoxicated.
- Speeding/Reckless Driving 21% of truck drivers involved in a fatal crash have had at least one previous conviction for speeding, according to the NHTSA. Other dangerous behavior, including tailgating and illegally changing lanes is common for drivers trying to meet deadlines.

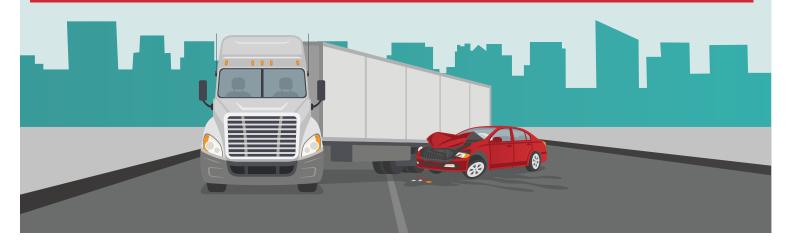
**Driver Fatigue** -Long hours behind the wheel make drivers tired, slowing their reflexes and response time. Although federal laws were enacted to ensure truck drivers take regular rest breaks, many ignore them.

#### **Defending Victim's of Trucking Accidents Requires Experience Few Law Firms Have**

Crashes involving commercial trucks are some of the most disastrous that occur on Florida roadways. Dealing with the aftermath can be frustrating and overwhelming, especially for victims. It's crucial to hire a law firm with a proven track record in getting great results for truck accident victims. That's why GOLDLAW should be your first call.

"Few personal injury claim cases are as complicated as accidents involving commercial trucks," said Goldenfarb, "Victims need a legal team that will advocate for them, have the resources to battle multiple insurance companies and corporate entities, and have a track record of getting results. GOLDLAW checks all of those boxes and more."

# TRUCK ACCIDENT FACTS



5,788

DEATHS RESULTING
FROM LARGE TRUCK
CRASHES IN 2021 +

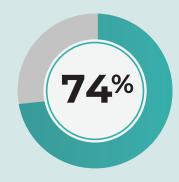
17%
INCREASE FROM 2020 +

1 %
INCREASE FROM 2021 +

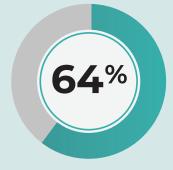
#### WHERE AND WHEN TRUCK CRASHES OCCURRED<sup>+</sup>



55% IN URBAN AREAS
45% IN RURAL AREAS



74% ON NON-INTERSTATES
26% ON INTERSTATES



**64**% DAYTIME **36**% NIGHTTIME

#### MOST COMMON CAUSES OF LARGE TRUCK ACCIDENTS IN FLORIDA\*

- **DISTRACTED DRIVING**
- DRIVING UNDER THE INFLUENCE
- **DRIVER FATIGUE SPEEDING**
- **POOR VEHICLE MAINTENANCE**
- **INADEQUATE TRAINING**
- **POOR WEATHER CONDITIONS**



#### TIPS TO AVOID TRUCK ACCIDENTS

FOCUS ON THE ROAD! IF YOU GET TIRED, OR NEED TO PLACE A PHONE CALL OR TEXT, FIND A SAFE PLACE TO PULL OVER.

> LEAVE PLENTY OF SPACE BETWEEN YOU AND THE TRUCK.

AVOID TRUCK DRIVER BLIND SPOTS. THEY CAN'T SEE YOU IF YOU ARE DIRECTLY BEHIND THEM!

ANTICIPATE WIDE TURNS, TRUCKS NEED MUCH MORE ROOM TO MANEUVER AND TURN THAN YOUR CAR DOES.

### STATES WITH THE **MOST DEATHS & INJURIES FROM LARGE TRUCK CRASHES IN 2021**\*

**TEXAS** 

862 DEATHS

**12,008** INJURIES

CALIFORNIA

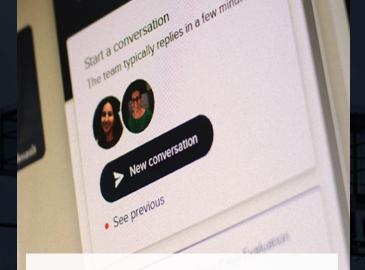
**523** DEATHS

**7,040 INJURIES** 

FLORIDA

322 DEATHS

**4,312 INJURIES** 



#### **CHAT ON OUR WEBSITE!**

There are many ways to get in contact with us. However, there are times that you might want to inquire about our services quickly before speaking to someone over the phone or in person. The chat feature on our website is a perfect solution!

Visit GOLDLAW.com to tell us about your potential case!

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P: 561.408.9620

**Super Lawyers** 















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Representing Clients Throughout Florida