

The LEGAL Update

PERSONAL INJURY & WORKERS' COMPENSATION



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CALIFORNIA BIKE SAFETY

Riding a bike in the Bay Area, whether for business or pleasure, has never been more popular. Bike trails are expanding and as freeway congestion increases, more and more workers are turning into two-wheel commuters.

In fact, all three members of the Jones | Clifford personal injury team are experienced at handling bicycle cases and are also avid riders.

Municipalities, such as San Francisco — long a flash point for bike and car clashes — are actually trying to make the streets safer for riders and pedestrians. New rules that will govern traffic along the evolving Mid-Market area aim to reduce the chance that bike riders and automobiles will collide at intersections by restricting turns on and off the city's main artery.

And last year, a new state law went into effect designed to make riding safer. Vehicle Code Section 21760, in effect since September, specifically lays out how bikers and motorists should share the road.

Nick-named "Gimme 3" after the three-foot buffer drivers are required to give riders, tries to codify what used to be simply defined as a 'safe distance' between vehicles and bicycles.

In implementing the law, California became the 24th state to mandate the three-foot requirement.

The law also has a number of other provisions:

- It applies to any place a vehicle passes a bicyclist, regardless of whether there's a bike lane in the road.
- A law enforcement officer must witness a violation to issue a fine. Bystanders' accounts or video recordings made by the bicyclist — on a GoPro, for example — aren't admissible.
- Violators face at least a \$35 fine, and a \$220 fine if a collision occurs. Both can increase when court fees are added. The final cost for a ticket involving an accident could reach almost \$1,000.
- There is one exception to the new law: If there's not enough room for a driver to give three feet of space. In that case, they must first slow down before safely passing.



PHILLIP BELL IS NOT LOOKING BACK



Phillip Bell says he has absolutely no regrets about leaving firefighting behind to work endless hours a week at his Oakland restaurant, Southern Café.

And he admits, “It would not have happened without Jones Clifford partner, Alex Wong.”

Bell had multiple worker’s compensation claims during his 30 year tenure on the Oakland Fire Department, but he says Wong accomplished what other attorneys did not — settling all of at once.

Two years ago Bell opened his MacArthur Boulevard restaurant to rave reviews for its Southern style cuisine. “We haven’t done much advertising; it’s mainly been word of mouth, but we now have a regular clientele coming from as far away as Sacramento and San Jose.”

Bell says, “Owning a restaurant was not exactly a long term goal” when he was a firefighter; it was really something that just happened. He’s owned the property for 25 years, but just leased it out to others who ran their restaurants.

About three years ago, the three sisters who used to run the old Southern Café wanted to reopen, but needed a

business partner. “I knew my retirement was coming so I thought about it long and hard and ultimately said, why not?” he says, adding, “The sisters improvise on the recipes their mother (Lady Esther) taught them and I take care of everything else.”

Recently his wife has joined the business to help manage the restaurant. After two years of what amounted to around the clock work, Bell says it’s nice to have flexibility along with some time off.

Asked if any of his three grown children might take a role at the restaurant, Bell is not optimistic, “I don’t think so, they’re all quite busy with their own careers at this time.”

“I really love the restaurant business, I’m a people person and I like seeing everyone and making sure they’re enjoying their restaurant experience,” he notes.

Some of his old friends from the Fire Department sometimes stop by for lunch or dinner and while he likes catching up, he has no regrets about retirement. “Firefighting is a young man’s job”, the 60-year-old former captain says, “Running into burning buildings and walking on roof tops, that’s just not for anyone my age.”

The restaurant has received excellent reviews for its southern style cuisine even winning some “Best of the Bay Area” awards. On Sunday, the all-you-can-eat buffet packs a real crowd both to dine and to listen to jazz from 5pm – 8pm. Bell says their top seller is oxtails, but the fried chicken and baked turkey wings have also won accolades from reviewers and diners alike.

Alex Wong remains one of the biggest Southern Café Restaurant fans, “I love to take my Oakland firefighters there for a feast, and if we need a spot for a company party, I know where we are going!”

ISABELLA SHIN AND ALEX ENNIS ARE THE TWO NEWEST ASSOCIATES TO JOIN JONES|CLIFFORD



ISABELLA SHIN

Isabella is a San Francisco native who joined the firm after her work in the San Francisco District Attorney's office. A graduate of San Jose State and Santa Clara University School of Law, she notes that working with public

safety officers gives her a new perspective of the job they do. "I used to work with them as witnesses, but now, I get to see them as real people and it's very satisfying to be able to help them," she says.

When not working for her clients, Isabella enjoys travel. On her most recent overseas adventure, she went skydiving over the great Barrier Reef in Australia and scuba diving in a real shark tank - with no cage, and live sharks, "but they were sleeping," she's quick to add.



ALEX ENNIS

Alex Ennis took a much more circuitous route to reach Jones|Clifford. The Washington DC native was working at a short-term position in Western Montana and decided to

take 'the long way' home traveling down the West Coast before heading back East. "I loved the West," he says, adding "I just fell in love with San Francisco and decided that's where I wanted to be." Ennis graduated from Georgetown and the University of San Francisco Law School and notes that law "has always been important" since his father was a lawyer. His background includes Maritime Law and a stint working for the California Public Utilities Commission. "I enjoyed the PUC, but it was mostly drafting regulations," he says, "but here, I enjoy the one-on-one interaction with clients."

In his spare time he enjoys hiking and camping with his new fiancée.

APPLICANT ATTORNEY OF THE YEAR: ALEX WONG

Alex Wong has been named 2014 Applicant Attorney of the year by the California State Bar Association. Wong, a partner at Jones|Clifford et al., was one of five jurists singled out by the bar association in their annual Steve Jimenez Memorial Special Recognition Awards.

Wong joined Jones|Clifford in 2000 after serving as Deputy City Attorney for the City and County of San Francisco. In addition to his work for injured workers he has served on the State Bar Executive Committee and is a frequent lecturer on Workers' Compensation matters.

NEED FOR SPEED



If you are in an accident, once you have taken care of your immediate medical needs, your attention will probably turn to legal avenues to recover losses.

It's important that you act quickly. Jones|Clifford recently represented the family of a bike rider tragically killed in a collision with a motor

vehicle. The incident happened along a quiet residential street with large homes, but little traffic.

Police arrived but were unable to piece together an accurate picture of exactly what happened.

Luckily the family of the bike rider contacted us soon after the accident and we were able to hire an investigator, who found that a nearby home had installed security cameras

Like an episode of NCIS, we were able to retrieve the video and show what actually happened when the accident occurred. If our clients had waited even a week longer the video might have been overwritten and our evidence would have been lost.

TEXTING BY THE NUMBERS

- ▶ **1.3 million** – number of auto collisions that involve cell phones – over 20% of the total number of accidents
- ▶ **5 seconds** – the minimal amount of time your attention is diverted when you try to text and drive
- ▶ **100 yards** – at 55 mph the distance your car can travel in five seconds
- ▶ **23 times more likely** to have an accident if you are texting
- ▶ **2.8 times more likely** if you are dialing on the cell phone
- ▶ **1.4 times more likely** as you reach for the phone
- ▶ **1.3 times more likely** if you are talking on the cell phone
- ▶ **13% of drivers** between the age of 18-20 admitted to texting or talking on the phone just before an accident.
- ▶ **77% of young adults** feel they can safely drive and text
- ▶ **55% of young adult drivers** say it's easy to text and drive
- ▶ **15% of young drivers** claim they have seen their parents text and drive
- ▶ **27% of adults** admit to having sent or received a text while driving

Source: Textanddrivingsafety.com