

THE LEGAL OUTLOOK

HAPPY HALLOWEEN!

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“Obstacles are those frightful things you see when you take your eyes off your goal.”

HENRY FORD

Halloween Safety Tips for Parents and their Mini Mischief-Makers



Halloween, the holiday of costumes and candy, is fast approaching! Soon, goblins, witches, and mini pop-stars will be out and about with parents and friends collecting candy (and pennies) from friendly neighbors. Before you take to the streets with your masked mischief-makers, please read the SafeKids.org do's and don'ts below for a fun, friendly, and safe Halloween!

- Cross the street at corners, using traffic signals and crosswalks.
- Look left, right and left again when crossing and keep looking as you cross.
- Put electronic devices down and keep heads up and walk, don't run, across the street.
- Teach children to make eye contact with drivers before crossing in front of them.

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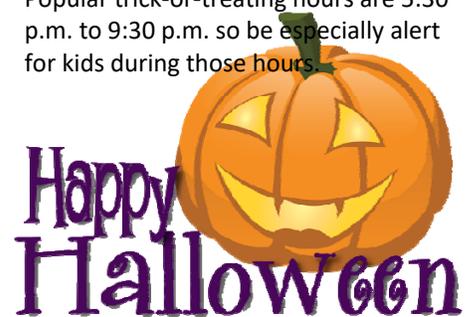
SETTLEMENTS & VERDICTS



Suzanne H. dePillis, Esq. recently secured a **\$2.5 million settlement** for her clients, the family of a deceased husband and father who suffered severe anoxic brain injury while anesthesia was being administered in an outpatient surgery center. The decedent was to undergo a radiofrequency ablation procedure to reduce pain in his cervical spine caused by a car accident. He remained in a vegetative state until his untimely death three months later.

Cover, continued

- Always walk on sidewalks or paths. If there are no sidewalks, walk facing traffic as far to the left as possible. Children should walk on direct routes with the fewest street crossings.
- Watch for cars that are turning or backing up. Teach children to never dart out into the street or cross between parked cars.
- Children under the age of 12 should not be alone at night without adult supervision. If kids are mature enough to be out without supervision, they should stick to familiar areas that are well lit and trick-or-treat in groups.
- Decorate costumes and bags with reflective tape or stickers and, if possible, choose light colors.
- Choose face paint and makeup whenever possible instead of masks, which can obstruct a child's vision.
- Have kids carry glow sticks or flashlights to help them see and be seen by drivers.
- When selecting a costume, make sure it is the right size to prevent trips and falls.
- Slow down and be especially alert in residential neighborhoods. Children are excited on Halloween and may move in unpredictable ways.
- Take extra time to look for kids at intersections, on medians and on curbs.
- Enter and exit driveways and alleys slowly and carefully.
- Eliminate any distractions inside your car so you can concentrate on the road and your surroundings.
- Drive slowly, anticipate heavy pedestrian traffic and turn your headlights on earlier in the day to spot children from greater distances.
- Popular trick-or-treating hours are 5:30 p.m. to 9:30 p.m. so be especially alert for kids during those hours.



FDA Issues Warning

-Infant sleep positioners pose fatal suffocation hazards



In a recent MedWatch release, the United States Food and Drug Administration (FDA) is warning parents of the dangers associated with infant sleep positioners.

The FDA suggests to parents, nannies, and

other caregivers not to put babies in sleep positioners, also referred to as "nests" or "anti-roll" products. According to reports gathered over the last 13 years, the positioners can cause suffocation leading to death.

In the last 13 years, the federal government has received 12 reports of infant deaths due to suffocation associated with sleep positioners, most deaths occurring when babies suffocated after rolling from their side to their stomach. In

addition to the 12 deaths, the government commission has received multiple reports of infants who were placed on their backs or sides in the positioners and found later in hazardous, dangerous positions within or next to the positioners.

In order to reduce the risk of sleep-related infant death, the American Academy of Pediatrics recommends that infants sleep on a firm surface, positioned on their backs. No soft objects, toys, pillows, or loose bedding should be close by. MedWatch suggests that parents and caregivers remember the ABC's of safe infant sleep: "Alone on the Back in a bare Crib." Other safe sleep suggestions include;

- Never put pillows, blankets, loose sheets, comforters, or quilts under a baby or in a crib as these products can be a suffocation threat. Adequate clothing, instead of blankets, can keep a baby warm.
- Always keep cribs and sleeping areas totally empty, clear of toys, stuffed animals, and other possible hazards.

If you or a loved one have experienced an adverse event related to the use of a sleep positioner, the FDA encourages you to report the event to the FDA's MedWatch Safety Information and Adverse Event Reporting Program.

UNFINISHED BUSINESS:

The Pennsylvania Supreme Court Takes One Step Forward in Fulfilling the Promise of Brown v. Board of Education

■ By Megan M. Kwak

More than six decades have passed since the United States Supreme Court's unanimous (9-0) landmark decision in *Brown v. Board of Education*, 347 U.S. 483 (1954), which declared state laws establishing separate public schools for black and white students to be inherently unequal and thus, unconstitutional. While much has changed in the 63 years since *Brown*, time has not healed all wounds -- racial disparities in America's educational system continue to be both striking and sobering, and the legacy of *Brown v. Board of Education* remains largely unfinished.

Richard Rothstein's 2013 report entitled "For Public Schools, Segregation Then, Segregation Since: Education and the Unfinished March" found that African American students are more isolated today than they were 40 years ago. Mr. Rothstein wrote, "Today, many black children still attend schools in racially and economically isolated neighborhoods, while their families still reside in lonely islands of poverty: 39 percent of black children are from families with incomes below the poverty line, compared with 12 percent of white children; 28 percent of black children live in high-poverty neighborhoods, compared with 4 percent of white children."

Where schools are largely

dependent on local funding, i.e. property taxes, just knowing a child's zip code is often enough to predict whether that child will succeed. This is especially true in Pennsylvania, where school districts rely heavily on local sources of revenue. A 2015 study by the U.S. Department of Education found that Pennsylvania had the most inequitable distribution of funding of any state in the nation.

But alas, there is some hope. Late last month, in *William Penn School District, et al. v. Pennsylvania Department of Education, et al.*, the Pennsylvania Supreme Court reinstated and remanded a lawsuit, which, if successful, could remake the way Pennsylvania funds public education. The Plaintiffs in the lawsuit include six school districts, parents of school children, and a number of statewide nonprofit organizations. Plaintiffs argue that the state's current mechanism for funding public education violates the Education Clause of the Pennsylvania constitution, which requires the state "provide for the maintenance and support of a thorough and efficient system of public education to serve the needs of the Commonwealth."

While the Plaintiffs' victory here is still just a first step – Plaintiffs did not "win" their case just yet; rather, Plaintiffs won the ability to proceed with their case –

it is a significant victory nonetheless. In reversing the lower court's dismissal of the Plaintiffs' case, the Pennsylvania Supreme Court evidenced a willingness to take on the issue of education funding, which has typically been reserved for the Legislature and not the subject of judicial review. Writing for the majority, Justice Whect addressed these concerns head-on, arguing that the judiciary must be "skeptical of calls to abstain from a given constitutional dispute."

With a renewed sense of hope, Pennsylvanians will have to wait and see what happens as this case makes its way through the legal system. Pennsylvanians, however, are at least one step closer to fulfilling the promise of *Brown* – thanks in large part to the hard work and sacrifice of pro-civil justice trial lawyers like those representing the Plaintiffs in this case.



Megan M. Kwak is a personal injury and medical malpractice attorney representing catastrophically injured clients in Pennsylvania & New Jersey.

AROUND THE OFFICE



Attorneys from Messa & Associates attended the Philadelphia Bar Association's annual Bench Bar Conference On Friday, Oct 13th and Sat, Oct 14th at the Borgata in Atlantic City, NJ. The conference serves to provide attorneys the opportunity to network with fellow members of the judiciary, as well as to earn CLE credits through classes and seminars.

On Tuesday, November 7th, Joe Messa will appear on Philly Labor's Pain & Wellness Hour on WWDB 860 at noon to discuss the firm's work in representing catastrophically injured workers in Pennsylvania and New Jersey. Be sure to tune in and listen live at www.WWDBam.com.

There is only one MessaLaw birthday in October, and that belongs to attorney Angelo Theodosopoulos! Angelo is the only employee of the firm who doesn't have to share his birthday month! (or his birthday cake!)
Happy Birthday, Angelo!

SATELLITE LOCATIONS

MAIN LOCATIONS

PHILADELPHIA

123 S 22nd St
Philadelphia, PA 19103
P: 215-568-3500

CHERRY HILL

2091 Springdale Rd. , Ste. 2
Cherry Hill, NJ 08003
P: 856-810-9500

GERMANTOWN

6000-6002 Germantown Ave
Philadelphia, PA 19144
P: 215-844-1614

PITTSBURGH

309 Wyoming Ave
Pittston, PA 18643
P: 570-883-0800

CONSHOHOCKEN

923 Fayette St.
Conshohocken, PA 19246
P: 215-940-7700

LINWOOD

605 New Road
Linwood, NJ 08221
P: 609-601-1644

ROSELLE

520 West First Ave
Roselle, NJ 07203
P: 908-300-3900

COLLINGSWOOD

475 White Horse Pike
Collingswood, NJ 08107
P: 877-637-7252

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