

Andrea Davis

From: Stewart Clontz & David Larson [ncaj@ncaj.com]
Sent: Tuesday, May 10, 2011 1:16 PM
To: Andrea Davis
Subject: Read It Here: Auto Torts Section Happenings!



AUTO TORTS Section Newsletter

May 2011

From the Communications Co-Chairs

In addition to our awesome *Interrogatories* feature, the May issue of the Section e-newsletter includes information on NCAJ's Annual Convention and NCAJ's two newest listservs!

If any Section member would like to be an *Interrogatories* participant or contribute an article of interest in upcoming issues of the e-newsletter, please contact us directly at ClontzLaw@gmail.com or DLarson@lawmed.com and include SECTION NEWSLETTER in the header of the email.

Many Thanks!

Stewart Clontz & David Larson
Communications Co-Chairs, Auto Torts Section

Interrogatories

Each month an Auto Torts Section member responds to a few questions regarding his/her practice and experience, growth and changes in the auto torts practice area. This month, the *Interrogatories* spotlight is focused on **Jeremy Tanner**. On behalf of all Section members, we thank **Jeremy** for his awesome contribution to this newsletter! *Enjoy! -- Stewart & David*

Jeremy Tanner owns *Tanner and Romary, P.A.*, a small personal injury and workers compensation practice in Clayton, North Carolina. Jeremy, a native of San Diego, California, obtained his undergraduate degree from St. Andrews Presbyterian College in Laurinburg, North Carolina in 1991 and his J.D. from Widener University School of Law in Wilmington, Delaware, in 1994. Jeremy is the Immediate Past Chair of the Auto Torts Section and is also an Eagle Scout. When not spending time working or with his wife and two daughters, ages 5 and 3, he blogs for a world soccer website and appears as a frequent guest radio/podcast analyst. Jeremy can be contacted at jeremy1esq@aol.com.

1) What was your first personal injury trial and how did it go?

My first personal injury trial was in 1998 when I was an associate at **Taft, Taft, and Haigler** in Greenville. It was given to me at the last minute -- I did not mind as I was handling mostly property damage claims for two years up until that point so I was happy to gain the experience even if I was pretty much clueless as to the whole procedure. It was a disputed liability case as both drivers claimed to have the green light. There was a witness that clearly put the Defendant running the red light and hitting my client. The jury came back with a no-negligence verdict which basically taught me that client "likeability" and outside factors mattered as much as the actual facts when it came to trying cases.

2) What was your most memorable personal injury trial and why?

My most memorable personal injury trial was in 2007 against Jodee Larcade in Wake County. The Defendant ran a red light at a busy highway intersection and hit my client at a high rate of speed. My client's light had just turned green. The car in lane next to my client entered the intersection and made it through, then my client entered the intersection and wasn't so lucky -- the Defendant missed the car in the lane next to my client but hit my client on her driver's side door. From the onset, Claim was denied because my client gave a recorded statement stating that her light turned green so she went. At her deposition, it did not matter that she explained that she looked to make sure it was safe before entering the intersection. Defendant said just before she entered the intersection the sun blinded her and she did not see what color the light was so she was not at fault. Even with my strenuous objections, Judge refused to give the last-clear-chance-instruction to the jury. My client had serious injuries. Two weeks before trial, the defense designated an expert and Judge allowed expert to testify, again, even with my strenuous objection that this expert could have been retained and disclosed much earlier. Jury came back YES YES. I received some help from **John Korzen**, a great appellate attorney, and appealed the case to the Court of Appeals. The Court of Appeals ordered a new trial and we settled the case shortly thereafter. This trial was memorable for me as I learned two things: that Judges, and how they instruct the jury, can significantly impact the result of the trial and the approach of many defense counsel is win-at-all-costs.

3) What did you learn most from mentoring lawyers when you started?

I can't say I got much mentoring early on, however, I was happy to be given a job and the opportunity, considering where I went to school and my class rank. Hard work, attention to the client, the ability to deal with all kinds of people in a humble manner while projecting strength is more important than any indepth knowledge a "mentor" may or may not be able to give you in most situations. Unless you are lucky (or unlucky) enough to have a supervising attorney who monitors everything you do, you learn by experience -- your questions come as you practice, so you hope to have someone to call on, as needed. NCAJ's listservs have been, and continue to be, more helpful to me, especially as a solo practitioner, than any mentoring that I received or thought I was receiving in the initial couple years of practice.

4) What would you share with new lawyers now?

Any new lawyer should join NCAJ, get involved with the Section/Section listserv in their area of practice, attend NCAJ regional meetings, NCAJ Section events and just make a few NCAJ member friends. Even though you may not see many of these NCAJ member friends for years, these experienced folks will help you with questions not only about the practice of law, but provide you with insights into their experiences of being with a big firm, small firm, or going out on your own as a solo practitioner or with a partner. These folks, in my opinion, will help you more than the local bar or the busy lawyers you might see in your own county down at the courthouse.

5) How has the insurance defense bar changed?

I don't know that the defense bar has changed much but my ability to deal with them has improved with experience. Their behavior does not get to me like they used to when I first started practicing. The more professional I am, the better I feel about how I am handling situations, however, you can't ever let your guard down -- you need to stand up for yourself and your client when necessary. A good sense of humor is a must too. And, all of this is much easier said than done.

6) Please comment on the current state of the auto injury practice in North Carolina?

The auto injury practice is getting harder in that there are more lawyers trying to get less cases. Insurance companies continue to tighten their financial purse strings so getting cases resolved is much harder and positive verdicts are not exactly easy to get. Running a law practice like a business is now more important than ever if you want to survive on any level for any length of time. It is hard for any lawyer to make sure he/she always puts the interests of his client first while also making sure the business stays viable -- thus making case selection more important than ever. While auto injury practice is not getting any easier, I still enjoy it because it constantly reminds me of how blessed I am on so many levels.

7) Who was the first personal injury client who touched you and why?

I think the first personal injury client that touched me was the first client who, despite life changing injuries, sent me a long thank you note. For a person, whose life is permanently altered because of an auto accident, to sit

down and write a handwritten note outlining not only what you did, but how you treated them personally, with care, and also letting you know that how you treat people and fight for people is noticed, means a great deal to me. While we don't do what we do because we want recognition, it is a great feeling when a client, especially a severely injured one, who has the ability to articulate all the positive qualities that I displayed while handling their case, takes the time to say thank you. You always wonder if the client recognizes that you are a person who truly cares about them. It is a great feeling when a client tells you just that because you know they are recognizing what you are trying to project as a person and a lawyer from the first meeting until the end of their case.

Convention 2011: Have You Registered Yet?

June 18-22, 2011
Hilton Riverside
Wilmington

Online registration is NOW OPEN for Convention 2011 which will be held at the Hilton Riverside in historic downtown Wilmington on June 18-22!

Convention 2011 Program Co-Chairs, **Emily McNamara**, *Wilmington* and **Vernon Sumwalt**, *Charlotte* have planned a tremendous Convention for you!

Convention Highlights:

- *Keynote Speaker:* consumer advocate **Erin Brockovich**
- *Saturday's Luncheon Speaker:* North Carolina's own **Roger Smith**
- *Civil Masters in Advocacy Seminar:* Hone your skills at **Arguing Motions** (morning) and **An Introduction to Reptilian Trial Advocacy from the Founders** (afternoon)
- *Criminal Masters in Advocacy Seminar:* **Hit & Runs: Fast-Paced Multi-Subject Hot Button Topics for the Everyday Practitioner**
- *Summer Conference for Paralegals:* Get a full year's CPE credit!

Of specific interest to Auto Torts Section Members:

- *Auto Torts Law Update* - **Sean Cole**
- *Civil Law Update* - **David Pishko**
- *Insurance Law Update* - **Doug Maynard**
- *Medicare, Medicaid and Liens* - **Julie Bell**
- *Annual Auto Torts Section Meeting*

[Click here](#) for a Convention Brochure.

[Click here](#) to register for the Criminal Masters, Civil Masters and/or Convention.

[Click here](#) to register for the Summer Conference for Paralegals.

WAIT! You've registered...Make your room reservation NOW! NCAJ has reserved room blocks at the following locations. *Be sure to mention the NC Advocates for Justice for discounted rates!*

- **Hilton Riverside** - \$159/night - 910.763.5900 (*Both river view and city view rooms available.*)
- **Best Western Coastline** - \$129/night - 910.763.2800 or 800.617.7732 (*All river view rooms, less than two blocks from the Hilton.*)
- **Riverview Suits** - \$159/night - 910.772.9988 (*One-bedroom condos, all river view, one-half block from Hilton.*)
- **Shell Island Resort** - \$199/night - 910.256.8696 or 800.689.6765 (*In Wrightsville Beach, oceanfront one-bedroom condos.*)

Wrightsville Beach is a 20-minute drive from downtown Wilmington. For those who wish to rent beach cottages, NCAJ recommends the following realtors:

- **Intracoastal Rental** - 800.533.1840 or 910.256.4503 - www.intracoastalrealty.com
- **Bryant Real Estate** - 800.322.3764 or 910.256.3764 - www.bryantrealestate.com

NCAJ's 2011 Educational Achievement Program Award Recipients

Over 100 NCAJ members have qualified, to date, for an Educational Achievement Program (EAP) award and there is still time for you to qualify!

[Click here](#) to view a list of NCAJ members who have qualified to date.

At the beginning of his year **NCAJ President Phil Baddour** created the Educational Achievement Program to recognize members for their participation in NCAJ's continuing legal education programs. The Educational Achievement Program is designed to recognize NCAJ members--both attorneys and legal assistants--for their commitment to improving trial skills and understanding of substantive law as a means to better serve their clients. Participation in this program provides recognition for dedication, commitment and enthusiasm in the pursuit of legal education.

Those NCAJ members who qualify earn the distinction of "Advocate" in the Educational Achievement Program. Attorneys need to have completed twenty or more CLE hours in one year and legal assistants need to have completed ten or more hours in one year.

"Advocates" will be recognized in *Brief Notes*, *Trial Briefs*, the NCAJ membership directory, on the NCAJ website and at the upcoming Annual Convention and the Summer Conference for Paralegals. In addition, those members that achieve the "Advocate" status will receive a specially-designed logo to use within the guidelines set forth by NCAJ.

The deadline to accumulate the needed-hours to achieve "Advocate" status is June 30, 2011. It's still not too late, if you believe that you are close to attaining your needed-hours for 2010-11, to be included in the inaugural class of "Advocates."

Contact Kim@ncaj.com with questions about EAP or for the exact number of CLE hours you have accumulated for the 2010-11 year.

On-Point: Topics from the Section Listserv

If you do not participate in Section listserv, you are missing out on one of the most valuable (and free) benefits of being an Auto Torts Section member!

Below is a list of wide-ranging topics that have been recently discussed by Section members on the listserv that greatly benefited all members of the Section listserv.

- Settlement Agreement--Confession of Judgment
- Defense subpoenas HCPs to Produce Medical Records
- OT: SJ for Landlord Dog Bite Liability
- "A Proximate Cause" Case Law
- Sudden emergency – fighting in car?
- Pre-suit letter to insured/tortfeasor
- Negligent driver made u-turn into the path of a drunk driver
- Need help: negligent supervision and teen alcohol party
- Service on Fedex
- Spoilation of Evidence
- Relief from Judgment
- Depuy Hip Replacement
- BAC
- Trial with an "Empty Chair Defendant"
- Suing eastern Band of Cherokees
- Online Collision Reports
- Policy Update – Bills to Repeal NC Motorcycle, ATV Helmet Laws
- UIM Credit
- Practical advice request – physician subpoenaed to trial
- Nationwide v. Martinson: PDR Denied by NC Supreme Ct
- Need a good term for car hitting pedestrian
- Punitive Damages Valuation
- Spousal allowance and Medicare
- Trial ruling – need input
- Nationwide as a named defendant

Make the most of your Section membership, contact AndreaD@ncaj.com today to set-up your Section listserv account.

Introducing NCAJ's Newest Listservs – ERISA & Veterans' Affairs

NCAJ has created two new listservs just for you...the Veterans' Affairs listserv and the ERISA listserv. Participation in either of these listservs is free of charge to NCAJ members and a membership list for each listserv can be found on the Members' Homepage, members.ncaj.com. Contact AndreaD@ncaj.com to participate in either (or both) listserv(s).

Section Member News

Robert D. Rouse, III of *The Law Offices of Robert D. Rouse, III* is pleased to announce the grand opening of his firm's third location at Landfill Executive Suites, 1213 Culbreith Drive, Wilmington. The firm also has offices in Greenville and Morehead City. *Much Success Robert!*

NCAJ Membership Renewals are in the Mail!

Your NCAJ membership renewal is due on July 1! To continue to partake in the many benefits of NCAJ membership, including access to Section listservs, social events or meetings and discounted CLEs, please renew today! You can renew your NCAJ membership in full or you can take advantage of NCAJ's quarterly installment plan.

[Click here to renew your membership](#) for the July 2011-June 2012 NCAJ membership year.

Many Thanks for Your Continued Support!

2010-11 Auto Torts Section Officers

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