

**SUMMER
2008**

SGP Skousen, Gulbrandsen & Patience, PLC

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



Trial lawyers...

*...do good things for clients
and society*

“So, who are trial lawyers really? They are lawyers whose cases range from small auto accidents to sophisticated product liability suits. Some of them barely eke out a living, and others, like John Edwards, do or have done quite well. They typically work hard and take few vacations because they do not have the support staff to do otherwise. They often litigate against well-funded, well-staffed law firms representing corporate clients. Today, most of the dollars that go to purchasing legal services pay for the representation of corporations, not individuals.”

—From July 18, 2004, Hartford Courant, “Who Gave Trial Lawyers a Bad Name?”

AUTO ACCIDENTS

Failure to maintain lane

Drivers and passengers may suffer auto-accident injuries when other vehicles fail to stay on their side of the road. What causes these “failure to maintain lane” accidents?

Rainy, snowy, or icy weather is one reason. Faulty brakes, nonfunctioning windshield wipers, and bald tires are among other reasons. Even roadway design or maintenance may create conditions that cause drivers to lose control of their vehicles.

Negligent drivers cause many accidents due to inattention, roadside distractions, or fatigue. Additional reasons are driving too fast for conditions, driving too aggressively, or driving while impaired.

A head-on collision

A driver suffered multiple hip and leg fractures, nerve injuries of the back, and severe pain when a courier delivery truck crossed the center line and crashed head-on into his pickup truck. This victim’s medical and rehabilitation expenses totaled more than \$2 million. He sued the delivery driver and his employer for negligence and failure to maintain lane. The parties settled for an undisclosed amount.

We take your family’s safety and security personally.

WHAT IS A *Trial lawyer?*

Trial lawyers help obtain access to our civil justice system for the powerless in America—working families, individual workers, and consumers who often lack the resources to take their grievances to court.

Trial lawyers play a valuable role in protecting the rights of American families. They champion the causes of those who deserve redress for injury to their person or property; they promote the public good through their efforts to secure safer products, a safe workplace, a clean environment, and quality health care; they uphold the rule of law and protect the rights of the accused; and they preserve the constitutional right to trial by jury and seek justice for all.

The kinds of cases that trial attorneys handle include:



• *A child paralyzed after being struck by a drunk driver.*



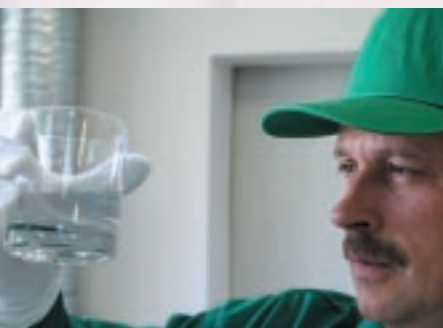
• *A young woman unable to have children because of a medical mistake.*



• *A person denied a promotion because of racial discrimination.*



• *An elderly man mistreated in a nursing home.*



• *A community whose water was made toxic by a local manufacturer.*



Auto accidents

PARKING BRAKES

Vehicle parking-brake systems usually work well. But like most other automobile elements, design, manufacture, and poor maintenance can lead to malfunction. Driver, passenger, or pedestrian injury or property damage may result.

Here are some instances:

2005—Toyota recalled more than 20,000 Tacoma trucks with ineffective parking brakes.

2005—Owners of General Motors cars, trucks, and SUVs filed a national class-action lawsuit after being charged to replace defective parking brakes.

2004—Hyundai Motor Co. recalled minivans with defective parking-brake cables.

2004—Jaguar Motor Company recalled vehicles with electronic sensors that locked parking brakes while cars were moving.

If you or someone you know has sustained a personal injury or property damage from a parking-brake incident, consider obtaining legal counsel.

AUTO ACCIDENT investigation

Careless drivers injure hundreds of thousands of others and inflict enormous property damage annually. An experienced auto-accident attorney can help injured parties obtain fair compensation for medical expenses, property damage, lost wages and earning capacity, enjoyment of life, and pain and suffering. A lawyer's investigation can determine the cause and liability of an auto accident by examining the accident scene, the automobiles, and questioning witnesses.

Evidence that investigators may obtain includes:

- Victims' injuries
- Scene photographs
- Car-damage photos
- Accident debris
- Skid marks
- Traffic-control signage
- Roadway design
- Police or other surveillance video
- Eyewitness reports
- Angles of vision and other relevant indicators of cause



Contact an experienced auto-accident attorney to conduct your case review.

Auto accidents

Driver responsibilities and protections

To protect your rights, always call the police if you are in an automobile accident. Some states require reporting accidents to both law enforcement and the department of motor vehicles. Notify your auto insurer as well.

Here are some considerations:

1. Law-enforcement personnel are independent, objective, and will report an accident's situation accurately.
2. Have your documentation available for police.
3. Report discomfort or pain and request medical help.
4. Explain, to the best of your ability, how the accident occurred.
5. Ask police to photograph the scene.
6. Request that police officers obtain witness accounts.
7. Purchase a copy of the police accident report. If you find errors, talk to the officers who wrote it, and have it corrected or note discrepancies.
8. Send your insurer copies.
9. Do not communicate with other insurers.
10. Obtain legal counsel.

Auto seatback failure injuries

National safety standards fail to require sufficiently strong seatback construction in some cars and SUVs.

Vehicle makers tend to design, construct, and install less expensive seatbacks, recliner apparatus, and seat tracks in lower-end models. As a result, drivers and passengers may be injured when seatbacks collapse rearward during rear-end collisions and while accelerating, as seat-mountings or floors buckle and deform. When a car's seats collapse, the driver and passengers may not be able to get out of the vehicle quickly or safely.

Passengers involved in seatback failures may suffer serious injuries, including head trauma, spinal cord injury, broken bones, organ damage, disfigurement, and scarring.

Defectively designed SUV seats

A front-seat SUV passenger was rendered paraplegic when her seatback collapsed in a rear-end collision, throwing her into the back seat and breaking her neck. When her attorney demonstrated that the SUV's design and manufacture, different from higher-end models, were defective and unreasonably dangerous, a jury awarded significant damages.

Anyone involved in an accident in which seats collapsed should contact an attorney. No one should suffer because of an automobile manufacturer's negligence.



When insurers don't play fair

According to the law, property and casualty insurers, who provide everything from homeowners' to automobile drivers' policies, have a good-faith responsibility to deal fairly with customers. Essentially, this means coverage providers and their agents must seek ways to pay all fair benefits promised to policyholders, not to disallow them.

On some occasions, however, just when policyholders need them most, some insurers redefine their obligations and services to avoid paying their promised benefits. The most common tactic is to deny claims outright or drag them out so long that insureds simply get tired of fighting and give up.

Here are examples of ways that insurers avoid meeting their general duty to act fairly and in good faith in dealing with policyholders' claims:

- Misrepresenting coverage breadth or specifics during application or claims-handling.
- Repeatedly asking for documentation.
- Blaming claimants for not submitting information fast enough.
- Investigating claims very slowly.
- Avoiding either confirming or denying coverage for several months.
- Interpreting policy language unfairly or dishonestly.
- Denying covered claims with convoluted reasoning.
- Refusing to pay for covered losses.
- Inadequately defending policyholders at trial, as pledged.
- Not participating in settlement negotiations.
- Offering untimely or inadequate settlements, even though insurer liability is evident.

Anyone who has purchased insurance and faithfully paid premiums, and who feels that insurers may be acting in bad faith, should contact legal counsel.

Protect your young drivers

Parents can take a number of steps to safeguard teen drivers:

1. Let them know you can always pick them up anywhere, anytime, day or night.
2. Set rules for nighttime or weekend driving.
3. Have parties at your home to keep teens off roads during high-accident times.
4. Make teens promise to always wear seat belts.
5. Restrict passengers to one or two other teens.
6. Make teens promise not to use a cell phone while driving.
7. Drive with teens to monitor their driving habits.
8. Serve as a good driving role model.
9. Have teens pay for their driver's insurance.
10. Keep any vehicle teens drive well-maintained.



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 2008. 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.

THE "litigation crisis" MYTH

Are greedy plaintiffs filing lawsuits as though they were money machines? Do we have a national litigation crisis? No, we do not.

Our civil justice system and conscientious jurors serving at state trial courts don't tolerate "out-of-control" lawsuits.

- At trials, fair median damage awards granted by juries have decreased 56 percent since 1992, down from \$64,000 to \$28,000.
- In state courthouses, jurors are cautious about punitive damages, granting such awards in about only six percent of all cases.
- Jurors are watchful. They reduced award amounts for 16 percent of plaintiffs who won jury trials.
- In a third of all premises-liability cases, juries reduced awards by about 42 percent due to plaintiff negligence.
- When states recognize potential plaintiff negligence, juries reduced damages by 14 percent in lawsuit cases.

Our commitment to clients

Clients who use our legal services mean everything to our law firm.

That's why our promise to each client is to always do our best every time we provide legal assistance.

- Our firm is committed to providing clients the highest-quality legal services at competitive rates.
- We always treat our clients with respect and appreciation.
- If we cannot speak with clients when they call, we return calls the same day.
- We always provide copies of all pleadings and correspondence.
- Our lawyers stay in touch with clients to keep them informed of the developments in their legal matters.
- We provide prompt processing of pleadings and document preparation.
- Attorneys apply their professional experience, legal resources, and knowledge to deliver value-added legal services.

This is our commitment to our clients.

PREMISES LIABILITY

PARKING LOTS

Businesses that invite customers to their premises have a legal duty to provide sensibly safe parking for those who enter their grounds.

Customers should never have to worry about dangerous conditions such as insufficient security, poor lighting, broken sidewalks, hazardous construction areas, or other safety breaches or conditions that can injure them.

A parking lot pothole

Just after a woman parked her car at an unlit casino parking lot, she stepped into a large pothole, fell, and fractured her leg. When her attorney sued the establishment for failing to maintain safe conditions for customers, the casino claimed the hole was an obvious condition and that it had no duty to repair it or warn anyone about it. Casino attorneys also argued that the victim should have seen the pothole and avoided it. The parties settled before a jury trial.