

SGP Skousen, Gulbrandsen & Patience, PLC

**SUMMER
2009**

Brought to you by
**Skousen, Gulbrandsen &
Patience, PLC
Attorneys At Law**

414 East Southern Avenue
Mesa, AZ 85204
480-833-8800
800-501-2782
FAX: 480-833-7146
e-mail:
attorney@sgplaw.com
Web site:
www.sgplaw.com

OFFICE HOURS
Monday-Friday
8:00 a.m.-5:00 p.m.

PERSONAL INJURY PRACTICE

- Free consultation
- Home appointments available
- 24-hour emergency service
- No recovery, no fee. We do not get paid unless you do.
- Trial attorneys

AUTO ACCIDENT INVESTIGATIONS

When a client is seriously injured in a vehicle collision, we will make every effort to seek additional sources of precise, detailed, and thorough information to determine responsibility for the accident. We often investigate:

- Cell-phone, personal digital assistant, and global-positioning satellite records for all involved vehicles and drivers. These may record direction, mechanical problems, operating errors, position, velocity, or improper electronic-device use.
- Digital 911 call records to locate witnesses who may have observed and reported the accident.
- Digital photographs taken by police at the scene.
- Paramedic, ground ambulance, or medical air transport reports of emergency care that may include injury specifics.
- Tow-truck or wrecker records, which also may shed light on accident details.
- Traffic cameras at dangerous intersections to determine if the monitoring system recorded the accident.



MMI? *What's that?*

You were the victim of an auto, slip-and-fall, or other accident.

You're recovering. The pain has diminished, muscle flexibility is back, and you want to return to work. The responsible party's insurer makes a tempting offer, so you think about settling your injury claim.

That may be a mistake. Maximum Medical Improvement (MMI) is a recovery stage each injured person reaches during healing. For some, MMI means full recovery. For others, MMI plateaus at incomplete mending, meaning that no additional medical treatment or rehabilitation will restore normalcy.

An experienced personal injury attorney will recommend resolving an injury claim only after a victim's injuries and MMI are fully documented and when all past and future medical expenses, lost wages and future earnings, and other recovery needs have been calculated.

An attorney who understands an injured party's MMI can put him or her in the best legal position to obtain fair and comprehensive results from a claim.

We take your family's safety and security personally.

BIG-BOX STORE ACCIDENTS

Although data are hard to obtain, lawsuits in the early 2000s indicated that more than 2,200 customers were being injured annually by falling heavy merchandise at just one chain of big-box home centers.

Several states have passed shopper-safety regulations for retailers who high-stack heavy merchandise, such as clothes washers and microwave ovens. These include adding safety stops to shelves, setting up netting or other protective devices, or establishing barricaded safety zones to keep customers out of areas where forklifts move heavy products from upper shelves to the floor.

A 19-POUND BOX

A shopper at a home center was struck on the head and knocked flat by a falling 19-pound box as employees stocked upper shelves. When his attorney demonstrated that the plaintiff's negligent store injury resulted in severe pain and corrective discectomy surgery, a jury awarded a significant sum.

What are "pain and suffering" damages?

Some people refer to non-economic damages as "pain and suffering" damages or damages for "emotional distress."

That's not really correct. Noneconomic damages compensate those harmed for many things that are not easily measured in terms of money, including physical injuries such as the loss of a limb, scars and disfigurement, and blindness, as well as nonphysical injuries such as fright and shock, loss of enjoyment of life, and loss of society and companionship of a loved one.

Many trial lawyers believe that referring to noneconomic-damage verdicts simply as compensation for "pain and suffering" or "emotional injury" trivializes the real harms noneconomic-damage verdicts are meant to compensate.

These real injuries are often as important or more important to the injured person as the losses that can be directly converted into dollars.

Also known as quality-of-life damages, "pain and suffering" compensation covers the most severely injured patients, such as people who are paralyzed and can't use the bathroom without assistance, or a brain-damaged child who will never attend school, get married, or work.



DEBUNKING CIVIL JUSTICE MYTHS

Insurance, oil, and drug companies spend millions creating and publicizing myths about how lawsuits are out of control and responsible for many of America's ills. The facts tell a different story.

MYTH:

Schools are canceling recess because they fear playground litigation. **Wrong:** *School districts across the nation consistently blame elimination of recess on time needed to meet increased testing and teaching requirements.*

MYTH:

People have stopped volunteering to help Little League, Boy and Girl Scouts, and other nonprofits because of lawsuits. **Wrong again:** *Congress passed the Volunteer Protection Act of 1997 to give immunity to nonprofit volunteers in the course of their charity work.*

MYTH:

Everyone's insurance rates are skyrocketing because of lawsuits. **Incorrect:** *Your insurance premiums may be going up, but it has nothing to do with lawsuits. In 2007, insurers reported \$61.9 billion near-record profits. They still argued to restrict awards and damages to victims even though personal injury cases resolved in U.S. courts fell by 79 percent between 1985 and 2003.*

MYTH:

Trial attorneys charge outrageous hourly fees and leave victims with practically nothing if they win cases. **Not so:** *Lawyers who represent injured clients who cannot afford legal fees provide representation on a contingency-fee basis. If there is no monetary recovery, clients owe nothing for legal services. If the plaintiff wins, attorneys charge a percentage of the money damages that are recovered.*

Top-ten worst U.S. insurers

Insurance industry uses "Deny, Delay, Defend" strategies and puts profits over policyholders

Following a comprehensive investigation involving thousands of insurance company legal documents and financial filings, the American Association for Justice (AAJ) ranked the top-ten worst American insurance companies for consumers.

The Ten Worst Insurance Companies in America: How They Raise Premiums, Deny Claims, and Refuse Insurance to Those Who Need It Most outlines highly aggressive tactics these companies use against consumers to increase profits.

Allstate tops the "worst" list.

AAJ CEO Jon Haber said, "While Allstate publicly touts its 'good hands' approach, it has instead employed a hidden 'boxing gloves' strategy against its policyholders. Allstate ducks, bobs, and weaves to avoid paying claims to increase its profits."

According to AAJ's study, Allstate set new benchmarks for insurance company greed. In the 1990s, the insurer contracted with consulting leviathan McKinsey & Co. to design tactics to systematically force consumers to accept lowball settlement offers or face its "boxing gloves," an aggressive strategy designed to deny claims at any cost.

While Allstate ranked worst, the report also revealed a clear-cut pattern of misconduct among all ten ranked industry insurers that regularly deny paying fair and just claims, use hard-line tactics against policyholders, compensate corporate executives with extravagant salaries, and boost customer premiums while amassing excessive profits.

Top-ten worst U.S. insurers

The AAJ study identified the worst companies in rank order:

- | | |
|---------------|--------------------|
| 1. Allstate | 6. WellPoint |
| 2. Unum | 7. Farmers |
| 3. AIG | 8. UnitedHealth |
| 4. State Farm | 9. Torchmark |
| 5. Conseco | 10. Liberty Mutual |

To read the full AAJ report and learn how you can hold the insurance industry more accountable to your needs, go to <http://www.justice.org/docs/TenWorstInsuranceCompanies.pdf>.



Workplace injuries

On-the-job injuries can occur at any workplace, from white-collar offices to blue-collar industries.

Negligent parties can range from managers who assign dangerous duties to untrained workers, to third parties that market equipment that is poorly designed or lacks finger-protecting guards.

A personal injury attorney can investigate causes of worker injuries and help hold those responsible for harm to account.

Common occupational-workplace injuries an attorney can handle include:

- **Burn injuries** from fires, chemicals, and electricity.
- **Diseases** resulting from chemical exposure, such as asbestos or benzene.
- **Existing employee health conditions** aggravated by employment activities.
- **Injuries** from trips and falls, amputations, broken limbs, or cuts.
- **Mental disease** resulting from work-induced stress.
- **Repetitive-movement injuries**, such as carpal tunnel syndrome.
- **Third-party liability**—injuries, such as a fall from a poorly designed ladder, for which a third party is responsible.

For legal assistance with workplace injuries, please seek legal counsel.



Recreational boating

In 2007, nearly 700 Americans died and just over 5,000 were injured in pleasure-boating accidents in motorcraft, sailboats, houseboats, and inflatables.

Accidents were caused by intoxicated, inexperienced, or reckless drivers; defective steering, engines, or other mechanisms; and failure of boaters or owners to maintain watercraft or obey boating regulations.

If you or a loved one has suffered severe injury from others' negligence in a boating accident, an experienced attorney can help hold responsible parties accountable.

Impaired driver

An intoxicated speedboat driver crashed into the stern of a cabin cruiser, immediately killing its owners. The victims' family sued and reached settlement with the out-of-control, speeding boat driver after he pleaded guilty to two counts of manslaughter due to intoxication.

accidents



Martindale-Hubbell Bar Register of Preeminent Lawyers

Skousen, Gulbrandsen & Patience, PLC, has earned a Preeminent AV rating in the *Martindale-Hubbell® Law Directory* for our legal capabilities and devotion to professional ethics. Since Martindale-Hubbell bases assessments on surveys of members of the bar and of judges, we take pride in our colleagues' recognizing and respecting the quality of our legal work.

Copyright © 1996-98 Reed Elsevier Inc.

© Copyright 2009. Newsletters, Ink. Corp. Printed in the U.S.A. www.NewslettersInk.com

The information included in this newsletter is not intended as a substitute for professional legal advice. For your specific situation, please consult the appropriate legal professional.

ADVANCE CASH SETTLEMENTS

Think twice before accepting "cash now," up-front payments while a lawsuit is pending. Television commercials offer advance payment for personal injury verdicts, annuities, fixed-income financial instruments, life-insurance policies, and even lottery winnings.

Unfortunately, many deals marketers offer are actually structured loans from lenders who may charge high compound-interest rates. In some cases, transactions double repayments due in less than a year. In fact, some offers pay only 25 to 50 cents on every dollar settlers are asked to "invest."

If someone takes a \$50,000 "cash advance" loan against the recovery an attorney earns for a personal injury, the 10-percent monthly interest they will pay can compound up to 100 percent in a year. That may mean a \$50,000 loan costing up to \$100,000 if the case settles without an appeal. As time passes, compounded monthly interest can cost three or more times the amount plaintiffs are "advanced."

Please ask your accountant or consult an attorney before agreeing to any "cash now" offer.

Personal injury issues

Our practice can help referral clients obtain justice after personal injuries. When innocent persons suffer serious injury from property owners' negligence, attorneys familiar with premises liability can help victims obtain compensation for medical bills, lost wages, pain and suffering, and other damages.

An experienced lawyer can evaluate an incident, communicate with property owners, negotiate with insurers, locate experts to testify on a plaintiff's behalf, if necessary, and present the case at trial.

An elevator attack

An apartment-building tenant entering an elevator was shot by a mugger four times. He sustained one wound to his head. When he sued, his attorney claimed the building's owner was aware that locks on doors were constantly broken. Although the owner claimed broken locks were irrelevant since the assailant followed the plaintiff into the building, the parties settled on the trial's third day.

Catastrophic-injury victims

Our firm often helps victims from all walks of life who have suffered catastrophic injuries.

One thing all these clients have in common is that they have been harmed by another's carelessness. They have been injured by drunk or reckless drivers, negligent property owners, or the actions of uncaring corporations.

None of our clients ever wanted to be harmed. They never intended to bring a claim.

They came to us because they needed someone to stand up for them and make sure they were treated fairly by insurance companies and others.

Our firm works hard to secure our clients' futures. In the short term, that means getting their medical bills paid and their lost wages replaced. At the end of the day, it is our job to secure full and fair compensation for their injuries.

Our firm is known for more than the settlements we obtain for our clients. We're also known for the people we assist and the lives that we help put back together.