

# Legal Tracks

A Publication of Hill, Peterson, Carper, Bee & Deitzler, P.L.L.C.

## HELP! The One Car Collision

A driver falls asleep and crashes. A driver slides off the road in a snowstorm. A driver dodges a deer and hits a tree instead. Who pays the bills that arise from the "one car collision?" Insurance agents will tell you that if the car or driver's insurance policy has medical payment coverage, both the driver and the passengers can collect that insurance to pay medical bills up to the amount of the "med pay" policy limit (usually a relatively low amount). But *who pays for the loss of wages, the change in lifestyle, the possible brain injury or other permanent damage, or the other harms and losses* that may result from the crash, particularly if the harm is severe?

In West Virginia (and most states), the injured passengers can collect the liability insurance coverage purchased by the driver or owner of the car in which the injured person was riding. This is true even if the responsible driver is a relative of the injured party (such as a parent or spouse). Unfortunately, few insurance agents know or reveal to their policyholders (after a severe single vehicle crash) that the passengers can collect compensation from the liability coverage of their car's driver.

All of us buy coverage to protect us from the claims of others. *It makes sense that our coverage also protects the people who are closest to us.* When injuries are severe, your attorney should examine and explain every possible source of compensation that will help pay the bills without creating a burden on family members or friends. When the driver shares fault for the accident, the insurance of the driver can be a source of significant compensation that makes the difference for everyone else in the car. And that insurance coverage can be collected without taking anything away from the car's driver or owner.

## Hill, Peterson, Carper, Bee & Deitzler Food and Clothing Drive

Spearheaded by HPCB&D staff members Pam Clark, Amy Foster and Cindy Quillen, our annual food and clothing program was a tremendous success. With 100% participation from the law firm and many donations from other individuals, 70 large garbage bags of clothing and coats, 30 bags of food and \$1,100 were collected and delivered to the Charleston Sojourners Shelter and the Children's Home Society.

The YWCA Sojourners Shelter provides a 75 bed emergency shelter and supportive services to homeless single women, women with children, men with custody of their children and intact families. The Children's Home Society operates nine shelters providing short-term and emergency care for youth in crisis. Especially in these uncertain economic times, we encourage our readers to donate their time and resources to these and other worthy causes. Donations may be made directly to



Children's Home Society of West Virginia  
P.O. Box 2942  
1422 Kanawha Boulevard, East  
Charleston, WV 25330  
(304) 346-0795

Sojourners YWCA of Charleston  
1114 Quarrier Street  
Charleston, WV 25301  
(304) 340-35941  
info@ywcacharleston.org



## Fatal Distraction

Will you be involved in an accident caused by a distracted driver? A 2006 study sponsored by Virginia Tech and The National Highway Transportation Safety Authority states that *"Nearly 80 percent of crashes and 65 percent of near-crashes involved some form of driver inattention within three seconds before the event."*

When preparing cases on behalf of injured clients, our lawyers search for evidence of distractions that may have had an adverse impact upon the other person's driving. If the driver created the distraction, or failed to react to or adequately manage a situation, it is much easier for our attorneys to prove the fault of that driver. The difference may be winning your case in which fault has been disputed by the other driver's insurance carrier.

Distractions in the car that can explain, but not excuse, an accident may include personal grooming, using a phone or other electronic device, contending with noise or movement of children, dropping items, eating while driving or having attention diverted by an insect. At a trial, the judge will tell the jurors that the driver is responsible to deal with such issues. Drivers are not excused from the consequences of their inattention when someone else is injured because of a distraction within the vehicle.

The same expectation of personal responsibility is true of distractions outside the vehicle, such as workers, pedestrians or animals that catch the driver's attention. Anytime a distraction is found during the preparation of the case, it creates two issues for attorney follow up. First, the attorney must gather the evidence to show the jury how the distraction helped cause the driver's unusual conduct that led to our client's injury. Second, the attorney must evaluate whether or not the person who created the distraction should also share responsibility for our client's injury.

As drivers, each of us must be aware of and be prepared to deal with or prevent distractions. *As attorneys for persons who are injured in collisions, we must add the investigation of distractions to the long list of basic preparations that must be included to effectively represent our clients.*

## Hill, Peterson, Carper, Bee & Deitzler Says Good-bye to a Dear Friend

After 10 years of service to the firm, Michelle Wallace has accepted a position in the U.S. Attorneys office in Charleston. Michelle was honored with a firm luncheon on her final day. Many of you have met and been greeted by Michelle when visiting the office or before speaking with us on the telephone. Michelle performed her duties as an outstanding receptionist and person. The firm will miss her greatly. In the interim, staff member Pam Clark will be filling in as receptionist. Please join us in congratulating Michelle on her new position.



Michelle Wallace with Partner Ed Hill



## Kent Carper Speaks at Nitro High School

HPCB&D Partner Kent Carper was a recent guest teacher at Nitro High School, speaking to Lisa Hedrick's Law & Legal class. Kent taught about the different types of torts and how evidence is presented in both civil and criminal proceedings. Ms. Hedrick affirmed, "It was a wonderful opportunity for the students." A brief question/answer session followed Kent's lecture.

Public service is an important part of our culture here at Hill, Peterson, Carper, Bee & Deitzler. Everyone at the firm is encouraged to be involved in activities that support the local community.



The Law Firm of

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## [www.hpcbd.com](http://www.hpcbd.com) on the World Wide Web

We have just completed an extensive re-design of our firm website. Our goal is to have a website that is both informative and easy to navigate. You can visit our site at <http://www.hpcbd.com>. Once logged on, get to know us by reading about the firm, including profiles of the attorneys and staff, information on current litigation and frequently asked questions. In addition, we provide pertinent resources, reference material and updates concerning current events.

Feel free to use the site to inquire with one of our attorneys about potential litigation. On specific cases, HPCB&D clients can access custom portals that provide up-to-date information about the litigation. We want to hear from you. Visit our site or call us at 800-822-5667 for additional information.

**Our practice continues to grow by referrals from our clients and friends. Thank you for recommending Us.**