



LAW TIPS

One of the pleasures of practicing law is helping people resolve legal questions they come face to face with in their lives. Some of these situations are pleasant – such as selling your house for a profit or buying your dream house – while others cause various levels of anxiety – such as when someone owes you money or when you have been charged with a crime. We hope these law tips will entertain as well as enlighten you. **PLEASE REMEMBER** these are only tips and no legal decision should be made without first obtaining advice specific to your particular situation.

BUT IT'S MY BACK - I KNOW I HURT IT IN THE ACCIDENT

Mrs. Smith was stopped at a traffic light when Mrs. Jones, distracted by a fight between two of her small children, plowed into the back of Mrs. Smith's car. Mrs. Smith was injured. After a year of treatment, her doctor confessed there was nothing more he could do. Mrs. Smith, resigned to the presence of continuous pain, determined to grit her teeth and learn to live with her new condition. A year after she left treatment, she ruptured two discs and was operated on twice to repair them. She then went to an attorney.

If you want to sue someone, there are always two questions that must be answered. The first one is: Will I win? The second one is: If I do, how much will I win? In Mrs. Smith's case, the first question was answered yes. However, the second question, how much, became a big issue. Although the x-rays taken after the accident showed bulging discs where the ruptured discs eventually appeared, the Court refused to let the jury decide that these injuries were caused by the accident because the doctor could not rule out the possibility that something else had caused the discs to rupture. He hadn't seen her in a year. He admitted that simply getting out of bed or reaching over to pick up a sock could rupture a disk.

What could Mrs. Smith have done? She could have gone to a good attorney early on who would have advised her to stay in treatment on an extended basis so that if her condition worsened, the doctor would be in a better position to testify that the accident was the probable cause of her injury. Unfortunately, she did not go to an attorney until it was too late.

At least Mrs. Smith did not settle her case too soon, which is a mistake many people make. In many states, you may have years to sue someone who has injured you. In other states, it can be a shorter period of time. Since the cause of action arises in the state where the accident occurs, and because we travel to other states frequently in these modern times, you need to find out how much time you have in which to sue or settle. You need to take care of your medical problems first, and many people think that means they won't settle too early (which is good) and they'll worry about their legal rights later on. But making sure you are healthy again before you make a claim is not enough because, if you don't have good legal advice at the beginning, you may end up with much less than you deserve.

Mrs. Smith had three children, and must now pay for help to take care of them. She also had to stop working full time. The accident, which was no fault of hers, is costing her more than she ever expected. And she knows that her back was hurt when Mrs. Jones ran into her. As she says: "It's my back - I know I hurt it in the accident."

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