



PERSONAL INJURY UPDATE

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Accident Reconstruction Persuades Carrier

Our client was traveling southbound and was hit broadside by a driver entering the road from a side street. When the time came to present a demand to the negligent driver's insurance carrier, they attempted to say our client was speeding and thus mostly at fault.

Conversations with the client and the police officer that wrote the accident report disputed the insurance company's assertion.

We filed suit. We also hired an accident reconstruction expert with the simple direction: tells us what hap-

pened. By knowing the measurement of the skid marks, the weight of the two vehicles and the points of impact and rest, our expert was able to determine that our client was not speeding. He further determined that the other vehicle likely ran the stop sign, because her vehicle was the dominant physical force in the collision. By application of scientific formulas, our expert was able to show the defendant's insurance company that their insured caused the collision. Without an expert, it would have been



difficult to prove liability. The insurance company offered to settle the claim for more money than we had anticipated we would be able to recover. In an appropriate case, an accident reconstructionist can be an invaluable plaintiff's tool.

The Great Treasure Hunt: Find the Coverage

Review all policies:

- Look at the policy for your car.
- Examine any other policies for other cars you own.
- Review policies of others in the household.

As kids, we used to love to go on a treasure hunt. Today, the financial outcome is much more important. We help you look high and low for policies that will cover your personal injury.

Early this year, our client was hit by an uninsured motorist. Fortunately, he had uninsured motorist coverage and we were able to recover from his own carrier.

Our client also had a policy on a second car and we were able to recover under that policy as well. If we had not sought and reviewed all other policies, we would have recovered only half as much money.

Another client had an accident that was covered only to the extent of the minimum state requirements. However, we found that the

driver was on a business trip and our client was thus covered under a business policy.

We also review policies of all other drivers in your household. If you are a passenger, we consider the driver's insurance too. Your auto policy may even cover you if you are a pedestrian. The treasure hunt may provide a recovery source.



New Case Cautions Clients on Titling Assets

As this new Missouri opinion illustrates, clients need advise on titling their personal injury awards.

In the case of William C. Scott, Sr. v. Union Planters Bank, Mr. Scott suffered a severe personal injury and was awarded a settlement of \$600,000.

William took the money to the bank and set up a CD in the names of "William Scott or Marie Scott."

The account was listed as "Joint with rights of survivorship". The signature

card, allowed each account holder to make withdrawals without limitation.

About two years later, Marie went to the bank, withdrew all proceeds and placed it in a new CD in her sole name, listing her daughter as the POD (pay on death) beneficiary.

Marie died seven months later and the bank paid the account to her daughter.

William sued the bank claiming that the first account was held as tenants by the entireties, and that

Marie should not have been able to withdraw the funds by herself.

The court held the clear language of the CD allowed Marie to withdraw the money and William could not recover the assets. The personal injury award was lost.

Banks rarely have the technical knowledge or expertise to provide detailed titling advice, if in fact, they discuss titling with the customer at all. It is thus imperative to seek competent



Take care when titling bank accounts.

legal advise when titling your personal injury awards to protect your financial future. You can call our office if you have a question about how to title an account.

Unfair Claims Settlement Practices

The Missouri statutes contain a little known Act, called the Unfair Claims Settlement Practices Act, whose purpose is to "set forth standards for the investigation and settlement of claims" arising under insurance policies. The Act defines 15 behaviors that are considered unfair. Among the impermissible acts are:

- Misrepresenting

coverage available

- failing to acknowledge communications
- not settling claims fairly and equitably
- refusing to pay claims without investigation
- delaying investigation or payment of claims
- compelling insureds to file suit to make fair

recovery by offering amounts substantially less than recovered at trial

- failing to adopt reasonable standards for investigation and settlement of claims.

While you cannot sue for these violations, the Dept. of Insurance can investigate and issue fines to insurers.



"Improper claims practices may subject insurers to fines and even revocation of license by the MO Dept. of Insurance."

Thank you for your Referrals!

During the year, we have received many referrals from existing clients and other area attorneys.

If you do not yourself need our services, we appreciate your referring others who may have suffered a personal injury.

Our contact information is on the web at www.atonlaw.com, or email me personally at steve@atonlaw.com.

Any emailed communications for rendering of legal services must be confirmed and accepted by our office with an engagement letter.

The firm also offers services in business and corporate law, estate planning and probate, and real estate closing services through Aton Title Company, LLC. We appreciate the opportunity to work with you and your friends !

