

ILLINOIS INJURY LAWYER NEWS BRIEF

September 13, 2010

NURSING HOME ABUSE AND NEGLECT

SEPTEMBER 13, 2010

Investigation Shows Hidden Abuse & Neglect at Nursing Homes

The *Seattle Times* conducted a troubling new investigation which explained the hidden problems of neglect and abuse that go unreported at many nursing homes.

For example, 68 year old Audree Hopkins was a resident at a facility for only 6 months before a lit cigarette ignited her oxygen tank. As a result of the explosion, Audree's face was painfully seared. Both of her earlobes were burned off as was the end of her nose. Hopkins was partially blind and was unable to light a cigarette herself, and it is suspected that a nursing home employee actually lit the cigarette that led to the explosion.

Shockingly, following the tragic accident, nursing home officials attempted to cover-up the incident. When police detectives tried to investigate the incident they discovered that nearly all evidence related to the accident have been destroyed only five days after it occurred. In fact, when first questioned all nursing home employees claimed that Audree was not smoking or hooked up to an oxygen tank at the time. It wasn't until forensic evident on the melted wheelchair and oxygen tank was returned that authorities were able to conclusively determine the cause of the accident. It now appears as if nursing home employees had jointly concocted a cover-up story in an attempt to hide the truth.

These cover-ups are not rare. The problem is so severe, that an investigation in that single state alone revealed that an astounding 357 nursing facilities had hidden evidence of abuse or neglect, even those involving death. From forging medical records and threatening residents to lying to investigators, many staff members are willing to do whatever it takes to brush over **nursing home mistakes** and hide the truth.

Our **Chicago nursing home lawyers** at Levin & Perconti are committed to both vindicating the rights of the abused as well as exposing the often hidden problems of neglect at these facilities. Every effort needs to be made to ensure that these vulnerable residents remain safe and that nursing home administrators are held accountable for their attempts to cover up the errors.

Please [Click Here](#) to read more about the troubling cover-ups of nursing home abuse.

Posted by Levin & Perconti | [Permalink](#) | [Email This Post](#)

Posted In: [Nursing Home Abuse](#)

SEPTEMBER 11, 2010

Illinois Nursing Home, Galesburg Terrace, Faces Fines For Negligence

Earlier this week we posted a story on the troubling negligence at the Galesburg Terrace involving mold found in several patients' rooms. Now, the Galesburg Register-Mail is confirming that the Illinois nursing home faces mounting fines for its problems keeping the facility safe for residents. An inspection of the nursing home found that dangerous black mold was growing inside several patient rooms as well as a communal bathroom facility. The black mold posed a real health threat to the residents exposed to it. The condition was particularly egregious considering that most residents are in the facility specifically because their health is especially fragile and at risk for complications.

Specifically, the Illinois Department of Health explains that the facility may be fined \$200 per day for their unhealthy conditions, beginning in April 30th and continuing up to the day the problem is fully corrected. The fines would be levied by the federal authorities at Medicare and Medicaid Services.

Unfortunately, finding problems at nursing homes are not uncommon when inspectors examine these facilities to ensure they are safe and healthy for residents. A nursing home receives a “tag” for each violation found. One Galesburg Terrace employee explained that, “Nursing homes in Illinois, you will see ours in not out of the norm. The average survey produces 7 to 9 tags.”

The problems that continue to plague so many facilities in Illinois are why our [Chicago nursing home lawyers](#) at Levin & Perconti continue to represent victims of [nursing home negligence](#) and abuse. Please contact a nursing home lawyer any time you discover problematic care of one of these Illinois facilities.

Please [Click Here](#) to learn more about the unfolding issues at this negligent nursing home.

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SEPTEMBER 10, 2010

Aide's Failure to Supervise Resident Leads To Deadly Fall

The *Minneapolis-St. Paul Star Tribune* recently discussed the tragic death of a 91 year old [nursing home resident](#). In April of this year, Jeanette Rittenhouse, a resident at the Samaritan Bethany Home on Eighth, asked for an aide to help her get to the bathroom. Common procedure requires that those residents who need assistance get the help of an aide as well as the use of a walker and a gait belt. All of these are required to ensure the maximum safety while the resident is moved.

While being taken to the bathroom in that manner, Jeanette's roommate rolled in front of the bathroom door in a wheelchair. Instead of moving her back to the bed or calling for assistance, the aide left Jeanette standing alone and went to move her roommate. Jeannette was not at all able to stay up on her own—that is why she asked for assistance in the first place. As soon as she was left there, she fell backwards in a freefall leading to severe injuries. She was bed-ridden for several weeks after before eventually passing away.

The nurse's aide explains that she “panicked” in the situation, causing her to make the deadly mistake. She was suspended, and the rest of staff members are being trained again on the way to handle the process of moving residents.

[Nursing home falls](#) caused by failure to properly supervise residents is a common example of negligence at these facilities. Thousands of deaths occur at Illinois nursing homes each year because of falls. Our [Chicago nursing home lawyers](#) at Levin & Perconti have represented many families who lost loved ones because they were left unattended at critical moments. Because it happens so frequently all nursing home staff members should be well-aware of the dangers posed by leaving vulnerable residents alone. There is no excuse for making these mistakes—not when lives hang in the balance.

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Posted In: [Nursing Home Negligence](#)

SEPTEMBER 9, 2010

Skilled Healthcare Agrees To Settle Nursing Home Lawsuit for \$50 Million

One of the most high-profile (and high cost) [nursing home lawsuits](#) of all-time involved the class action lawsuit against Skilled Healthcare Group.

The legal matter stemmed from the nursing home chain's failure to properly staff its facilities as required by law. The state required that nursing homes maintain 3.2 hours of nursing care per patient, per day. The group was falling far below that amount.

Following the trial in that case, a jury awarded the victims a staggering \$670 million for the losses they suffered as a result of the nursing homes' failure to comply with the staffing law. However, according to the *Los Angeles Times*, before an appeal on that jury verdict could be heard, the plaintiffs and the company agreed to a \$50 million settlement instead. If approved by the court, the money would be set aside in an escrow account to be paid to the victims.

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Reaching a settlement like this is common following a staggering jury verdict. In practical terms, the company would likely have been unable to use its credit, insurance, and cash reserves to pay anything close to the \$670 million award. In contrast, the settlement, though a much lower amount, allows victims more assurance that they will actually receive the award and will get it in a much timelier manner.

In addition, the settlement also requires Skilled HealthCare facilities to have an outside group monitor its nursing staff levels to ensure that the law is complied with in the future.

Our [Chicago nursing home attorneys](#) at Levin & Perconti have watched with interest as the legal issues unfolded in the California case. Illinois has a similar required minimum amount of nursing hours per day per patient at all nursing homes. Our attorneys remain vigilant watchdogs of these facilities to ensure that all applicable [nursing home laws](#) are followed. Failure to abide by the legislative requirements is both legally wrong and also dangerous for residents who often suffer injury and death due to the negligence caused by the lawbreaking.

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SEPTEMBER 8, 2010

Jury Awards Verdict for Resident in Nursing Home Lawsuit

Last week *The Daily Republic* explained a jury verdict in a [nursing home lawsuit](#) that found a local care facility guilty in causing the death of one of its residents, Helen L. Bumgardner. Two sons were awarded \$500,000 by the jury following the careless and negligent behavior by an employee at Firesteel Healthcare Center.

Ms. Bumgardner was receiving care the facility several years ago when a certified nursing assistant attempted to transfer her off the toilet in the middle of the night. The negligent nursing home employee tried to make the effort without any help—contrary to clear policy. While attempting to make the move, Helen fell and hit her head on the bathroom floor.

It wasn't until six hours later that she was eventually transferred to a nearby hospital where it was discovered she had fractured both her humerus and hip. As a result of the fall, Helen also suffered a hematoma which is essentially bleeding around the brain. Helen eventually passed away, and the doctors ruled that her death was caused by complications from her hip and shoulder injuries.

Initially the nursing assistant denied her role in the fall, because she did not want to get into personal trouble. She first concocted a story about the resident falling out of bed on her own and hitting her head. It was only when pressed for the truth that she revealed what actually happened. A co-worker also admitted that the negligent nursing assistant had consumed three caffeine pills that night and appeared very hyper, using over-exaggerated motions.

This type of deadly negligence occurs all the time at nursing homes. Our [Chicago nursing home lawyers](#) at Levin & Perconti have seen case after case of staff members who attempt to make dangerous physical moves of residents without help. The problem is then made worse by the employee's lying about the incident. The difficulty in rooting out the truth in these situations is exactly why it is important to contact a [nursing home attorney](#) any time you suspect a loved one has suffered harm at a facility that may have been prevented.

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MEDICAL MALPRACTICE

SEPTEMBER 13, 2010

Review of Medical Mistakes Reveals High Cost of Errors

The *Green Bay Press Gazette* published an editorial this weekend concerning the high cost of [medical mistakes](#) on local residents, their friends, and family.

After a review of hospital inspection records, reporters discovered that most area hospitals did a good job of keeping patients safe. However, every time a healthcare provider makes even a single medical mistake, the cause needs to be closely monitored and the victim needs to hold the offender accountable to help ensure that future errors are limited. The costs of these errors is simply too high.

For example, the report revealed that one woman died only 24 hours after arriving at a local hospital complaining of feeling bloated and weak.

Officials later discovered that an employee made many mistakes, including not getting the woman's x-ray to her doctor in a quick fashion. In another

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case, doctors at a hospital examined a paraplegic and completely missed the fact that the injured patient had a broken leg. The patient was forced to suffer through the broken bone without treatment. The editorial concluded with a call to remember that even one error that can be prevented is one too many—especially when it leads to unnecessary deaths.

Our [Chicago medical malpractice attorneys](#) at Levin & Perconti believe strongly in the continued need for negligent doctors to be held accountable for their [medical errors](#). Our work is not guided by a belief that all doctors provide problematic care. We know that most medical professionals are indispensable experts who save thousands of lives every day. However, there remains a small group of physicians who consistently fall below the standard of care that patients deserve. Because of the high cost of the errors that those negligent physicians make, it is important to ensure that everything is done to ensure that they are not continually made.

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Posted In: [Wrongful Death](#)

SEPTEMBER 11, 2010

Hospital Worker Submits Fake Mammogram Results

Proper preventative testing is an important part of detecting health problems early enough to provide life-saving treatment. It is for that reason that there has been a recent push to encourage everyone to receive yearly tests for particularly common ailments. One of the most prominent examples of this trend is the encouragement for women to receive yearly mammograms.

However, some women recently found out that their testing was completely useless, because the results were never examined by a doctor at all. *ABC News* reported on a bizarre case of [medical mistakes](#) involving a willfully negligent hospital employee. Rachel Rapraegar was a radiology technician at the Perry Hospital in Perry Georgia. While in the position she gave mammograms to hundreds of women who came in to ensure that they did not have breast cancer. However, instead of taking the test and giving the results to the doctors to examine, Rapraegar never showed the actual doctor anything. Instead, she simply marked the results as negative and sent the patients on their way.

Officials believe that over a thousand women fell victim to this reckless conduct. Of course, the result is that many women who actually had cancer, never found out. The disease was allowed to spread without the unknowing patient receiving any needed treatment.

Of the 1,300 mammograms that were never reviewed by a doctor, 10 of them have already been discovered to have actually revealed breast cancer. The women have been notified of the mistake. As a result, many of these women may have their lives shortened, because their treatment was delayed.

One victim explained her anguish, "She's cut time with my family. She's taken away time from me, that I would spend loving the people that I love." Our [Chicago medical malpractice attorneys](#) at Levin & Perconti are appalled that this type of conduct could occur at any hospital. The blatant disregard for the needs of patients, for no apparent reason, is simply inexcusable. Examples like these are exactly why it is important that patients' rights remain properly protected. When lives are cut short because of [medical errors](#) like this, the court system is often the only place remaining that can help vindicate patient losses.

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Posted In: [Delayed Diagnosis](#)

SEPTEMBER 10, 2010

Medical Malpractice Reform Not the Answer to Rising Healthcare Costs

Representative Michael Burgess, the Republican chairman of the Congressional Healthcare Caucus admitted to *The Hill* this week that attempting to limit [medical malpractice](#) awards for victims will not save the nation much on healthcare costs. This is an important concession from an advocate that has previously called for new laws which would infringe of the rights of patients who suffer at the hands of medical mistakes.

Rep. Burgess explained that, "I have never suggested that medical liability reform is a silver bullet."

The comments were spurred by a new study which documented costs associated with handling the malpractice that doctors commit. The researchers behind the study were clear in explaining that attempting to lower the costs to doctors from malpractice liability would do little to solve the country's overall healthcare expense problem.

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The author of the study explained the reality of the situation, “Physician and insurer groups like to collapse all conversations about cost growth in health care to malpractice reform...the amount of defensive medicine is not trivial, but it’s unlikely to be a source of significant savings.” The truth of this position is bore out in real world examples. Texas imposed caps on medical malpractice awards several years ago. Today health care costs in the state remain very high.

Our [Chicago medical malpractice lawyers](#) at Levin & Perconti stand by our commitment to ensuring that patient rights are protected. **Medical mistakes** often permanently injure and destroy the lives of innocent patients—those victims deserve the same legal protections afforded to all those who suffer because of negligent conduct. Our attorneys believe in the basic fairness of allowing our legal system to work as it should, with judges and juries hearing these disputes and deciding the appropriate course of action. A legislative decision that handcuffs the legal system’s ability to handle these cases does nothing but take away rights of suffering victims.

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SEPTEMBER 9, 2010

Eight Babies Killed After Doctors Fail to Diagnose Problem

This week *United Press International* discussed a troubling report from some state health officials indicating that more than half a dozen young babies died in that state in the last year alone because of one particular type of **medical mistake**.

In a letter sent to doctors, clinics, and hospitals, a state Department of Health official indicated that eight young children under the age of six months had died the previous year because of medical professionals who failed to diagnose them with whooping cough in time for proper lifesaving treatment.

The health official explained, “In several cases, the infants were treated only for nasal congestion or mild upper respiratory infection. By the time these infants develop severe respiratory distress, it was usually too late for any intervention to prevent their tragic deaths.”

Time is of vital importance in many medical situations. That is why it is especially critical for all medical professionals not to waste any time that could be used to treat fast growing medical problems in their patients.

All medical errors are tragic, but there is something particularly painful about mistakes that take the lives of the youngest, most fragile members of our society. Our [Chicago medical malpractice attorneys](#) at Levin & Perconti have won many verdicts and settlements on behalf of families that have lost young children. Over the years we have represented several victims in multi-million dollars decisions after losing children because of problems during childbirth. In addition, we won a \$2.25 million settlement for the family of a five year old boy who died as a result of the doctor’s **failure to diagnose** an infection following a bone marrow transplant.

Doctors maintain a duty to provide reasonable care whenever they examine a patient. That care includes proper diagnosis of potentially life-threatening medical problems. If you believe that your doctor may have failed to catch a medical issue promptly, please contact a medical malpractice lawyer to learn about your rights.

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Posted In: [Failure to Diagnose](#)

SEPTEMBER 8, 2010

Many Doctors Keep Treating Patients after Disciplinary Problems

The *Sacramento Bee* recently described the complex process often used to police doctors and helps ensure that medical licenses are only given to those medical professionals competent enough to handle the job. The information is helpful in understanding how many doctors with a history of mistakes remain able to treat other patients.

With disciplinary actions piling on top of one another, taking years to sort through, many extremely negligent physicians are allowed to treat thousands of patients in the meantime. One victim complained to the state board about a **doctor’s negligence** that led to the death of her mother. However, the board was so slow in dealing with the matter that another patient died from the same doctor’s negligence while the board was still reviewing the first error.

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Essentially there are often two categories of offenses that doctors can make: those that require automatic loss of license and those that do not. Automatic loss conduct includes only registered sex offenders and doctors who sexually exploit patients. Other than that, doctor misconduct is evaluated on a sliding scale. The vast majority of those other errors lead to reprimands or probation, without any limit on what patients they see or what operations they perform afterwards.

A concern, however, is that there is no policy in place to weed out those doctors who repeatedly make mistakes that on their own are not enough to cause a loss of license. In other words, there is no "three strikes" policy or even "five strikes" policy. For example, one doctor was placed on probation four times (two stemming from patient deaths) and had his license temporarily revoked, but he still practices and treats patients today. Our [Chicago medical malpractice attorneys](#) at Levin & Perconti believe that like all professions, doctors should be held to the highest standards of care and conduct. Uniquely in the medical context, many of their mistakes can never be undone, because they literally involve the loss of human life. Because of the particular fragility of the victims under the circumstances, it is all the more important to ensure that the individuals allowed to practice medicine are of the highest caliber and quality.

Please [Click Here](#) to read more about the medical disciplinary review process.

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Posted In: [Professional Malpractice](#)

CAR ACCIDENTS

SEPTEMBER 12, 2010

U.S. Traffic Deaths Lowest In 60 Years

The United States Department of Transportation released some very encouraging news last week regarding [traffic safety](#). The agency explained that deaths caused by traffic accidents are now at a 60 year low.

As reported in the *U.S.A. Today*, last year 33,808 people were killed on our nation's roadways. That figure is nearly 10% lower than the figures from 2008. The total deaths from vehicle crashes have not been that low since 1950, when 33,186 people died. Amazingly, there were only 1/5 the number of cars on the road in 1950 as there are today. That means that the decrease in traffic fatalities is even more substantial than the raw figures reveal.

Examined as a percentage of total traffic, last year represents the lower figure ever with 1.13 deaths per 100 million miles traveled. Categorically, the types of traffic deaths are decreasing across the board. For example, [motorcycle deaths](#) have fallen every year for the past 11 years. Also, drunk-driving deaths last year dropped by 7.4%.

Many causes have likely contributed to the stunning decrease in deaths. These include increased seatbelt use, more stringent enforcement of drunk driving laws, better upkeep of roads, safer vehicles, and better coordination of traffic safety measures between the states.

Our [Chicago car accident attorneys](#) at Levin & Perconti are encouraged by the news of lowered traffic deaths. We have witnessed first-hand the devastation that these tragedies bring on friends and family of the victims. However, we also know that tragic accidents still occur far too frequently; much work remains to be done to ensure that negligent drivers stay off the roadways.

As U.S. Transportation Secretary Ray LaHood said, "We could not be happier, but we are not going to sit back on our laurels. We have a long, long way to go."

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Posted In: [Automobile Accident](#)

SEPTEMBER 10, 2010

Nine Chicagoans Injured in Northwest Side Crash

NBC Chicago News reported on a multiple [car crash](#) last week in Chicago involving four vehicles. It occurred early in morning last Saturday in the Logan Square neighborhood.

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A driver of an Infiniti was headed west on Fullerton Avenue near Sacramento Boulevard when he hit another car. After that first impact, the driver panicked and made a U-turn. He then headed at a high speed back east. In the ensuing dash back down Fullerton, the Infiniti then crashed into two other cars—a taxi and a Toyota Land Cruiser.

The second impact caused three people to be ejected from their cars, as well as injuring the taxi driver, the Toyota driver, and a taxi passenger. All told, seven people were taken to the hospital in serious condition and two others were brought in for less serious conditions. One passerby administered CPR to one of the victims.

Car accidents like this one that involve nine different people are unfortunately all too common in our city. With millions of people using the roadways at all times of the day and night, serious traffic accidents happen at an alarming rate. Our [Chicago car accident attorneys](#) at Levin & Perconti have worked with many victims of these crashes and their families in the aftermath of the incident. With so many emotions involved in these events—especially when they are caused by the reckless behavior of a fellow driver—it is important to have experienced experts helping you handle the legal side of the matter. We encourage all those who have suffered because of the driving mistakes of others to contact a [car accident lawyer](#) and learn about your legal options.

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TRUCKING ACCIDENTS

SEPTEMBER 11, 2010

Woman Critically Injured in Semi Crash

WLWT News reported yesterday on a tragic [truck accident](#) involving a young woman. Early yesterday morning, shortly before 4 a.m., Tanishia Elliot was getting sick and pulled her vehicle over to the side of the highway. Her friend, 27 year old Aujeni Washington, pulled her vehicle over to the side as well in order to help Elliot. Both friends had been out to celebrate Washington's 27th birthday.

Washington got out of her car and started walking toward Elliot. As she was walking, she was hit by a semitrailer that was traveling down the highway. She was stuck under the truck and dragged down the freeway before she was able to free herself. Paramedics rushed Washington to the hospital where she remains in critical condition.

Investigators are still not sure what caused the truck driver to veer off the road and strike Washington. They believe that the driver may not have known that he hit anyone. They are still searching to find the driver of the semi.

Washington's parents are shocked and angered by the highway accident. Her father explained, "I just want you all to track him down—that's all. I just want some justice and closure."

Stopping and walking along a highway remains an incredibly dangerous action. The risk increases tremendously after sunset, when visibility worsens. It is for the same reason that all drivers need to remain extra vigilant to ensure that they do not accidentally leave their designated lane and slip onto the road shoulder where other cars may be stopped. Our [Chicago truck accident attorneys](#) encourage pedestrians, drivers, and passengers to take all precautions when traveling on the highway to ensure that [semi accidents](#) like this are avoided in the future.

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Posted In: [Truck Accident](#)

SEPTEMBER 9, 2010

Multi-Vehicle Truck Crash Kills Three

Three travelers were killed on Tuesday after getting caught up in a three-vehicle crash along Iowa Highway 2, reports the *Des Moines Register*. The [truck accident](#) occurred in the morning, around 8 a.m.

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The two lane highway, like many similar roads, has no barrier between each lane of traffic that is traveling in opposite directions. On Tuesday morning, a semi truck driven by Thomas Ryan was traveling eastbound. Two other vehicles were traveling in the opposite direction, an SUV driven by Edna Downs and a Chevrolet truck driven by 24-year old Kenneth Matthews.

For unknown reasons, the semi driver somehow turned the vehicles too far left, causing it to cross the center line and travel into the other lane. As a result, the large truck slammed into the two vehicles that were headed in the opposite direction. Following the initial impact, the semi rolled over and caught fire. That fire spread to the Chevy truck as well. All three drivers were killed.

The true costs of crashes such as this one are impossible to measure. The family and friends of each of these individuals will never truly be able to recover from the devastation. That is why every effort must be made to ensure that these tragedies never occur. In particular, semi- trucks maintain the ability to take out several vehicles any time they veer out of control, making any crash that much more costly. It is imperative that drivers and owners of these trucking units give particular care to their driving to ensure the safety of everyone on the roadway.

Our [Chicago truck accident attorneys](#) at Levin & Perconti have spent decades holding those who violate that duty of care accountable for their mistakes. We will continue to provide oversight of all negligent [trucking operators](#) so that fewer families have to suffer following these automobile deaths.

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Posted In: [Truck Accident](#)

SEPTEMBER 8, 2010

Illinois Begins Cracking Down On Distractions While Driving

A new state police effort in Chicago known as a “Combined Corridor Enforcement” will get underway this month in an effort to catch drivers engaging in several common [distracted driving](#) actions. According to *My Fox Chicago* the project will focus on what are known as the “Fatal Five” violations: speeding, failure to use seatbelts, Driving under the Influence, following too closely, and improper lane usage.

Also, the Illinois State Police in the Chicago-area will concentrate on drivers who text while behind the wheel and fail to move over when emergency vehicles are approaching. The crack-down will be specifically focused on the Interstate 355 corridor, portions of the Tri-State Tollway, and parts of Reagan Memorial Tollway.

The enforcement program is a joint effort intended to reduce crashes in areas on the highway where they are common—when cars approach off-ramps and at interchanges. Of course, our [Chicago car accident attorneys](#) at well aware of the problems that exist at these risky locations on the high-speed roadways. Any location where travelers go from a fast speed to a slower speed presents unique challenges that put all drivers at risk. That risk is magnified tremendously when drivers engage in behavior that distracts them.

The consequences of this [distracted driving](#) are exponential. Lives literally hang in the balance, and so the importance of eliminating these deadly behaviors cannot be overstated. We encourage all travelers to exercise extreme care both in these risky locations as well as at all times when behind of the wheel of these machines.

As State Police District Chicago Commander David Nanninga said, “The Illinois State Police would like to remind motorists how important it is to practice safe driving habits and eliminate distractions while driving.”

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