

PTSD: THE SILENT DISABILITY

When RR workers are involved in a severe accident where they experience extreme fear for their own lives they can develop Post Traumatic Stress Syndrome, (PTSD) a disabling condition over which they have no control. In some cases PTSD can be so severe and debilitating as to prevent a worker from ever returning to work. This photo is of an AMTRAK train that caught fire after a collision at a grade crossing in Mississippi. Two of the workers sustained severe PTSD and were disabled from returning to their jobs. YJB recently settled their cases.



The “hallmark” of PTSD is avoidance. Patients with PTSD through no fault of their own cannot force themselves free from the mental terror or to be around certain things (stimuli) that cause them to remember or relive the horrors of the accident. PTSD can cause severe nightmares, intrusive thoughts that interfere with thinking or concentration and much, much more. Imagine a locomotive engineer or conductor with PTSD from a severe incident trying to operate past the scene of the accident while following all of the RR rules and procedures if their thinking and concentration is destroyed!

With PTSD the fear so disables or interferes with basic motor skills that they cannot complete basic tasks. In a similar way, PTSD interferes with basic concentration and functions. Some people just cannot get back on an engine or return to work which reminds them of the accident and do their job safely if they have PTSD.

(continued page 2)

WHY WE HIRED YJB

By Jenny Hillyard

Having a spouse or loved one work in such a dangerous field can be stressful. We are all afraid of that call telling us our loved one is injured or worse yet dead. When I received the call about Chuck losing his leg my heart sank. I was so upset and afraid. After Chuck’s surgery, I stayed with him for two weeks in the hospital. I had a lot of time to think. We had people flooding us with gifts, cards, & their support, but also some people brought to my attention we may need to hire an attorney. I read information the local union chairman shared with me and any other info I could get regarding Chuck’s rights and future. I came to the conclusion we needed to hire a lawyer.



(continued page 4)

LAW OFFICES OF

**YAEGER
JUNGBAUER &
BARCZAK, PLC**

IN THIS ISSUE:

PTSD: The Silent Disability
Page 1

Why We Hired YJB
Page 1

Which Lawyer Would You
Choose?
Page 2

How to Choose a FELA
Lawyer
Page 4

Letters From Clients
Page 5

Major Wreck Cases of YJB
Page 6

Whistleblower Law
Page 8

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PTSD: THE SILENT DISABILITY

YJB has successfully represented numerous conductors and engineers from a number of states around the country who have been involved in serious accidents and developed such severe PTSD that they were permanently disabled from ever doing their RR job or even working for the railroad in any capacity again in the future.

Shortly after a serious accident the railroad will do everything to convince the injured worker and his family that the Railroad is their “Friend”. At the same time, the Railroad is working to prove that the accident or injuries were not the fault of the railroad -- but were caused by worker error, Act of God, third party negligence, etc. Railroads often claim the injured worker had psychological problems before the accident (“Blame the Victim”) by looking in their personal or family lives for distressing (divorce, death of a pet, bad childhood) experiences even though the worker had no problems doing his or her job until the severe accident. Railroads sometimes DELAY helping injured workers find good, INDEPENDENT medical, psychological or psychiatric treatment. Many railroads CONTROL medical treatment by having railroad nurses secretly talk to medical personnel outside the presence of the injured worker and his or her family. They are paid to get the injured worker back to work as soon as possible to save the railroad money. For these reasons it is vitally important to have the injured worker seen by competent doctors, psychiatrists and/or psychologists who are NOT under the control of the Railroad as soon as possible after a serious accident.

WHICH LAWYER WOULD YOU HIRE?

	<p>Bill Jungbauer</p> <ul style="list-style-type: none"> 1. NBTA Board Certified Civil Trial Specialist since 1993. <input checked="" type="checkbox"/> 2. Listed in “The Best Lawyers in America” in Railroad Law section. <input checked="" type="checkbox"/> 3. Nationally recognized author in the field of FELA law and railroad litigation. <input checked="" type="checkbox"/> 4. Personally collected over \$100 Million for injured Railroaders and their Families. <input checked="" type="checkbox"/> 	<p>Lawyer X</p> <ul style="list-style-type: none"> <input type="checkbox"/> 1. Board Certified Civil Trial Specialist? <input type="checkbox"/> 2. Best Lawyers:Railroad? <input type="checkbox"/> 3. Nationally recognized expert? <input type="checkbox"/> 4. How much actually collected for RR & Families? 	
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1. NBTA NATIONAL BOARD OF TRIAL ADVOCACY

For many years doctors who have great qualifications looked for a way to distinguish themselves objectively from doctors with lesser qualifications. The medical profession began to “Board Certify” doctors as specialists in their field.

The legal profession also wanted to objectively recognize attorneys who met certain criteria. A national system of certifying and recognizing attorneys was implemented by the National Board of Trial Advocacy (NTBA).

FELA Lawyers would fall into the general category of Civil Trial Specialists and can obtain certification as a Civil Trial Specialist from the National Board of Trial Advocacy if they meet the minimum criteria:



The Lawyers must take a specialist's Bar exam
 They must have tried a minimum of 15 of cases to conclusion
 References from judges, lawyers and clients are strictly reviewed.

ANY Lawyer who meets the criteria of having tried enough lawsuits can apply for certification. They then must pass the additional bar exam and pass the client/professional review. Lawyers cannot "bribe" or "buy" their way into such certification.

If an injured client is looking for OBJECTIVE minimal qualifications for a trial lawyer this is the "A" list.

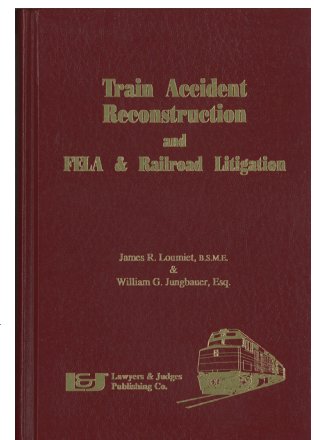
2. THE BEST LAWYERS IN AMERICA

The publication, "The Best Lawyers in America" has many legal practice areas including "Railroad Law". Lawyers can be nominated in the field of Railroad Law and are listed in their home city and state if they are chosen. Lawyers who are nominated must pass review of a legal panel that evaluates their legal experience and ability. The Best Lawyers in America separately recognize the best Railroad Lawyers representing injured workers (Plaintiff's Lawyers) and the best Railroad Lawyers representing companies (Defense Lawyers). YJB attorneys Bill Jungbauer and Ron Barczak have been listed in the Plaintiff's Railroad section every year since its inception. Lou Jungbauer, Greg Yaeger, Michael Weiner and Robert Dolan have all been added to the Best Lawyers list in the last few years



3. NATIONALLY RECOGNIZED AUTHOR/EXPERT

This book, now beginning its fifth edition, is the "bible" of all railroad lawyers. Bill Jungbauer was selected from among all the lawyers in the country by The Lawyers and Judges Publishing Company, a nationally recognized publisher of legal books and materials for judges and lawyers, to be the only lawyer to write this book. Not only do plaintiff's lawyers buy the book, but defense lawyers and even railroad claims departments buy the book. Many union officers keep a copy of the book on their desk as a valuable resource. The Railroad Law part of the book is written and edited by Bill Jungbauer.



4. PERSONALLY COLLECTED OVER \$100 MILLION

Bill Jungbauer has personally represented RR workers in courts from Florida to Alaska, from California to New Hampshire. Bill's injured clients and their families have COLLECTED over \$100 Million from Railroads and other wrong doers.

HOW TO CHOOSE A FELA LAWYER

By Chuck Hillyard



I never thought I would be seriously injured on the job...that is the type of thing that happened to someone else. I was seriously injured on December 18, 2000, when I slipped and fell beneath a moving train while trying to operate a bad pin lifter. I lost my leg and was taken to the hospital.

WHY YOU NEED A LAWYER IMMEDIATELY

As I was on my way to the hospital the railroad claims department was on its way to the accident scene. The railroad told me they would take care of me...they immediately started to build their case against me as I lay in the hospital. The railroad told me that I did not need to hire a lawyer. Not hiring a lawyer immediately was my biggest mistake. The railroad removed the coupler and pin lifter from the car and hid it for several years after finding “no defects”. The railroad changed out the lights at the scene of the accident. The railroad sanded the walkways after the accident and took photos of the sanded walkways. The railroad took statements from all the crew members. If I had a lawyer from the start the evidence would not have been changed or removed without knowledge of both sides. We were lucky enough in my case to find out what happened long after the fact. The next injured person may not be so lucky.

HOW TO SELECT THE BEST LAWYER

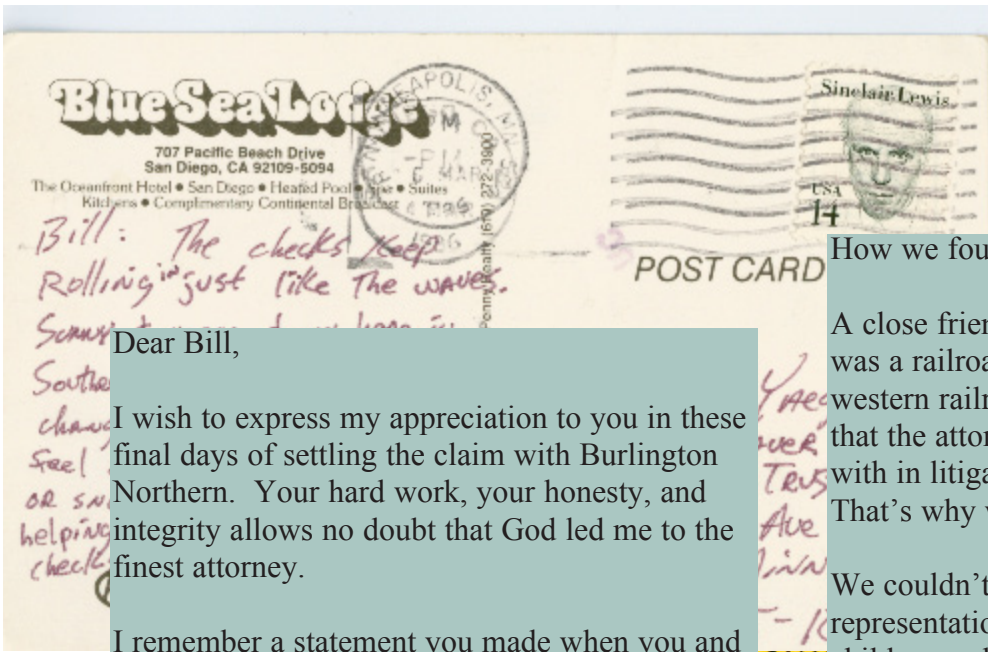
When a major accident occurs lawyers come out of the woodwork like ants at a picnic. I received letters and brochures about lawyers from all over the country. I had friends and relatives recommending lawyers. After talking to the railroad I was convinced that I did not need a lawyer. I was wrong. (I wish I had listened to my wife who told me we needed a lawyer from the very start.) Six months after the accident the railroad started to treat me differently. My wife and I both clearly knew that we needed the best lawyer to fight the railroad. We took all the brochures and letters and narrowed the list down to the best six lawyers. We then personally interviewed all the lawyers. We wanted to make sure that the lawyer we picked had the FELA EXPERIENCE and the TRIAL EXPERIENCE to handle our case. We looked at lawyers who were designated by one or more unions and lawyers who were not designated by any union. Union designation is a good guide to use, but an injured person ultimately has to question the real experience of the lawyer who will handle his or her case. We didn’t want some lawyer who is designated by some union who has never tried an FELA case. Ultimately we chose the lawyer with the strongest FELA experience who would take our case to trial if necessary. Our case did end up going to trial. We were glad we took our time finding a lawyer who could and would go to trial.

We wanted to make sure that the lawyer we picked had the FELA EXPERIENCE and the TRIAL EXPERIENCE to handle our case.

WHY WE HIRED YJB

(continued from page 1)

This was a life changing accident. The claim agent from the railroad contacted us and promised that everything would be ok. That the railroad would take care of us. Chuck loved his job and felt this was true. He wanted so bad to return to work. Little did we know that while the claims agent was assuring us things would be fine, he and others were gathering evidence to use against Chuck in a case against him. I had a bad feeling about the claims agent and had thought all along we needed to hire a lawyer. Finally six-months after the injury we interviewed and signed the law firm we felt would do the best job for us; YJB. Bill Jungbauer is the attorney we selected to handle our case. He and his staff did an excellent job in preparing, at pretrial, and trial. They worked very hard on our case. We are very happy with the end result. Bill puts his all into it. He devotes his life to winning your case. He is very dedicated to his work and I believe he loves his job. My advice is if you find yourselves in this situation, don’t be afraid to contact an attorney. Find out what your options and rights are. Protect yourselves & your family because the railroad will not.



Dear Bill,

I wish to express my appreciation to you in these final days of settling the claim with Burlington Northern. Your hard work, your honesty, and integrity allows no doubt that God led me to the finest attorney.

I remember a statement you made when you and Mr. Barczak were in my home. You said that you would make me feel proud of the way the case would be handled. I believe you worked hard to gather the facts and you were fully prepared to tell our story – a story we were proud to tell, of a man we dearly love and sadly miss.

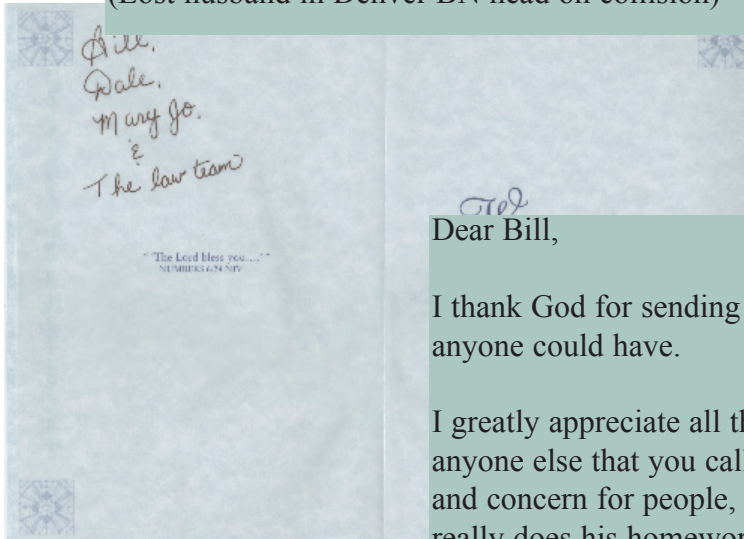
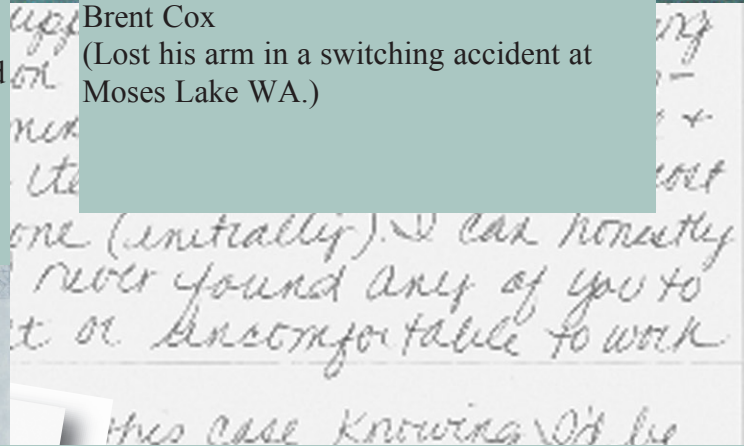
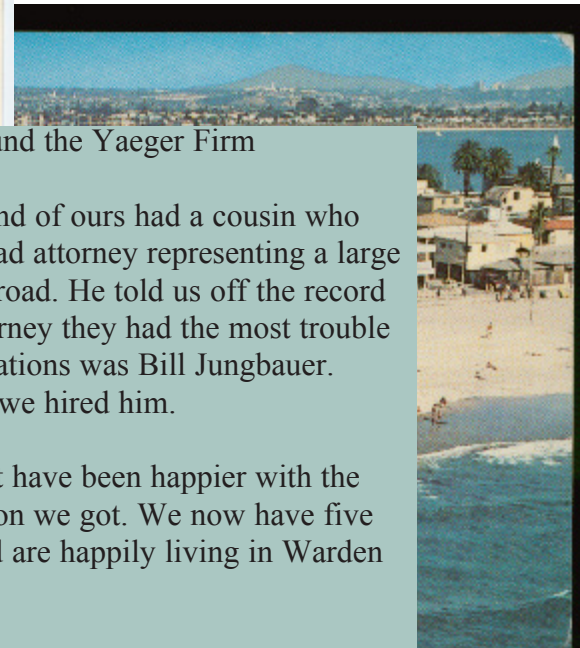
Elaine Houser
(Lost husband in Denver BN head on collision)

How we found the Yaeger Firm

A close friend of ours had a cousin who was a railroad attorney representing a large western railroad. He told us off the record that the attorney they had the most trouble with in litigations was Bill Jungbauer. That's why we hired him.

We couldn't have been happier with the representation we got. We now have five children and are happily living in Warden WA.

Brent Cox
(Lost his arm in a switching accident at Moses Lake WA.)



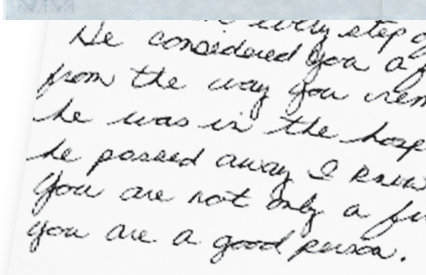
Dear Bill,

I thank God for sending you into my life, and I know that I have the best attorney anyone could have.

I greatly appreciate all the calls you have made to doctors, insurance people, and anyone else that you called on my behalf. You are a man with a big heart, a love and concern for people, something money can't buy. You are an attorney who really does his homework and works really hard for his clients, and not in it just for the money.

Many thanks to everyone in the office that has helped me, and thank you Bill from the bottom of my heart. May God richly bless you in every way.

Sincerely Betty Mercer.
(Lost husband in BN-UP Collision at Kelso WA.)



SOME HIGH PROFILE CASES INVOLVING ONE OR MORE CLIENTS REPRESENTED BY BILL JUNGBAUER

- New Castle, WY - April 22, 1984. Two Burlington Northern trains collided head on. Two crew members were killed. 
- Motley, MN - June 14, 1984. Two Burlington Northern trains collided head on, killing two crew members and injuring three.  
- Denver, CO, August 2 - 1985. Two Burlington Northern trains in a head on collision, killing five crew members. 
- Loveland, CO - October 17, 1998. BN track foreman killed by runaway train.
- Beloit, WI - July 21, 1989. CNW Conductor suffered paraplegic injuries while getting off moving equipment. 
- Minneapolis, MN - September 19, 1989. BN Switchman lost both legs in a switching accident. 
- Ledger, MT - August 30, 1991. Head-on collision, two Burlington Northern trains, three workers were killed, and five injured. 
- Enid, OK - February 21, 1993. Head-on collision with Burlington Northern/Santa Fe. One crew member was killed and three injured.  
- Duluth, MN/Superior, WI - June 30, 1992. Burlington Northern train derailment resulting in toxic spill, 50,000 evacuated. BLE, UTU & Townspeople.  
- Fall River, WI - October 1986. Amtrak derailment, one killed, multiple injuries of crew members and passengers. Derailment due to improper switch crossover. 
- Kelso, WA - November 11, 1993. Near BN-UP head-on collision. Five crew members killed. Case settled, non-disclosure agreement. 
- Tennessee Pass, CO - February 21, 1996. SP Wreck. Engineer and assistant engineer killed. 
- Effingham, IL - December 22, 1995. Conrail. Collision in which conductor was killed and engineer sustained injuries.  
- Savanna, IL - February 11, 2003. IC&E, switchman lost a leg from complications kicking cars. 
- Armento, WY - December 7, 2001. One crew member killed in BNSF collision. 
- Vancouver, WA - June 2, 1989. BN. Crewmember lost both legs while kicking cars of steel. 
- Spokane, WA - December 18, 2000. BNSF Engineer lost his left leg. 
- Moses Lake, WA - September, 19, 1996. Washington Central Railroad. Crew member lost his arm after being run over by a train.
- Liberty, MO - July 18, 1996. SOO Line. Conductors right arm was amputated. 

Willmar, MN - March 5, 1992. Burlington Northern Switchman lost his leg.



Brookings, SD - August 26, 2000. DM&E. Crewmember lost his arm and broke both feet.



Smithville, WV - August 20, 1996. CSX head-on collision killing one crewmember.



Carlisle, OH - February 17, 2001. CSX. Engineer with multiple severe injuries. One crewmember killed.



Tutto, TX - May 5, 1998. An Amtrak engineer and trainman were severely injured in a crossing collision.



Eagle Lake, TX - July 8, 1999. Four Amtrak workers were injured in a crossing collision and sustained full body injuries.



West Davenport, IA - September 30, 2000. I&M Rail Link conductor lost leg in switching move.



Bieber, CA - January 8, 2005. BNSF. Collision in which engineer injured back and conductor injured back and sustained fractures.



Long Beach, CA - March 4, 2005. BNSF. Engineer lost his arm.



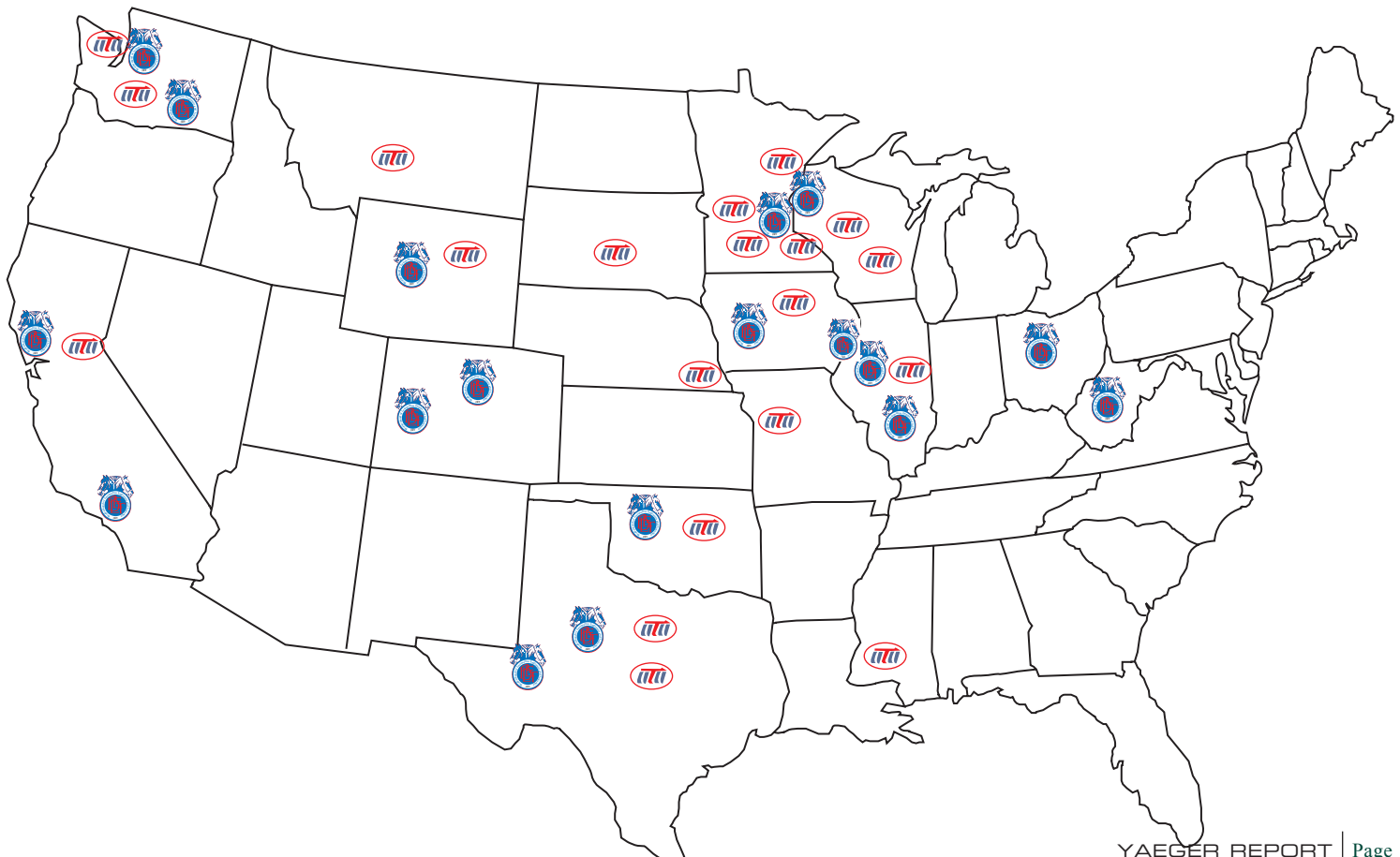
Copiah, MS - May 27, 2008 Amtrak-Truck collision. 3 Crew members with injuries and severe PTSD.

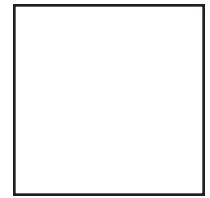


Falls City, NE - January 1, 1994 - Conductor killed in sideswipe accident.



Bettendorf, IA - July 14, 2009 - BNSF 2 killed in train collision.





PLEASE NOTE...

We realize that there are many more questions and concerns than can be addressed in our newsletter. The Yaeger Report is intended to be used as a general information source only and does not constitute legal advice under any circumstances. Consult an attorney before taking any action. Our attorneys are available to answer questions and give free initial advice.

News and Information for Railroad Employees and Their Families

www.yjblaw.com



Whistleblower Law
(Jungbauer & Chm. Oberstar in DC, 2010)

The new Whistleblower Law (49 USC 20109) was enacted after YJB President Bill Jungbauer in 2006 met with Chairman James Oberstar of the House Transportation and Infrastructure Committee to discuss Railroad Industry Harassment and Intimidation of injured workers.

Chairman Oberstar asked an Oversight Committee to gather information from Jungbauer and others about harassment and intimidation. Ultimately, Chairman Oberstar and his Committee held historic hearings on the issue in Congress which led to passage of the Whistleblower laws that are now being used nationwide to stop carrier harassment in its tracks.

YJB has handled and continues to handle Whistleblower cases against big railroads and little railroads across the nation. Eventually carriers will learn the hard way that Harassment and Intimidation does not pay (THEM, but RR's surely will pay the injured workers that are harassed).



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