

SGP Skousen, Gulbrandsen & Patience, PLC



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Auto accidents

Who's really at fault?

While driver errors cause many vehicle accidents, other accidents occur because of factors outside any driver's control.

Drivers who believe they have been injured because of others' carelessness or negligence should seek counsel from an experienced auto-accident attorney.

Here is a case in point. An 18-year-old driver swerved to avoid a head-on collision with a truck that careened into his lane. He steered to the shoulder, which was six inches below the road. His car spun around and collided with a guardrail, which sliced through his car's left side and nearly severed his left leg and arm, and fractured his right leg. He underwent 34 expensive surgeries and extensive rehabilitation. His accident attorney sued the county, alleging the road's shoulder and guardrail were dangerous and failed to meet state highway standards. A jury recommended a multimillion-dollar award to cover past and future medical costs and pain and suffering.

PERSONAL INJURY PRACTICE

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- Trial attorneys

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Insurance-company bad faith

What is insurance bad faith?

It's when an insurer of businesses, disabilities, homes, lives, or vehicles refuses to live up to what it promised to do for a person it insured.

Just as you are obligated to pay premiums, insurers are obligated to live up to the terms of their policies.

Our clients have experienced many of the tactics that insurers use to avoid dealing with clients in good faith:

- ◆ Offering an unreasonably low payment for an auto-accident claim.
- ◆ Unfairly delaying investigation of a homeowner's property-damage claim.
- ◆ Misinterpreting policy language to refuse to pay a business-loss claim.
- ◆ Denying payment of a death-benefit claim by retroactively canceling a policy.
- ◆ Unilaterally declaring that an injured or disabled worker is well enough to return to work.

If you have paid your premiums and feel an insurance company has treated you unfairly, obtain the counsel of an attorney familiar with insurance-company bad faith.



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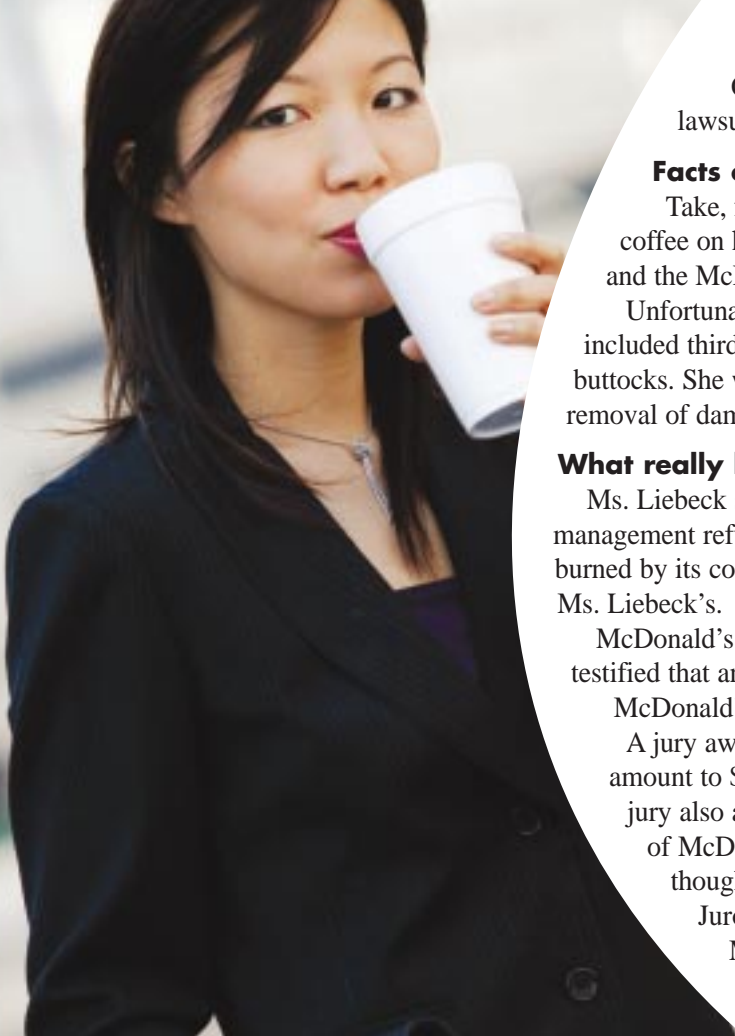
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TORT REFORM

McDonald's burning-hot coffee



Sometimes we must discredit frivolous lawsuit myths. Corporations have spent millions to spread falsehoods about how lawsuits are out of control and responsible for all of America's ills.

Facts often tell a different story

Take, for instance, the popular legend that a woman sued because she spilled coffee on her lap! Those looking to weaken civil justice mocked Stella Liebeck and the McDonald's coffee case.

Unfortunately, the case's facts are no laughing matter. Ms. Liebeck's injuries included third-degree burns—the most severe—to her groin, inner thighs, and buttocks. She was hospitalized for eight days, undergoing skin grafting and surgical removal of damaged tissue.

What really happened

Ms. Liebeck sought to settle her claim with McDonald's for \$20,000, but management refused. At trial, McDonald's grudgingly identified more than 700 victims burned by its coffee between 1982 and 1993, some involving third-degree burns like Ms. Liebeck's.

McDonald's clearly knew of the hazard. The company's quality-assurance manager testified that any food served above 140 degrees is a burn hazard.

McDonald's coffee was kept at a scalding 185 degrees.

A jury awarded Ms. Liebeck \$200,000 in compensatory damages, but reduced the amount to \$160,000 because they found her 20 percent at fault for the spill. The jury also awarded her \$2.7 million in punitive damages, equal to two days' worth of McDonald's coffee sales. This was eventually reduced to \$480,000, even though the judge called McDonald's conduct reckless, callous, and willful.


Jurors expressed similar sentiments in interviews after the trial.

Ms. Liebeck and McDonald's eventually entered a postverdict settlement.

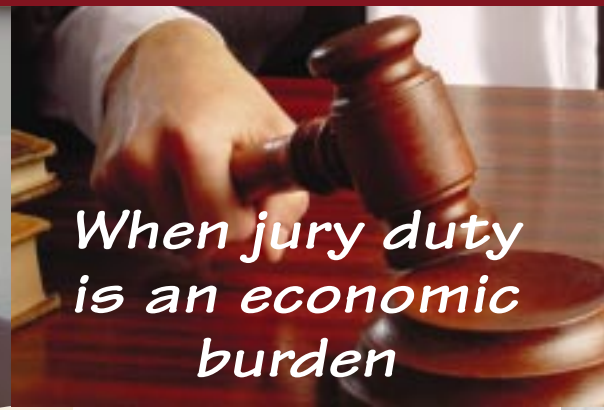
Roof-crush vehicle ACCIDENTS

To minimize injuries in a collision or rollover, automakers have a legal duty to design and construct car, truck, and SUV roofs that provide structural protection to drivers and passengers. Sadly, that's not always the case.

Partial quadriplegia



A 16-year-old was a belted front-seat passenger in a 1998 Ford Explorer rollover accident. She suffered a spinal fracture and head injury that caused partial quadriplegia, memory loss, and impaired ability to organize and process thoughts. She has limited use of her arms, uses a wheelchair, and requires assistance with daily living activities. Injury to her lungs paralyzed torso muscles, so she trained herself to breathe using her diaphragm. Her past medical expenses totaled about \$1 million, and future life-care costs are estimated at \$20 million. Her attorney sued, alleging the Explorer's roof was not crashworthy and could not withstand the impact of a foreseeable rollover collision. The parties agreed to a confidential structured settlement before her suit was filed.



When jury duty is an economic burden

CREDIT REPORTS and auto insurance

Believe it or not, your credit score can affect your auto insurance rates.

What's a credit score? It's a risk rating calculated from credit reports using special mathematical formulas. Lower scores result from paying bills late, having few or no credit references, or poor credit-card practices.

Even fiscally responsible consumers suffer premium increases of more than 100 percent when insurers credit-score them.

For 34 years, Mattie Grainger from South Carolina insured her autos with Allstate. She had a perfect driving record, few insurance claims, and enjoyed safe-driver discounts. Yet Allstate raised her premiums, telling her she didn't qualify for a lower rate because of a low credit score. Grainger's credit score was low because she simply didn't need extensive credit.

Many argue that applying credit-scoring in preparing insurance quotes or policy premiums is inherently unfair. We do, too.

Our firm believes that every citizen should serve as a trial juror to safeguard everyone's liberty, rights, and property. Most jurors on criminal or civil cases find their experiences rewarding and agree to serve again.

During hard economic times, however, many who are summoned to jury service may face severe fiscal insecurity. If you believe jury duty will harm you financially, you can ask a judge to excuse you from service. Here are some examples:

- You are unemployed and need to look for work.
- You were recently employed and cannot take time off now.
- You will miss a mortgage payment because of lost time at work.
- Your employer, who used to pay for jury-service days, can no longer afford to.

There's a proviso: When the economy recovers, you accept the call to serve as a juror.



Wrong-way drivers Stop! You're going the wrong way!

Driving the wrong way on highways became a problem when our interstate highway system was built in the 1950s.

National Highway Traffic Safety Administration data show that about 350 people die each year when vehicles erroneously drive into oncoming highway traffic. Thousands more are seriously injured annually.

Drivers who are confused, inattentive, or intoxicated cause these serious accidents. Poor on-ramp planning, unclear signage, and temporary construction areas also contribute to collisions.

To prevent wrong-way access, highway departments post prominent wrong-way signs on exit ramps, and some states have experimented with tire-flattening spikes. Other states are experimenting with video-detection systems and flashing lights to warn law enforcement and oncoming traffic that a wrong-way vehicle has entered a highway.

If you or a loved one has been injured in a wrong-way vehicle accident, obtain legal counsel to protect your rights.



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MEDICAL DEBT

A growing concern

Medical debt can devastate an American family that suffers a serious illness.

Information from a 2009 *American Journal of Medicine* study shows that...

- four in five Americans in medical debt have health insurance;
- the average medical debt of health-insureds who suffer a major illness is \$18,000;
- those without health insurance had an average medical debt of nearly \$27,000;
- medical debt is tied to 6 of every 10 personal bankruptcies.

Here are six strategies for dealing with medical debt:

- 1.** Develop a plan to pay or settle. Never ignore bills.
- 2.** Search for billing errors and have bills adjusted.
- 3.** Negotiate costs with doctors and hospitals.
- 4.** Seek financial assistance from nonprofits, but be careful about for-fee services.
- 5.** Work out a multiyear payment plan.
- 6.** Obtain legal counsel for debt resolution or bankruptcy counsel if debt is overwhelming.



TAILGATING **AUTO ACCIDENTS**

Tailgating, driving too closely behind another vehicle, may contribute to a third of all accidents.

Drivers may tailgate because they are driving while impaired, enraged, or hurrying.

A driver being followed by a tailgater should change lanes, make a turn, or get out of the tailgater's way.

Anyone injured in tailgating accidents should obtain legal counsel.

Tailgating leads to a death

A nurse assistant, who slowed to pass a disabled vehicle blocking the road, died a half hour after being violently struck from behind by a speeding tractor-trailer. Her husband sued the driver of the tractor-trailer and his employer, alleging the tractor-trailer driver followed too closely. The parties settled after a jury trial awarded significant compensatory and punitive damages.

