



# Seufert Law Offices, PA

*We'll Get You Through It*

## From the Captain's Log Dancing with a Cargo Ship



Let the girl lead; don't step on her feet; pay attention to the music. All good advice.

Coming down the Piscataqua River on a beautiful Saturday in August and heading for a tour of Wood Island and then Little Bay the turn in the river at the Shiller Station power plant finds our date. She is 623' long and 105' wide and abreast in the river. Already dancing with her are the harbor tugs of Portsmouth NH. There is no advance notice of her position but for a general notice to mariners that the AVENTICUM will be arriving on the tide. During most cargo ship transits in the Piscataqua a NH Marine Patrol or USCG patrol vessel would be escorting, but there is no such entourage today and no room to dance without stepping on her feet. We turn hard to starboard and stand down. As she swings, she barely clears the channel then proceeds along her way.



AVENTICUM is a bulk container ship registered to Bulk SG Switzerland AG of Basel Switzerland, a city on the Rhine. She plies the Atlantic, Indian, Mediterranean and Persian Gulf mostly delivering bulk oil from the Middle East to the US east coast. At 22 knots, her transit from the Middle East to the US is about 3-weeks. Her adventure today is probably to either the Sprague Energy or Irving Oil terminal and then back across the pond. As she crest the turn the tugs then apply reverse power to stop her swing and her stern glides past our bow and we continue on. All in a day's work for the LITIGATOR and the AVENTICUM. •

September 2020 News



# COVID and Scheduling Cases

COVID has taken over every aspect of our lives, including how and if cases get scheduled for a hearing at Court. The protocols to limit exposure to the virus have caused a change in not only the way in which hearings are held but the length of time a case takes to move through the court system. A process that already seemed drawn-out to the litigants has become even more so. The opportunity to have a trial in person is unusual at best.

Each type of case has a different consequence due to COVID, depending in part on the court itself. At this point, small claims cases are not being heard at all. Jury trials are at a standstill, both civil and criminal. However, recently each county has done or has scheduled one criminal jury trial with new COVID protocols in place. Those protocols make the process of litigating a jury trial much lengthier. A trial that would normally take a half a day now takes upwards of three days. It is uncertain what will happen going forward. There are defendants that are incarcerated with no end in sight to their case.

If you do have a trial, or a hearing of any kind, they are most often either telephonic or webex. These types of hearings are difficult for everyone involved. Each presents its own challenges. Obviously, the judge has a more difficult time assessing the credibility of the witnesses in either situation, but especially telephonically of course. Webex is problematic for those without a strong internet connection. As a result, sometimes a hearing is held with some of the participants appearing telephonically and some by way of webex. If you have a hearing in person all of the participants must wear a mask. The mask makes communication, being heard and understood, more difficult.

Until the courts open back up, this is the way we will be litigating cases. However, it has had some benefits. Because hearings are telephonic or webex, parties to those hearings no longer have to worry about transportation to and from the court house. Individuals don't have to take a day off of work or worry about child care, to attend a hearing. Going forward, hearings that are fairly straightforward, like a plea in a criminal case or a status conference in a civil case, should not require in person attendance by the parties. ●



## Vlad the Impaler Was an 'Inspiration'



In 1442, the ruler of Wallachia, now part of modern-day Romania, sought the help of an enemy to fend off a neighboring rival. Vlad II, a knight pledged to defend Christianity in Eastern Europe from the Muslim-led Ottoman Empire, embarked on a diplomatic mission into Ottoman territory with his two young sons, Vlad III and Radu — a take-your-sons-to-work day.

Vlad II gained the military support he sought ... at a price. Wallachia would pay an annual tribute, and Vlad II's sons were forced to stay behind to ensure their dad would avoid any chicanery.

After their father was brutally killed in 1447, Vlad III and Radu were released from their captivity, with Vlad returning to Wallachia. Imprisonment and his father's death lit a slow-burning fuse.

Historical accounts of Vlad were sparse from 1448 through 1456, but after he regained family control of Wallachia in 1456, he invited supporters of the deposed ruler to a banquet. There, he had hundreds of them stabbed, and their still-twitching bodies were impaled on wooden spikes. Vlad allegedly dined on bread dipped in the victims' blood.

By 1462, Vlad was at war with the Ottomans. Outnumbered, his troops employed guerrilla tactics and in one battle rounded up 20,000 Ottoman prisoners. They, too, were impaled on wooden spikes in a forest descended upon by crows, which feasted on the bodies. Not exactly a Hallmark moment. Posthumously, Vlad was dubbed "Vlad the Impaler."

Incidentally, Vlad's dad was a knight in the Order of the Dragon. The Old Romanian word for "the dragon" was "Dracul" — Vlad Dracul. The suffix "ea" denoted a son — Vlad Dracula, whose life inspired 19th-century author Bram Stoker. Now you know ... the rest of the story. ●



# All-Terrain Vehicles Can Be a Wild Ride



September 2020 Notable Dates

**September 3**  
Skyscraper Day

**September 6**  
Fight Procrastination  
Day

**September 14**  
Eat a Hoagie Day

**September 19**  
Talk Like a Pirate Day

**September 20**  
Punch Day

**September 23**  
Za'atar Day

**September 29**  
Biscotti Day

All-terrain vehicles (ATVs) are recreational, versatile off-road vehicles that can assist in a wide range of tasks or simply be ridden for pleasure. But in addition to their productive and sporting aspects, there are hazards to contend with, too.

In 2016, the last year with complete ATV fatality data, 591 riders were killed in ATV accidents in this country. In 2018, over 80,000 riders made detours to hospital emergency rooms. Seventeen percent were admitted.

ATVs typically weigh 600 pounds or more; can reach speeds of 65 mph; possess a high center of gravity; lack a roll bar, safety cage, and seatbelts; and require quick decision-making and shifting of body weight to accommodate environmental conditions. They are not toys. Some of these rigs can easily cost \$20K.

Sudden, unexpected shifts in landscape, reckless driving, and tip-overs can result in serious injuries. Thrown riders are vulnerable to smashing into solid objects, landing haphazardly, or winding up pinned beneath the ATV. Head and neck injuries are most prevalent, with shoulder/arm injuries a close second. Depending on the terrain, injured riders may not be easily accessible to emergency responders.

States set their own ATV guidelines and age requirements, which vary widely. Good rules of thumb include:

- Take a safety/training course.
- Always wear an approved helmet and eye protection.
- Only ride during daylight hours.
- Wear long pants; a long-sleeved shirt; riding gloves; and ankle-high (at least), closed-toe footwear.
- Don't permit kids under age 16 to ride an ATV.

Some years back we handled a case with some drunken friends using a golf cart to drive around a golf cart at midnight to view the Harvest Moon, needless to say the night did not end well. •

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*Protect Your Family, Protect Your Rights*



## Dancing with a Cargo Ship

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This publication is intended to educate the general public about personal injury, medical malpractice, and other issues. It is for information purposes only and is not intended to be legal advice. Prior to acting on any information contained here, you should seek and retain competent counsel. The information in this newsletter may be freely copied and distributed as long as the newsletter is copied in its entirety.

# Pain and Suffering from a Legal Standpoint

“Pain and suffering” is a key component in many personal injury cases. There are two types: physical pain and suffering, and mental pain and suffering. Physical pain and suffering covers not only the ill physical effects that a claimant has suffered to date, but also what they are likely to endure in the future as a result of the defendant’s negligence. Mental pain and suffering is a result of the claimant’s physical injuries and the trauma of an accident. It can include anxiety, anger, depression, humiliation, sleep disorders, fear, and loss of enjoyment of life, among other negative effects. It encompasses what the victim has suffered to date as well as what they will likely endure in the future.

While it is easy to calculate the medical treatment bills, and income lost pay, calculating compensation for pain and suffering is an imprecise task; there are no set guidelines. NH judges simply instruct the jury to utilize good common sense and to draw upon their individual backgrounds and experiences to arrive at a fair and reasonable figure.

One of my attorney friends explains it like this:

The defendant’s conduct injured the plaintiff. Now the plaintiff had to go to the hospital, have surgery, go into physical therapy, has difficulties sleeping a good night, worries that he will not make a full recovery. Each one of these hours he is now “working for the defendant” as all of this was caused by the defendant’s negligent conduct. So for each of those hours is it reasonable to pay the plaintiff for this work, and how much an hour would be reasonable compensation?

When you look at it that way, the “pain and suffering” goes way past the medical bills. ●

