

# Case analysis and legal advice essay sample



**ASSIGN  
BUSTER**

As the personal injury lawyer that you have chosen for your case, I want to inform you that I will be representing both of you. I have reviewed the case and will be talking to each of you as individuals regarding the case and as joint plaintiffs.

Michelle

Let's start with the three intoxicated individual's who assaulted you while you were still in the bar and intoxicated. All three of the individual's have been identified and are awaiting trial for assault charges that were filed by the District Attorney. In the mean time, we will also be suing all three of these individuals under civil law. Under civil law you have the right to sue for compensatory and punitive penalties that are owed to you. Under compensatory damages you can be reimbursed for all medical costs and the duration of your hospital stay, as well as any job re-training programs or eye replacement surgery due to the incident. Since the case is fairly new, and a donor has not been obtained yet, I will need to call your doctor as an expert witness and interview him/her before an actual estimation of cost and coverage can be determined. Please note that for both of you an economist will be called upon.

An economist is another expert witness who determines the amount of future wages lost, rehabilitation, " work-life" expectancy figures, and the like. It is also my general understanding that the said three individuals once removed from the premises inflicted permanent damage to your left eye causing loss of eyesight. These three individuals can be sued for general damages for any pain, suffering, and emotional damage you have incurred

as well. Since the incident was provoked by the three individuals who are all adults, they can also be liable for punitive or exemplary damages under the law(s). The two security guards who ignored your plea of imminent injury will also be facing charges and are currently being questioned. We will further explore damages that can be sought through them after the District Attorney has finished assessing their case. With just these factors, you will be looking at a fair and due compensation for your loss and suffering.

Mr. Smith

Let's start with the two security guards who purposely and negligently threw an expensive jacket on the ground which assisted in provoking the entire incident in your case. Despite the sign that is posted in the bar, the bar officially reneged on its own liability by serving alcohol to minors. Since the guards were aware that you were intoxicated when they threw you out of the establishment, then they are just as equally responsible not only for the replacement of the jacket but for the result of the car accident. If they could plainly see that you were too uncoordinated to walk, they should have called a friend or hailed a cab. They are also considered bouncers within the establishment and should have carded you at the door when you first walked in, and they failed to do so. What caused this failure is still yet to be determined. But, they are both criminally and civilly liable as well as negligent in the eyes of the law for their ignorance to aid a minor who was intoxicated.

Now, let's discuss the car injury. The car that hit you was over the legal speed limit for the road that it was driving on. The vehicle should have

slowed down when it noticed pedestrians on the side of the road as a simple precautionary measure. This however was not the case. Your back injuries are very severe and it is yet to be determined whether or not you will ever be able to function normally in society again. There are two different means of filing against the driver. The first being the 1<sup>st</sup> party claim which will compensate you through the driver's insurance for any medical bills not covered under your family's insurance, any mileage to and from doctor visits, wage loss (to a degree that is specified in the drivers choice of insurance policy), and replacement or household services. The second way of filing is a 3<sup>rd</sup> party case which would be aimed directly at the driver. The driver is liable under a 3<sup>rd</sup> party case when you have an injury that is medically identifiable (back injury), and that it affects an important body function which in your case is standing, walking, and sitting, and it affects the general ability for you to live a normal life. Both of these will be filed on your behalf. There is no doubt that the driver is more than 50% liable for what happened due to the speed limit infringement. You are also entitled to 85% of your normal wages a month for loss of work.

Both of you regarding Gloria's Tavern

This is going to be filed as a class action law suit. Be advised other minors may come forth and join the suit if they incurred any injuries due to the negligence of Gloria's Tavern and its employees. In the state that we are residing in the vendor of the establishment is responsible for distributing alcohol to a minor, and for all damages incurred thereof. Gloria's Tavern according to your statements to me earlier, has been serving alcohol to you

and your other friends who are also minors for almost a year now. And from what I understand you are not the only ones. Gloria's Tavern is being sued due to their complete disregard for liability (legal responsibility, duty, or obligation), breach of not only state law, but federal law regarding the serving of alcohol to minors, allowing employees to use complete carelessness and blatant disregard with the handling of the customer and the customer's property (jacket), and failure to assist when it was necessary which caused a serious injury to be inflicted to both of you.

This also falls under compensatory, general, punitive/ exemplary damages and all of them will be sought because of their complete disregard and negligence in this case. We will also be asking by the request of your families that Gloria's Tavern not only is shut down, but that a portion of the settlement is given to Alcoholic's Anonymous. My first step in initiating this process will be to have a service of complaint given to the defendant Gloria's Tavern. Once a court date is established and all of the expert witnesses have had a chance to give an estimated amount of all injuries and assessments that are within the case(s), you will be notified of the amount we will be striving for in the case. At this point, Michelle is looking at the very least a million dollars. Mr. Smith is looking at receiving the maximum for all damages and negligence within the case and is looking at a larger compensation amount in the millions, as well as his \$900 jacket reimbursement, once the length of the back injuries can be medically determined and analyzed by the economist.

Conclusion

Your chances of success with regards to this case are 110%. You were given alcohol and not carded by a licensed commercial vendor which has resulted in some very dramatic and life changing events that cannot be simply or easily undone. If there is anything else that I can assist you with please let me know. The cases may take some time to play out in court unless a settlement arrangement is made, but I will only allow a settlement if it is in your best interest and is ample and reasonable enough for you to take in compensation for the damages done to you.

## References

Law dictionary (2006). Internet URL: [www.nolo.com](http://www.nolo.com)