



# STEPHENS ANDERSON & CUMMINGS

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## *Let's Win This!*

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

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August 2018 - Issue 6



Hello!

It's mid-August. Despite the wonderful rain of the last few days, the summer of 2018 is firmly on track to set heat records in North Texas. And it's time to continue our series on one of the hottest topics in personal injury law - Damages.

We started the series talking about the damages that a person injured due to the negligence of others can recover for themselves. In case you missed that issue back in May, you can find it [here](#).

Today, we're shifting our focus to the family - what recovery is available to someone on account of injuries to other family members?

Like I mentioned last time, damages is a complicated subject, so we'll be taking it in pretty small bites.

In today's Spotlight on the Firm, we're thrilled to announce the winners of the 2018 SAC Scholarship for Higher Education! These young people have wonderful futures ahead and they make us proud and hopeful. Please join me in congratulating them.

Remember - anytime you have questions about potential recovery or any other aspect of a case, give us a call, shoot us an email, or chat through the website.

That's what we're here for.

Thanks for reading -



## Damages - Part 2 - Injuries to Family Members

First, let's review:

If you are physically harmed - but not killed - as a result of someone's negligence, you are entitled to recover money damages. The purpose of recovering damages is to "fairly and reasonably compensate" the person who was hurt - you - for certain elements of harm.

Under the law, compensation equals money.

Generally, the elements that the law recognizes and will allow you to recover money for are:

- *Physical pain and mental anguish* that you experienced in the past and that likely will be suffered in the future
- *Loss of earning capacity* that you experienced in the past and likely will experience in the future
- *Disfigurement* - again, past and future
- *Physical impairment* - also past and future
- *Reasonable expenses of necessary medical care* actually incurred in the past and likely to be incurred in the future

But what about when the person injured is your spouse or your child?

### When a Spouse is Hurt

The law recognizes that, when your husband or wife is hurt, it likely will affect you, too. But the elements of damages for which a person whose *spouse* is injured might recover are very different than those that the injured person, themselves, may recover.

Since the person seeking recovery in this situation hasn't been physically hurt, themselves, the focus is on the harm to the *relationship*.

The jury will be asked to put a value on the "loss of household services" and the "loss of consortium." These are defined this way:

- "Household services" means the performance of household and domestic duties by a spouse to the marriage.
- "Consortium" means the mutual right of the husband and wife to that affection,



solace, comfort, companionship, society, assistance, sexual relations, emotional support, love, and felicity necessary to a successful marriage.

As you can see, the law recognizes that the harm to a relationship done by an injury is both economic - household services - and non-economic - consortium. Again, the question will be about damages sustained in the past and that likely will be sustained in the future.

## Injury to a Child

Their child being hurt is every parent's nightmare. But, as we will see, the law is not as respectful of the relationship between parent and child as between spouses.

The damages that can be recovered - and who can recover them - when a child is injured is complicated question and will vary with the situation.

With a few modifications, depending primarily upon when the child will turn 18 (the age at which the law deems a person to be an adult), the damages that children, *themselves*, can recover for *their own* injuries are the same as adults - those shown in the list at the beginning of this article.

It's important to note, however, that parents are responsible to provide needed medical care for their children. Because of that, compensation for medical care necessary to treat a child's injury is recoverable by the *parent*, not the child.

In addition, parents can recover economic damages for the loss of services of their minor children. Some of the services that courts have recognized in this context are: running errands, doing yard work, house cleaning, chores on a farm, and generally helping around the house.

But here is the kicker:

Anyone who has kids knows that, when your kids hurt, you hurt. The suffering that you feel when the relationship with your kids is damaged arguably is at least as intense as when the marriage relationship is harmed.

But the Texas Supreme Court has determined that *in a non-death case*, parents can not recover "consortium-type" damages for an injury to a child.

(It's different in situations involving the wrongful death of a child, but that's a subject for a separate article.)

## But - Injury to a Parent

If you needed any proof that this is, indeed, a complex area of the law, consider this:

If a parent suffers a "serious, permanent, and disabling" injury, that parent's children may be able to recover for a loss of *parental* consortium.

"Parental consortium" is defined as "the positive benefits flowing from the parent's love, affection, protection, emotional support, services, companionship, care, and society."

## Other Relationships

In case you were wondering, the family relationships that the law recognizes for damages purposes stops at spouses and parents and children. Siblings, for instance, can't recover damages for injuries to brothers or sisters. The same is true for Aunts, Uncles, Grandparents, and any more "distant" relationship.

You can see that we have A LOT more to cover in the area of damages. From here, the next logical subject is wrongful death damages.

And that's where we'll start with the next installment of Damages in a future issue of

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Learn More

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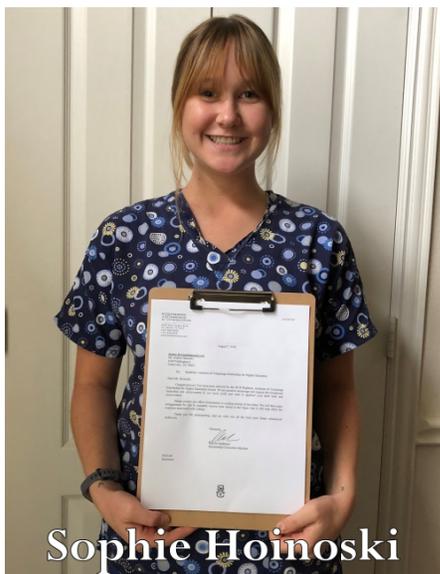
Stephens Anderson & Cummings  
Spotlight on the Firm

# Stephens Anderson & Cummings

## Higher Education Scholarships

Stephens, Anderson & Cummings is honored to award two annual Scholarships for Higher Education. You might remember the announcement as we approached the deadline, which you can find [here](#).

We are very pleased and proud to announce the two winners of this year's scholarships:



Sophie Hoinoski

First Place:

Sophie Hoinoski

Ms. Hoinoski is a 2018 graduate of Colleyville Heritage High School and plans to attend the University of Texas at Austin in the Fall.

Runner Up:

Claire Perkins

Ms. Perkins is a 2018 Byron Nelson High graduate and will attend the University of Texas at Austin this Fall.



Claire Perkins

Part of the application process for the SAC Higher Education Scholarship is to submit an essay on a topic chosen by the selection committee. (You can find all of the application details [here](#).) Our winners both submitted essays demonstrating that, despite all of the negativity dominating the headlines these days, with students of this caliber ready to take the reins, the future is bright, indeed.

Please join Stephens Anderson & Cummings in wishing these brilliant young people all the best in their future endeavors!

[Visit and Explore Our Website](#)

## WHY Stephens Anderson & Cummings?

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

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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.

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

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## *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

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## 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

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Every case is different. We can't guarantee results. But we do promise to fight for the best result possible.

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