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D&H Digest

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KNOW?**

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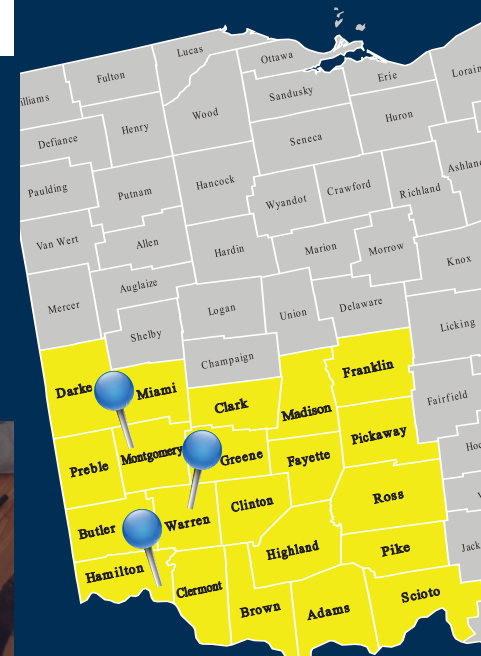
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D&H Digest

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A note from Tom . . .

HAPPY, HEALTHY, PROSPEROUS



During one of our recent Teacher of the Month presentations, the student teacher was wearing a red glove on one hand. She was teaching the students about the phrase “caught red-handed.” Ironically, I had already selected that phrase as my “word” for this issue. Inside you will find how we came to use that phrase.



Attorney Thomas J. Diehl

Why did I add this column to the Digest? I am fascinated by words, their meaning, and their history. They are, of course, a lawyer's “stock in trade”, but maybe this started because of an experience during my first year of law school. We were discussing a case and the professor asked one of my classmates what a particular word meant. The student, who I knew to be very hardworking and very intelligent, replied that he did not know. The instructor berated him up one side and down the other, challenging him as to how he could possibly offer an opinion on the case decision if he didn't even know the meanings of all the words used. The professor made his point, and I sure did not want that to happen to me and to this day, I still look up words when I come across one I do not know.

As we embark on a New Year, let us hope that it is one marked by normalcy, good health, uninterrupted supply chain flow, and a thriving economy! I hope you were able to enjoy a holiday filled with good food and time spent with people you love.

Tom




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A LAUGH TO START YOUR DAY...

PEOPLE SAY THE FUNNIEST THINGS

Q: What gear were you in at the moment of the impact?

A: Gucci sweats and Reeboks.

Q: And where was the location of the accident?

A: Approximately milepost 499.

Q: And where is milepost 499?

A: Probably between milepost 498 and 500.

Q: Did you blow your horn or anything?

A: After the accident?

Q: Before the accident.

A: Sure, I played for ten years. I even went to school for it.



WHAT WE HAVE BEEN UP TO: GOOD SAMARITAN INJURED WHILE DIRECTING TRAFFIC

We recently resolved a claim for our client who had been injured as a result of being struck by a vehicle at a high rate of speed while he was directing traffic. He lived out in the country, and he was on a one lane road that ran in each direction. Because the area is very remote and isolated the speed limit is 50 miles per hour. When he got home from work late one evening he noticed that there was a disabled car with a flat tire. The owner of that car was trying to fix the flat tire, but the way the car was situated, this put the owner of the car in somewhat of a precarious situation out in the roadway. Our client wanted to help and went out in the roadway and was directing traffic. Unfortunately, one of the cars that came by did not see our client and struck him.

He had fairly significant injuries to his hip, shoulder, and back which required extensive medical treatments and caused him to discontinue many of his favorite activities including helping to care for his grand children. It placed undue stress on his wife to manage their large property by herself.

The insurance company contested our efforts to obtain recovery for our client. They argued that our client was negligent for being in the roadway and that he was not able to be easily seen because it was dark outside.

We used a meteorology expert who was able to establish the amount of natural ambient light at the time of this accident. We also utilized the services of a video production crew to create a depiction of the scene at the time of this accident to prove our client could be seen and we were eventually able to receive a full and fair recovery.

FAQ: Injury Claims Settlement v. Litigation

WHEN TRYING TO RESOLVE A CLAIM, WHAT ARE THE ADVANTAGES AND DISADVANTAGES OF SETTLEMENT VERSUS LITIGATION?

The advantages of resolving a case through a settlement (an agreement reached without going to trial) is that the case can be finished with less time, expense and frustration. If a case is resolved by settlement, it is not necessary to file a lawsuit. Litigation (completed through the court system with a judge and jury) involves an investment of time, as a case might take a year or more to complete. It involves an investment of money, as depositions (sworn statements or testimony) will have to be taken and experts hired, and these are expensive. Litigation is stressful and mentally taxing and, therefore, there is an emotional cost to litigation, as well. If a case is resolved through settlement without filing a lawsuit, these costs can be avoided.

The disadvantage of settlement is that, typically, a settlement involves compromise. Both the injured party and the negligent party must agree. Frequently, the only way to receive the highest possible recovery is to assume the risks and time commitments involved in litigation.

Another disadvantage of a settlement is that, for some people, resolving a case by settlement does not allow “closure.” In other words, sometimes an injured person has a positive cathartic release by going into a courtroom and talking about the damages and injuries they have suffered.

The chart below (probably oversimplified) outlines the advantages and disadvantages of settlement and litigation.

	Advantages	Disadvantages
Settlement	<ul style="list-style-type: none">- Case can be resolved more quickly.- Litigation expenses such as deposition fees and expert witness fees can be avoided.- Time commitments such as attending to lawyer meetings, depositions, court appearances and trial dates can be avoided- The potential for an unsatisfactory verdict is avoided.	<ul style="list-style-type: none">- Typically involves compromise in amount received.- No “closure.”
Litigation	<ul style="list-style-type: none">- Provides opportunity for fullest potential recovery.- Only option where compromise and settlement is impossible.	<ul style="list-style-type: none">- Expense- Time Commitment- Mentally taxing

Ok, so if you're like me and you have eaten your way through the holidays and feel it is time to be a little bit healthier, then you will love this recipe. These are great for a quick, grab and go snack, for kids before sports practice. They are sweet, healthy, and packed with protein. It sort of feels like you are getting to eat a Reese peanut butter cup but way better for you!

Peanut Butter Oatmeal Balls

1 1/2 cups old-fashioned oats

1/2 cup flax seed meal

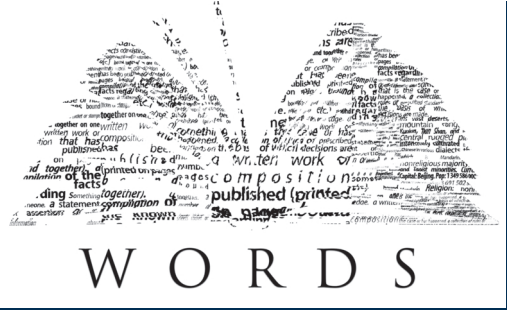
1/2 cup mini chocolate chips

1 cup creamy peanut butter

1/4 cup honey

1/2 teaspoon vanilla extract

Add oats, flax seed meal, and mini chocolate chips to a large bowl. Add peanut butter. Mix the vanilla extract into the honey before adding both to the rest of the mixture. Stir until thoroughly combined. The mixture will be very thick. Shape the mixture into tablespoon-sized balls. Because the mixture is so sticky, I usually spray a little cooking spray(like Pam) on my hands first. Place the balls into an air-tight container and separate each layer with wax paper. Store in the refrigerator until ready to eat. They will last up to 2 weeks in the fridge and about 30 days in the freezer.



WORDS: A LAWYER'S STOCK IN TRADE “CAUGHT RED HANDED”

You may have noticed that we use many expressions, idioms and phrases everyday that don't make literal sense. Have you ever thought about why you say something a certain way? What do these phrases even mean? Some English expressions are so weird that it's impossible to guess how they even originated – unless you know the history. When we use the phrase “caught red handed” we are referring to someone that is seen in the act of doing something wrong. If your child is up on the counter with his hand in the cookie jar, you might say that he has been “caught red handed”. Where did this phrase originate? In Old English there was a law that ordered any person to be punished for butchering an animal that wasn't his property. Generally, the only way that person could be convicted of this crime was if he was caught with the animal's blood still on his hands. (The blood from the animal would make his hands red and would be proof of the criminal behavior.) Thus, he would be caught “red handed.