



# STEPHENS ANDERSON & CUMMINGS

## *Let's Win This!*

A Monthly Newsletter - What You Need to Know  
About Personal Injury Law

[Having Trouble? Click Here to View as Webpage](#)

April 2019 - Issue 14



You know what they say about April showers and May flowers - well, in north Texas, that old saying is about a month or two behind the times.

We've had enough rain (and continue to get more) and mild weather that the flowers - and the trees and grasses - have already started making allergy sufferers miserable.

With allergy season comes allergy medication, which can make folks very drowsy.

The warning label on medications "Do not drive or operate machinery while on taking this medication" is a valuable one. Even if you've never been affected that way before, it's a good idea to exercise caution when taking any medication.

If you or a family member were involved in an accident, wouldn't the fact that the other driver had been taking allergy medication or prescription medication be valuable information?

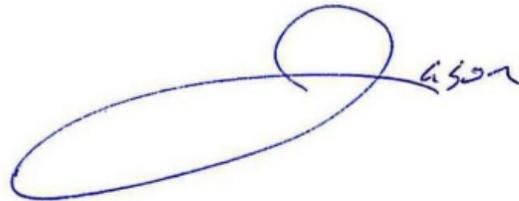
During the course of a lawsuit, we go through a process called "discovery" to

uncover just such information - and anything else that might have a bearing on the case.

Discovery is a complicated process. In fact, most of the expenses that go into prosecuting a suit are connected in some way with discovery. Today we start a series on Discovery - so that as your case progresses from investigation, through suit, and on to trial, if necessary, and recovery, you'll be informed about what is happening and why.

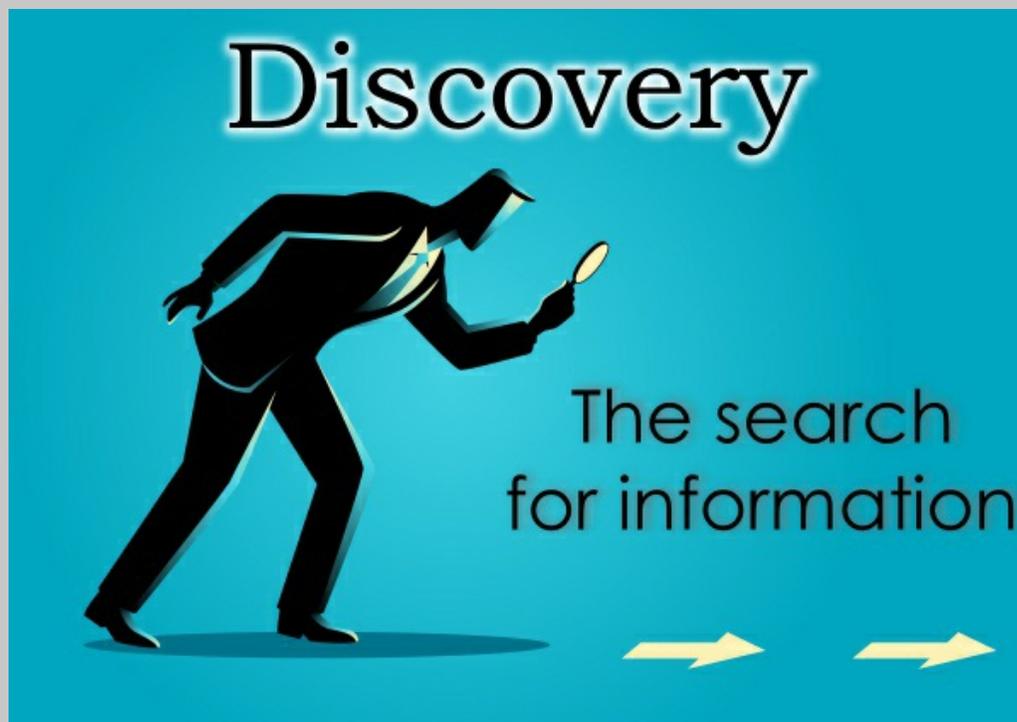
As always, if you have questions or suggestions, give us a call, shoot us an email, or chat with us on the website.

Gesundheit! and thanks for reading -



p.s. - Forward this email to your friends and loved ones and tell them that they can get their own copies in the future by subscribing here:

[Sign up to get Let's Win This! every month](#)



## What You Don't Know CAN Hurt You

Knowing the Battlefield is Key

What does a trial lawyer hate worse than anything else?

Surprises.

Representing folks in court - before and during actually trying a case - is a complicated process. It's a battle in which information is the ammunition and the lawyer's skill and strategy are the weapons.

The aim is to persuade the twelve people in the jury box that justice requires them to answer in a certain way the questions the judge will ask them.

(We talked a little bit about the judge asking questions of the jury back when we started discussing damages. You can find that issue [here](#).)

Obviously, there's another lawyer in the courtroom who wants the jury to answer the judge's questions another way. Both lawyers use their persuasive skills and their presentation strategies to convince the jury.

But here is the key:

Both lawyers *should* have pretty much the same ammunition - the same information - and they should meet on a level, open field. The search for truth shouldn't be decided by ambushes or unfair advantages.

The rules of discovery are intended to make sure that the diligent lawyer is able to uncover all of the information they need.

## **Insurance Companies Use Discovery to Wear Down Their Opponents**

Insurance companies understand the advantage that an un-level playing field gives them. They also understand that one of the ways they can keep your lawyer from having all of the ammunition (information) needed is by making your lawyer spend time and money in "discovery fights," rather than in fighting the real battle - in the courtroom.

So they use their resources to delay and confuse, hide the important information in piles and piles of documents so that it's difficult to find, hire "gunslinger" experts (expert witness testimony is an enormous part of both the discovery and trial processes; we'll spend several issues discussing the various aspects of experts), and engage in other schemes designed to wear you down.

That's why it's important to have a firm like SAC representing you, a firm that can give back as good - or better - than it gets and won't leave any stone unturned in the search for justice.

## **The Discovery Vortex or "Yes, They Do Get to Ask that Question"**

It's also important for you to understand what's going to happen in this "discovery" process - what the rules allow and what they don't.

If you don't have a feel for the process, it

can feel like you're caught in a dizzying spiral of legal gobbledygook.

Not only that, but discovery is a two-way street; the other side has the same legal tools available to them that your lawyer has. They will be trying to find out information from you and your side, the same as your lawyer will be digging into their version.

Which means you likely will be asked questions that seem like an invasion of your privacy.



It's important for you to have an understanding of the kinds of information you'll be required to give, and why. That way, you'll be in the best position not only to help your lawyer but also not be unduly resistant to the process.

The rules of discovery allow the other side to inquire into things you will feel are none of their business and don't seem to have anything to do with the case. Texas is what some refer to as a "broad" or "wide open" discovery state. And that means something has to be pretty far afield to be off limits. (We'll talk about some specific examples later.)

This is not to say your lawyer won't take the steps necessary to keep the other side from prying too deeply or getting into areas that truly are none of their business. You need to know, however, that by filing the suit (or, for that matter, being sued), you open up parts of your life and history ordinarily considered private.

### **It's Not Just the *Facts* of the Case - It's Who is Likely Telling the Truth**

One thing to keep in mind is that discovery allows a lawyer to delve into matters not *directly* related to the facts of the case. Usually, these are background or credibility matters.

You might recall way back in the first issue of *Let's Win This!* we talked about the fact that the most important part of any case is YOU. (If you missed that issue, you can find it [here](#).)

You might also recall when we first started talking about evidence (which issue you can find [here](#)), we made the point that the critical function of the jury is to decide who is telling the truth and how much of the truth they're telling - to determine the *credibility* of the witnesses.

So, when a lawyer plans discovery strategy, one of the goals is not just to find out what someone has to say about a particular situation or event, it's to find out *who* is saying it and whether there are things about that person which will affect how the jury views their testimony.

***A jury is more likely to believe a saint than a sinner, no matter who is actually telling the truth.***

Because credibility is an issue, the rules of discovery allow some investigation into the background of the witnesses, including you. So, trust your lawyer to know when the other side is getting out of bounds.

## Types of Discovery We'll Be Discussing

The rules provide for three basic discovery tools - Interrogatories, Requests for Production, and Depositions - and we'll be discussing each in its turn in future issues.

We'll also talk about ancillary procedures like requests for physical or mental examinations and, as mentioned earlier, we'll talk a great deal about experts and discovery considerations in connection with expert testimony.

As always, if you have any questions about anything in *Let's Win This!* or anything else involved in the world of personal injury law, give us a call or send us an email or chat through the website. We'd love to hear from you.

In the meantime, here's another chance to sign up so you never miss an issue!

[Subscribe to Let's Win This!](#)



## SAC Lawyers Go Where They're Needed

\*\*\*\*\*

*Jason Stephens Licensed in Colorado*

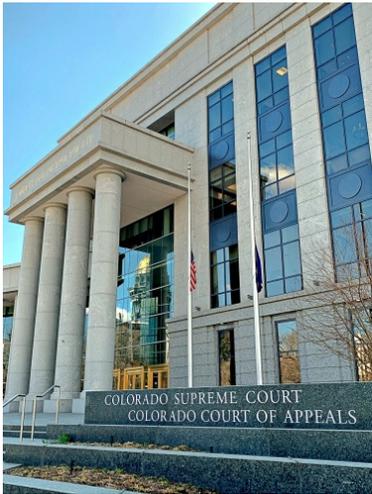
We're Texas lawyers and Texas is our home.

But we go where our clients need us.

Righting wrongs, pursuing justice for the seriously injured, and representing

good folks in difficult times is our calling. Sometimes, that call comes from out of town.

In addition to Fort Worth, SAC maintains offices by appointment in Weatherford, Dallas, and Oklahoma City because we've found that having facilities in those locations helps us better serve our clients.



Now, although we don't have an office there (at least yet), partner Jason Stephens recently became licensed to practice law in the State of Colorado. Of course, he's been licensed and representing seriously injured folks in Texas for almost 22 years and he's been licensed and handling select significant cases in Oklahoma for nearly 10 years.

"Venue" of a case (the physical location in which the suit has to be brought) typically is in the state where the injury occurred. We speak of "venue lying" in a particular place.

If a lawyer's client is injured - and, thus, venue lies - in a state where the lawyer does not hold a license, the lawyer has to jump through a lot of administrative and bureaucratic hoops to seek justice for that client in the courts of that state. Sometimes, it's just not possible for the lawyer to represent a client in a state where they're not licensed.

Some SAC clients have needed representation in Colorado. Since Jason is now "admitted to the Bar of Colorado," there is no impediment to SAC representing good people who have been injured or lose a loved one in that state.

So, if you or someone you know needs a great personal injury lawyer in Texas, Oklahoma, or now in Colorado - look no further than Stephens Anderson & Cummings.

It's just another example of SAC going above and beyond for their clients.

***Let's Win This!***

[Explore the Stephens Anderson & Cummings Website](#)

---

## WHY Stephens Anderson & Cummings?

*Aggressive. Experienced. Trusted.*

Righting wrongs for seriously injured people isn't just a job for us - it's our calling.

Fighting for seriously injured folks is what we do. And it's all we do.

If you want to make a will or form a corporation or conduct a business transaction, we can give you the names of some other lawyers to call.

But if you or a loved one have been seriously injured - or suffered a wrongful death in the family - we're your team. We're AV rated (that's the highest) and we have the drive, experience, and tenacity to stand toe-to-toe with anyone on behalf of our clients.

We're not "TV advertisers." We're real trial lawyers with a long track record of success.

We're not a "mill." We don't take every case that comes along. We understand that your circumstances are as individual as you are.

At Stephens Anderson & Cummings, every single client is unique; every single client is important. We pay personal attention to every single one.

*Don't get lost in the shuffle.*

Let Us Fight For You

[Compare Our Credentials](#)

---

## *Fellow Lawyers: We Value Your Referrals*

At Stephens Anderson & Cummings, we appreciate that different lawyers have different areas of expertise. If your clients find themselves in a situation that falls within ours, we would be honored to work with you, helping them obtain justice - fighting for the best possible result.

We work hard, spare no expense, and pay referral fees promptly.

We know that your clients are important to you. We know that you represent them zealously in your area of practice. If we can't help them, we'll send them back to you.

Righting wrongs for those injured or killed due to the negligence or wrongful conduct of others is what we do. Trust us with your client's case and

*Let's Win This!*

[Click here to learn more about referrals!](#)

---

## Get Help Now,

817.920.9000

Toll Free - 877.920.9009

Principal Office - Fort Worth - 4200 W Vickery Blvd. - Fort Worth, TX 76107

Weatherford Office\* - 123 Dallas Avenue - Weatherford, TX 76086

Dallas Office\* - 3131 McKinney Avenue - Suite 600 Dallas, TX 75204

Oklahoma City Office\* - 3030 Northwest Expressway , Suite 200, #130  
Oklahoma City, OK 73112

\*By appointment only

[Or Shoot Us an Email](#)



[Click Here to Subscribe to Let's Win This!](#)

Share *Let's Win This!* on Social Media



Follow Stephens Anderson & Cummings on social media



Copyright © 2019 - Stephens Anderson & Cummings, LLP - All Rights Reserved

Nothing in this newsletter is intended to be, nor should it be taken as, legal advice.  
Every case is different. We can't guarantee results. But we do promise to fight for the best result possible.

Newsletter developed by DBWordcraft