



STEPHENS
ANDERSON
& CUMMINGS

Let's Win This!

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

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April 2018 - Issue 2



Hello!

I'm Seth Anderson - one of the partners here at Stephens Anderson & Cummings. Thanks for reading this issue of *Let's Win This!*

I'm really glad that we've started doing this and I hope that you are, too. It's hard to stay in touch these days and, while we have the website and the blog, it's nice to be able to communicate more directly.

This month, we're talking about a basic concept in personal injury law - What is a tort? Not every injury can be a valid basis

for a claim. Those that can are generally called "torts." Today's article walks through what that means.

I hope you find this informative and useful. Remember: if you have questions, just reply to this email, give us a call, or go on the website to chat.

All the best -



So, What is a Tort, Anyway?

Sometimes bad things happen to good people, and it's nobody's fault.

When that happens, the law doesn't get involved.

But when someone does something that they shouldn't - or *doesn't* do something that they *should* - and you're damaged in some way, that's called a tort. And the law has something to say about torts.



A tort is one kind of civil wrong (another is breach of contract). And it's the one that involves physical injuries and wrongful death.

Keep in mind that we're talking about the *civil* law here. Criminal law has a completely different set of rules and consequences. So a tort can be defined as a *civil* wrong done to someone for which the law provides a remedy of money damages.

One way to look at this is that the criminal law is concerned with wrongs done to society, in general. That's why criminal cases are usually titled something like "The People vs So-and-So" or "The State vs. the Defendant." Civil cases involve wrongs done to individuals (or sometimes groups of individuals) rather than society as a whole. That's why civil cases are usually called "Your Name vs. The Name of the Person or Company that Injured You."

3 Elements

As you might imagine, there are a lot of different types of torts. Today, we're going to talk about the tort of *negligence*. For example, when you're injured in a car wreck that is someone else's fault, that's negligence.

The tort of negligence has three elements. Lawyers label them "Duty," "Breach," and "Damages." *All three* of these elements must be present in order for a valid claim to exist.

Duty

"Duty" means an obligation to do or not do something. In many cases, the duty we're talking about is just the responsibility to behave yourself. That is, to "act as an ordinarily prudent person would act under the same or similar circumstances." In law school, they teach this as the "reasonable person test."

We all have an obligation *to each other* to act reasonably. When we're talking about the civil law, it's important to keep in mind that we're focusing on the duty that we owe to each other *personally and individually*. There is overlap between civil and criminal law here. It stands to reason that, if the criminal law imposes an obligation to society, in general, then we usually owe

that duty to each other, individually, as well.

Take speeding, for example. The criminal law says that you owe a duty to society to operate your car at a reasonably safe speed, and it sets the maximum safe speed for any given situation (the "speed limit"). Since you have a duty to society, in general, to drive responsibly, you have a duty to each individual to do so, as well.

Breach

If we act unreasonably - that is, if we behave in a way that is different than a reasonable person would behave - that is called a "breach" of the duty to act reasonably. If you drive faster than is safe for the circumstances, you have breached the duty to operate your vehicle reasonably.

Since the criminal law says that you owe the duty to everyone, generally, the breach is all that needs to happen for criminal sanctions - i.e., punishment of a fine or jail time - to be imposed. If you speed, you can be fined. A crime occurs even if no one is personally affected.

For the civil tort of negligence to occur, however, the breach of the duty to operate your car safely has to result in some damage to an individual. Usually, that is because a wreck happens and someone *other than the driver who was behaving unreasonably* is physically injured. That brings us to the third element:

Damages

The criminal law deals in punishment for offenders; the civil law deals in compensation for victims. "Punishment" is the price that the offender has to pay to society for violating the law. "Damages" is what we call the compensation that a negligent person has to pay to someone they injure.

Unless someone is individually injured in some way by the unreasonable behavior, a tort has not occurred.

If you're hurt in an accident that happens because someone drives their car recklessly, putting that person in jail isn't going to help you, individually. The civil law provides a method for you to obtain payment for your injuries from the person who injured you.

More to Come

Like we mentioned in the last newsletter (which you can find [here](#), just in case you missed it), in future issues of *Let's Win This!* we'll address how we go about proving your case. But the first step in determining whether you *have* a case or not is for us to analyze whether or not someone has committed a tort against you. And now you know what that analysis involves:

- Did they have a duty?
- Did they breach that duty?
- Did that breach result in damages?

That's it for this month. Thanks for reading and please keep checking back.

Let's Win This!

Learn More



Stephens Anderson & Cummings Spotlight on the Firm

One of the most common complaints that you hear about lawyers is that they don't actually talk to their clients. Either they won't return phone calls, or their lawyer is never available and the clients get shuffled off to other people.

Here at Stephens Anderson & Cummings, we try to make sure that never happens.

Our team works together. We've been working together for a long time and we understand that it's important for you to talk to the lawyer actually working on your case.

We think it says something that we don't have a lot of turnover. Some of our staff have been around since the firm was founded. We want you to know that we're in it for the long haul.

We're a professional service firm. "Service" means that our clients come first.

Your case is the most important part of our business. We promise to make every effort to keep you informed about the progress of your case and - if we're not available when you call - to get back to you promptly.

SAC Giving Back

In the "giving back" category, a little while ago, Stephens Anderson & Cummings employees volunteered at the Tarrant Area Food Bank. It's another way that we try to help. After all, helping is why we're here. You can read the story on the "In the News" section of the website by clicking [this link](#).



Whenever you or your loved ones are victims of a tort, let us help.

Click the button below and get to know us better! We're looking forward to it.

[Visit and Explore Our 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

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*By appointment only

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