



FALL 2007

Brought to you by
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Personal injury DAMAGES

Our firm helps those harmed by others' negligence recover losses from auto accidents, dangerous medications, medical malpractice, on-the-job injuries, unsafe products, workers' compensation claims, and other situations.

When a victim is injured by another's negligence, a jury or judge can award several kinds of damages and costs:

Compensatory damages

Following harm, those empowered can recommend two kinds of monetary recompense to make a person or property "whole" again.

Actual damages awards cover economic loss for which receipts can be produced. These may include expenses for medical and hospital care, salary or wages lost from missing work, nursing or household support needed for recuperation, rental cars, and repairs to damaged property.

General damages relate to noneconomic harms. A judge or jury may award these damages for injuries that are harder to calculate or estimate, such as values for pain and suffering, disfigurement, loss of sexual or companion consortium, anticipated medical expenses and recovery costs, future lost wages, and potential employment opportunities.

Punitive damages

In addition to prescribing actual or general compensatory damages, a jury may also award punitive damages to rebuke a defendant for behavior that is highly negligent or even intentional. Jurors add punitive damages to prevent others from repeating harmful behavior.

Nominal damages

These are small monetary awards a judge or jury may occasionally grant to acknowledge that although a plaintiff had been injured, evidence proving it was weak.

Court costs

Plaintiffs can sometimes recover costs to acquire trial transcripts, file cases, obtain depositions, pay process servers, and other court actions.

Attorney's fees

Plaintiffs do not usually recover these costs.



We take your family's safety and security personally.

AUTO ACCIDENT Q&A

After being in an auto accident, a driver is sometimes contacted by the other driver's insurer. Here is what most auto insurance agents recommend:

Q: *Should a driver give a statement to the other person's insurance company?*

A: No. Unless their agent or attorney agrees, a driver should say nothing.

Q: *How could making a statement hurt?*

A: Most people are friendly and want to answer questions honestly and fully. That could hurt a driver's case if he or she makes remarks that somehow increase their own liability or reduce the other driver's responsibility.

Q: *So how should drivers respond if agents pressure them?*

A: Drivers should tell representatives that all further contact should be directed to their insurance agents or attorneys.

Q: *What else can drivers do?*

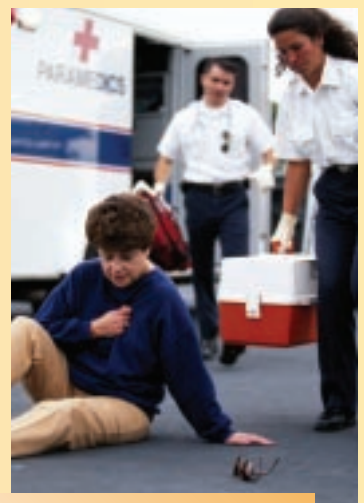
A: As soon as they're done with this kind of call, drivers should write a short record covering the conversation, noting date, time, topics, and whatever else seems important. Stay in touch with insurance agents and attorneys.

Slips and falls

Managers of shopping malls, airports, and other public places take steps to prevent falls by patrons. They maintain lighting over common areas, install handrails on stairs, and keep floors dry and free of obstacles.

As visitors, we should also take care to not trip and fall. Most of us watch where we're stepping; avoid wet spots, loose carpets, and other hazards; and walk around obstacles.

A fall can occur in the blink of an eye. If you or a loved one falls in a public place, act right away to protect your rights.



A slip on cola syrup

A woman at a concert slipped on cola syrup and fell to the floor in a theater lobby, seriously injuring her knee. She had arthroscopic and knee replacement surgeries, resulting in loss of significant wages, inability to play sports, and postponing her college degree. Her lawyer sued theater owners and concessionaires for failing to keep a clean floor and won a fair settlement.

Hit-and-run accidents

Hit-and-run (H&R) auto accidents can be particularly perplexing to victims. The accident happens quickly. The car is damaged. Everyone is shaken up. The innocent driver and passengers may even suffer injuries. The offending driver disappears.

What should you do if you're in an H&R accident?

- ✓ Get medical attention, if needed.
- ✓ Immediately contact law enforcement, and fill out an accident report.
- ✓ Report the accident to your insurance company right away.
- ✓ Try to identify the car involved and the driver responsible.
- ✓ Seek an attorney's counsel.



An H&R incident

A driver who struck a worker loading a truck fled the accident scene. The victim suffered vascular injuries to his legs, requiring use of a walker and wheelchair. The injured worker and his wife sued the allegedly drunken H&R driver and employer for reckless driving, negligent hiring, and driving while intoxicated. The parties reached settlement prior to trial.

AUTO ACCIDENTS

Seven slip-ups

Time and experience have shown that drivers can make seven mistakes that forfeit rights and limit opportunities for fair restitution in auto accidents:

- 1. Failing to call the police.** Without an official police accident record, it is, unfortunately, one driver's word against the other's about what happened. All claims bear equal weight.
- 2. Consenting to working out auto-damage repairs and medical-injury care with a trusting handshake.** People change their minds and tell different stories.
- 3. Declining an immediate checkup and ongoing medical assistance.** A neck that starts hurting a week after the collision is harder to justify. Also, insurance companies often counter that delayed pain may come from an existing condition or an earlier or subsequent occurrence.
- 4. Failing to collect or exchange information with other drivers, passengers, or eyewitnesses.** The document trail of evidence and statements can make or break a claim.
- 5. Forgetting to notify your insurance company.** You paid the insurance premiums, but by forgetting to call, you may incur out-of-pocket costs that the insurer should cover.
- 6. Saying "It was my fault."** Be fair to yourself. This accident may really not have been your responsibility.
- 7. Not consulting an attorney.** It's often said, "He who defends himself is foolish." Omitting legal representation cedes your rights to the other driver's insurance company.

DOG BITES

Dogs bite 4.5 million people, send 334,000 to emergency rooms, and kill 17 Americans each year. One insurer reported 14,000 dog bite claims and \$80 million in liability claims in a recent year. Unfortunately, children receive six of ten dog bites.

If you or a family member is bitten by a dog:

- Get medical attention.
 - Report the incident to law enforcement and animal control.
 - Contact us immediately.
- Any dog, no matter how well-trained and friendly, can bite, and its owners should be liable. Here are steps we may take to help our clients receive fair compensation from animal-bite incidents:
- Check for license, collar, inoculations, and the like.
 - Interview veterinarians.
 - Review law-enforcement and animal-control reports.
 - Talk to witnesses, neighbors, and mail carriers.



A serious attack

After a 100-pound dog attacked a jogger, she underwent spinal and facial surgery and pain-management treatment. Her attorney sued the dog's owner, alleging he knew his dog was vicious and he violated municipal animal-control ordinances. A jury awarded the woman compensatory damages and prejudgment interest.

On-the-job injury

Additional compensation

Workers hurt while at their jobs have **two** potential sources of compensation for the physical injury suffered.

First, there is workers' compensation, a state- and employer-funded benefits program that usually compensates injured workers for medical bills, lost wages, and rehabilitation. Workers' compensation is helpful, but it covers only the basics.

Second, injured workers also have the right to seek monetary damages caused by negligent third parties who may have been responsible for the injury. One third party might be a manufacturer whose defectively designed equipment lacked a guard to protect fingers from being crushed. Another third party could be a negligent driver who caused injuries to an employee driving on the job.

Workers generally have the right to seek redress from third parties who contribute to their injuries, compensation that may be unavailable from workers' compensation programs. This might cover current compensation for pain and suffering, scarring and disfigurement, loss of earning capacity, as well as anticipated needs, such as future medical bills and future lost wages.

Anyone injured on the job should seek legal counsel.



Workers' compensation is a blessing, but it covers only the basics.

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Old injury— new accident

On occasion, clients call us with this kind of question: "I was in an accident yesterday and hurt my neck. I already suffer neck pain from an accident several years ago. Can I even report this new injury to the insurance company and my doctor?"

Many live with injuries and illnesses ranging from healed broken bones to long-term arthritis pain. But when they suffer new injuries in auto or other accidents that worsen their preexisting conditions, they should report them. For one thing, the medical profession recognizes that new accidents can worsen many orthopedic and neurological injuries. For another, legal cases in most states acknowledge that an at-fault driver may be held accountable for exacerbating an older injury and that such injuries are compensable.

However, proving an accident worsened an existing injury may be challenging, and various state laws figure into assigning accountability to drivers who may be at fault. If you suspect an injury has been aggravated by an accident, seek legal counsel.

Auto accident FRAUD

Auto accident fraud—accidents perpetrated by crime rings—drives everyone's car insurance premiums up. Insurance-industry experts estimate that criminals who plan auto accidents, claim false injuries, and even set up fake health clinics steal hundreds of millions of dollars in insurance payments every year.

Deliberate accidents are so well planned, they even have names:

Swoop and squat—A driver is cut off by a braking car and hits it in the rear. Passengers pretend to be injured.

Drive down—A driver waves another to enter the traffic flow, then rams and blames him or her.

Sideswipe—One car's driver intentionally strikes another car in two-lane turns at intersections.

Shady helpers—An "eyewitness," an accomplice, suggests that the victim patronize a complicit body shop, physician, or lawyer following an accident.

Protect yourself

Law-enforcement and insurance professionals encourage drivers to be alert to planned accidents and to follow these steps:

1. Distance your vehicle from others.
2. Call the police right away and get the officers' names and badge numbers. Obtain a police report.
3. Write down all the details of any accident—car make and year, tag number, registration, driver's license, phone number, accident description...everything.
4. Write down the names, addresses, and phone numbers of all passengers. Someone not there may claim to have been present. Note if anyone seems seriously injured.
5. Seek medical help if you are injured.
6. Talk to legal counsel.

