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This newsletter is published by Lannom & Williams, PLLC as an informational service to our past and present clients, friends, and family. It is for informational purposes only and no legal advice is intended. Each case is different and should be reviewed on its own individual facts and circumstances.

MELANIE BEAN—SUPER LAWYERS 2013 AWARD

Those of us who have had the pleasure of working with Melanie Bean have long known of her stellar legal abilities. From Family to Criminal Law, she continually sets (and then exceeds) the standard of excellence in her fields. Melanie's clients receive the benefit of her knowledge and skill on a daily basis as evidenced by the continued growth and success of her practice.

I am proud to announce Melanie's most recent achievement, being granted the "Rising Star 2013" award in Family Law from Super Lawyers of America. This award is particularly prestigious since it was awarded to Melanie by a panel of her peer attorneys. This type of industry recognition is coveted in the legal profession and it is with great pleasure that we announce her receiving it.

When she's not in the courtroom, Melanie serves as an adjunct professor at Cumberland University teaching constitutional and criminal law. She also serves as the Chair of the Legislative Committee for TACDL (Tennessee Association of Criminal Defense Lawyers) developing and implementing strategy for their legislative advocacy. Melanie also serves as a Board Member for TACDL.

Melanie is an integral part of the Lannom & Williams team and we congratulate her award and celebrate the well-deserved recognition she has received. Melanie has always been a "super lawyer" in our community and now her talents and skill have been officially recognized!

- **Frank Lannom**

Happiness lies in the joy of achievement and the thrill of creative effort.
~ Franklin D. Roosevelt

LANNOM & WILLIAMS PLLC TRIAL ATTORNEYS

ATTORNEYS:

- *G. Frank Lannom*
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- *Melanie R. Bean*
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THE PEOPLE'S VOICE

VOLUME 9, ISSUE 1 MARCH 2013

VALUING A PERSONAL INJURY CASE

There's no mathematical formula for determining the value of a personal injury case. It's not like selling your used car, since you can't pick up a book and determine the value of your case. If we could do that, we wouldn't need the Civil Justice System! The value of your case is what a jury of your peers would award at trial. That's the value that insurance companies use and that is the value you must use in valuing your case. Let's look at various factors and come up with a reasonable prediction.

Juries generally have no problem awarding medical expenses, property damage, or lost wages. It is more difficult to assess what a jury might award for other damages that don't come with a verifiable number. Examples of these types of damages include the loss of your *future* earnings (sometimes called "lost earning capacity"), *future* medical costs, lost business profits, and pain and suffering—which includes things such as physical and mental pain and suffering and loss of capacity to enjoy life. In a Wrongful Death action, the next of kin can recover for their loss of the person, including amounts for lost support and the loss of "consortium" with the person.

Once a claim arises, the injured party's attorney and the at-fault person's insurance company (and their attorneys) both must assess how they think a jury would evaluate the value of the particular case. Each side assigns a value to the case and tries to get the other side to see that their value is more correct. This is what is commonly referred to as the "negotiation phase" of a case.

In the "negotiation phase", the insurance company, through their experienced adjusters and insurance lawyers, has the upper hand on the injured party if the injured party is not represented by an experienced personal injury attorney. For example, it is a common practice of insurance companies to "hold out" in order to "starve" the injured party into accepting the insurance adjuster's offer. Again, an insurance adjuster is there to make money for insurance company, ***not for you***!

To summarize, the fair value of a case is primarily assessed on the extent of the injuries, medical bills incurred, need for future medical treatment and the amount of lost wages, as well as any lost support or loss of consortium. Some of the factors an experienced attorney will consider include: the venue of the case (where the case will be tried), the client's likeability as a witness, his or her credibility as a witness, the particular facts of the case, the at-fault party, the age of the client, the defense attorneys involved and, most importantly, the dollar amount of comparable settlements for similar cases in the same or similar counties. The main point is that their evaluations require a lot of knowledge and experience. Injured parties lacking this experience will find themselves at a serious disadvantage when negotiating with an experienced insurance adjuster and their insurance defense lawyers.

- Keith Williams

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PRACTICE AREAS

- AUTO/TRUCK ACCIDENTS
- ASSAULT/HOMICIDE
- AVIATION ACCIDENTS
- DANGEROUS PRODUCTS
- DOMESTIC ASSAULT
- DRUG CHARGES
- DUI/DWI
- MOTORCYCLE ACCIDENTS
- SOCIAL SECURITY
- WORKERS' COMPENSATION

Recalls—Recent Items Recalled

While this is not a complete list, here are a number of the most recent items that have been recalled in the last several months for various reasons. There have been a number of children-related items, some of which are listed below:

John Deere Gator Utility Vehicles sold at authorized dealers from August 2012 through October 2012, due to the fuel line breaking posing a fire/burn hazard.

Polaris 2013 Ranger 400 Recreational Off Highway Vehicle (for complete list of VIN numbers in this recall, visit the company's website at: www.purepolaris.com). Affected vehicles were sold through Polaris and their authorized dealers. The recall is due to potential of the throttle failing causing the operator to lose control and crash.

Fisher Price Rock-n-Play Sleeper sold through nationwide retailers and online since September 2009, due to risk of mold growing between the plastic cover and frame resulting in infants suffering coughs, respiratory issues, and hives.

Baby Matters, LLC Nap Nanny One and Two Generation Models and The Chill infant recliners sold at Amazon, Toys R Us, and other retailers since 2009. Due to design and instruction defects, infants are in danger of falling or hanging from the recliner and suffering injury and death. There have been 5 reported infant deaths due to this product.

LG and Kenmore Elite Top Loading Washing Machines sold at Best Buy, Kmart, Sears and other retailers from February 2010 through December 2012 due to loads becoming unbalanced causing the machine to vibrate intensely resulting in potential injury to consumers and minor property damage.

Wing Enterprises Switch It Stepladder and Stepstools sold exclusively at Home Depot from August 2012 to October 2012 because the inner rails on the item can separate from the outer rails and cause the user to fall resulting in injuries. (Source: Consumer Product Safety Commission)

You can visit www.cpsc.gov for more specific information about these and other recalled items.

The safety of the people shall be the highest law. ~ Cicero

Frank Lannom Discusses Domestic Assault Law

You probably saw in the news where Andruw Jones, formerly of the Atlanta Braves, was arrested and charged with assault, but he's just one of several famous personalities who have been charged with assault in the past few months. Slightly behind DUIs in the number of calls we get are calls related to arrests for domestic assault. Like DUI offenses, domestic assault charges receive additional political and public attention. While the seriousness of these crimes is certainly important, potential punishments related to the charges also come with the implementation of "special rules" that affect the citizen accused before they are proven guilty. These special rules create real problems for the accused, and result in unfairness and constitutional violations.

While the Tennessee Constitution specifically states every person accused of a crime should be granted reasonable bail, except for a capital offense (1st Degree Murder), persons accused of domestic assault are held without bail for 12 hours on almost every occasion. That is 12 hours of jail time before the person even sees the inside of a courtroom, a judge, let alone receives a trial by jury on the accusation. In addition, when the person is released from jail, the release is also conditioned on not physically being near or contacting the alleged victim in any manner. This can prevent the accused from going to their home or even seeing their own children.

Unfortunately, people have learned to abuse these laws and use them to gain the upper hand in divorce and custody suits. The accused can immediately be placed in a defensive situation, not only in a divorce but also in a criminal proceeding, over the most minuscule of allegations.

Always be leery of a law that deals with a specific crime in ways different than other laws and provides significant sanctions BEFORE there is a trial or hearing. When the sanctions come only from the story of one side, injustices will occur.

I have been representing people accused of domestic assault for 20 years. In addition to assisting with the criminal charges that result from these allegations, our firm can assist with Orders of Protection and Divorce Proceedings that generally coincide with the criminal charges. I invite you to research our firm online and trust you will like what you find.

- Frank Lannom

No law is mightier than understanding. ~ Plato

Social Security Benefits And You

What would you do if you suddenly found yourself unable to work for an extended period of time? How would you support yourself and your family? There are generally two types of benefits people rely upon (apart from workers' compensation benefits in the event you are hurt at work): **Social Security and ERISA Disability**. Let's look at Social Security Disability and how it can benefit you.

Social Security Disability is available through the Federal Government to all workers who have worked a sufficient amount to qualify and who meet medical requirements. Benefits are available for those who have suffered a serious long-term work impairment or disability. The length of the disability must exceed one year or be expected to last more than one year. These benefits are also available for the loved ones of a deceased worker in certain circumstances.

Although Social Security Disability Benefits arise out of the time you have worked and paid into the social security system, you are entitled to receive Social Security Disability Benefits whether the disability is the result of some work-related injury or disease, or whether it is the result of some medical condition that is not in any way related to your employment.

If your initial application for Social Security Disability Benefits is denied, you will receive a written notice from the Social Security Administration. You must submit your "Reconsideration" request within sixty (60) days of when you receive the denial. This stage again involves a review of the record by an employee of the Social Security Administration, similar to the initial review of your application. If you then receive a denial at the Reconsideration stage, your next "appeal" is to request a hearing in front of an Administrative Law Judge (ALJ) with the Social Security Administration. Again, you have only sixty (60) days from when you receive the denial of your Request for Reconsideration to request a hearing in front of an ALJ. At the hearing, you will be able to argue your case, present your evidence, and provide testimony to the ALJ in support of your claim for Social Security Disability Benefits.

Of those who apply for Social Security Disability, approximately three out of four applicants are initially denied, yet approximately seventy percent (70%) of those who appeal are successful. It is vitally important to have a qualified, experienced Social Security Disability Attorney on your side. Please call us if we can help you with your claim.

- Jim Stocks

Mound Builders Appreciated An Easy Commute, Too!

Most everyone who lives in Lebanon, Mt. Juliet and Watertown has heard Wilson County referred to as a "bedroom community" for Nashville, meaning people sleep here but work and shop in Nashville. When the interstate systems were built, it allowed people to enjoy living in rural communities while having a relatively fast and easy commute into the city. But, did you know that Lebanon was a "bedroom community" over 1,000 years ago?

It's true. In the Mississippian Period (from around 900 BC to 1400 AD), there was an area on the southeast side of Lebanon that was home to pre-historic Native Americans. These people pre-date written and oral history and we have no knowledge of how they referred to themselves or if they broke out into tribes. By the time DeSoto and his band of Spanish Explorers came through our area in the mid-1500s, these people were gone and no one can say why or where.

Around 900 BC to 1400 AD, the "mound builders", as they were called because of their distinctive habit of building large mounds in their settlements, had begun raising corn as a domestic crop. They had large settlements in what is now Nashville and also in West Tennessee. Our area was a gateway to the rich hunting grounds of the plateau where they stalked bison, deer, elk and bear. The area now called the Sellars Farm State Archeological Area housed a modest permanent settlement in a bend in Spring Creek. The people there probably played host to hunters traveling from the south and west to the east. There is a large mound on the north side of the settlement which would have been visible for miles. The community had a thriving trade as evidenced by the shells, stones, and other items considered of value during that time period, that were found during excavations at the site. The large mound in the center of the settlement was not used for burials, but for a temple or "council" building. Houses were built on small mounds around the plaza. Burial sites were found in the settlement as were statues and pottery.

The Sellars site has been preserved as an archeological site and is open to visitors. There is an easy and picturesque one mile trail that takes you through the settlement and an interpretive map and pictorial display at the trailhead.

Directions: from I-40 take exit 239. Turn east on highway 70, as if you are going to Watertown. Go about a mile, then turn left on Poplar Hill Road. Go a few hundred yards. The trailhead is on the left.

-Jim Stocks