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Clearing up common misconceptions about PI cases

There are many misconceptions and myths about personal injury cases. In some instances, the misconceptions may cause injury victims to assume they have no legal recourse for their harm or that, even if they do, the end result won't be worth the effort.

However, anybody who has been hurt and believes someone else was at fault should contact a local personal injury attorney right away instead of assuming it will be pointless. In the meantime, here are some common misconceptions that are important to clear up.

The first is that all cases go to trial, which can be costly, stressful and unpredictable. But the reality is that approximately 95 percent of PI cases result in a settlement, in which the defendant agrees to pay the injured party for their harm and the injured party agrees to end the lawsuit.

While a jury verdict may sometimes result in a bigger award, the advantage of a settlement is that it's quicker, less contentious, and avoids the unpredictability of a jury.

A good personal injury lawyer is key to obtaining a fair settlement that represents the harm you've incurred. A good attorney is also prepared to take a case to trial if that's what's ultimately necessary to secure the compensation you deserve.

An additional misconception is that you can file a lawsuit at any time, so there's no reason to call an attorney right away. In reality, every state has a time limit — known as a "statute of limitations" — for bringing your case.

If you wait too long, you lose the right to sue. State statutes of limita-



tions can range from one to six years from the time of the accident or from the time you discovered the injury, with two-year or three-year statutes being the most common.

They can also vary within states, depending on the cause of injury. For example, in some states you may need to bring a medical malpractice case more quickly than other types of injury cases, and in other states there may be a different statute of limitations for motor vehicle cases.

Either way, it's important to contact an attorney quickly so the clock doesn't run out on you.

A third misconception is that you can recover only for the physical injuries you've suffered. You actually can also be compensated for your emotional distress, pain and suffering, and loss of enjoyment of life, among other things, and a good personal injury lawyer will be sure not to overlook these types of harms.

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Catastrophic birth injuries and their long-term costs

Birth injuries refer to the harm a child suffers during labor, delivery or the immediate aftermath. It can range from bruising, cuts or fractures sustained during the birthing process, which often can heal, to injuries that cause permanent harm, like oxygen deprivation, which can lead to cerebral palsy or other permanent disabilities.

When a birth injury occurs, parents initially tend to be focused on their child's survival and stabilization. Soon, however, parents in this situation face the reality of the potential long-term financial implications.

An experienced personal injury lawyer can help you navigate this frightening landscape, determine if a medical provider is at fault, and help you secure whatever type of damages to which you may be entitled.

In the meantime, here are some costs commonly associated with severe birth injuries.

First, you can expect to have significant medical costs. Cognitive disabilities stemming from birth injuries may require lifetime care. Medical care is expensive, and families can expect lifelong treatment to rise into the high six figures or even seven figures.

In addition to medical care, children who suffer cognitive disabilities like cerebral palsy or Erb's palsy will likely require physical therapy, occupational therapy, and speech therapy in order to help them have as normal a life as possible. A good PI lawyer can work with medical experts to help identify such costs.

A child with a birth injury may also require special modifications to the family home and vehicles, which can create substantial costs. Similarly, wheelchairs and lifts can be expensive. These are costs a lawyer may be able to help you recover as part of a damages award.

Beyond such expenses are noneconomic damages. These are "softer" damages that can be tough to put a dollar figure on — things like physical pain and suffering, scarring and disfigurement, and the emotional trauma associated with living with a birth injury.

If it can be established that a birth injury was, in fact, caused by a medical provider's negligence, you may be entitled to recover for all these costs. Contact an attorney where you live to discuss what rights you might have.

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How bike accident cases differ from automobile cases



Cycling is an enjoyable pursuit, a great form of exercise, and an economical form of transportation, but it can be dangerous.

According to figures from the National Highway Transportation Safety Administration, roughly 1,000 people on bicycles are killed each year in traffic crashes that are reported to police, accounting for about 2 percent of all traffic fatalities, and about 45,000 bicyclists are injured in crashes annually.

As with motorists and passengers hurt in car crashes, injured bicyclists are entitled to compensation for their harm if the accident is someone else's fault. But there are some significant differences between a bike case and a car case.

For example, bicyclists often suffer more seri-

ous injuries, since they absorb the full impact of the crash directly through their bodies, unlike in auto collisions, where they're protected by seatbelts and airbags as well as the vehicle frame itself. As a result, bicycle crashes often result in traumatic brain injuries, fractures and severe harm to the spinal cord, resulting in higher medical and rehabilitation expenses.

Additionally, many people have a bias against bicyclists, viewing them as daredevils and pests who don't obey traffic rules and don't belong on the road. This means that insurance companies may try and argue that the cyclist was taking unreasonable risks, such as riding too close to traffic, traveling too slowly, and wearing clothing that made it hard to see them — things the cyclist will have to overcome if they seek to hold an at-fault driver responsible.

Insurers will also try and fault a cyclist who wasn't wearing a helmet, even if your state doesn't require it. However, it's important to note that while it's a very good idea to wear a helmet, this doesn't clear a driver of responsibility if the crash is their fault.

If you've been injured while cycling, it's important to speak to a personal injury lawyer who can help you navigate all these issues and obtain the compensation you're entitled to.

I've settled my injury case. When can I expect my check?

Bringing a personal injury claim can be stressful. So it's usually a big relief when an injured person settles a case. Usually the next thing on their mind is: When do I get my check?

After all, they may have been unable to work since the accident and bills are piling up. Plus, they may be racking up significant medical costs.

Unfortunately, the check does not usually arrive the next day. Typically, once you and the other party (their insurance company, in most cases) agree to the settlement amount, you will sign a "release" agreeing not to pursue any additional claims against them. As soon as you have signed the release, you could receive your check within two to six weeks. However, there are variables that could impact the timing.

For example, you probably won't receive the check directly. Instead, it will likely be sent to your attorney, who deposits it into a "trust account," from which your lawyer pays any "liens." These are claims that your medical providers or other creditors may have on some of the money you recover.

Your attorney might actually be able to get providers to reduce their liens, which would increase the amount of your recovery, but that could add extra time to the process.

At the same time, your attorney very likely took your case on a contingency fee basis, meaning they get paid by receiving a percentage of your recovery. They will deduct their fee from the proceeds in the



trust account at this point.

Another variable is the insurance company. Each company has its own procedures and, depending on how many layers of red tape they have, some issue their checks more quickly than others.

Additionally, depending on the nature of the case, a court may need to approve the settlement, which can add additional time before you receive your check.

And, of course, any mistakes in the release or in the insurance paperwork can cause further delays.

Still, if you are proactive by ensuring your lawyer has complete and accurate information and by signing and returning required documents quickly, you may be able to speed along the process and get your settlement check more quickly.

Clearing up common misconceptions about PI cases

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Similarly, many people mistakenly believe they need serious injuries to file a claim in the first place. But even minor injuries can create valid claims, particularly if they impact your day-to-day activities. So even if you don't believe your physical injuries are that serious, it's still worth discussing your options with a lawyer.

Meanwhile, many people mistakenly believe they can handle a simple claim themselves. But it's well-established that, even in simple cases, injury victims who use a lawyer receive better results. That's because they are well-versed in the complex rules and negotiation tactics that insurance companies tend to use and because they have experience determining how much a case is actually worth.

They also know how to determine if there are additional sources of compensation — such as a responsible third party — that the injury victim may not be aware of.

Finally, all too many injury victims assume they can't afford a lawyer. But most personal injury attorneys work on a contingency fee basis. This means they only get paid if they secure a settlement for you or a jury verdict in your favor. You pay no upfront costs and their fee will be a percentage — usually between 25 and 40 percent — of whatever they recover on your behalf.

If you or someone close to you has been injured, you believe someone else is at fault, and you're not sure what to do, don't fall prey to these misconceptions. Contact a personal injury lawyer today.



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Prescribed a dangerous drug? Here's what to know



Every year, more than 4,000 drugs and medical devices are recalled or removed from pharmacy shelves in the U.S., according to the U.S. Food and Drug Administration.

So what should you do if a drug you are taking is recalled? Should you stop taking it? That really depends.

First, it's important to know that the FDA has three "classes" of drug recalls based on how severe the health risks are.

If it's a "Class 1" recall, it means that there's a "reasonable probability" using the drug could cause

serious health issues or death. If your drug recall falls in this class, it's critical that you speak to your physician immediately.

A "Class 2" recall involves drugs that could cause "temporary or medically reversible" bad health consequences or a "remote possibility" of serious consequences. Again, you should speak to your doctor as soon as you can if you are taking a medication in this class.

"Class 3" recalls occur when using the drug is not likely to cause adverse health consequences. Usually, these drugs are recalled because of minor labeling mistakes or other issues that don't impact the drug's safety. But if you're worried, you should still talk to your doctor.

Meanwhile, if you've been diagnosed with any complications associated with a recalled prescription drug, it's important to talk to a lawyer who can examine your situation and help you figure out if you can hold the drug manufacturer accountable. Discuss your situation with a lawyer.