



BACHUS & SCHANKER, LLC

ATTORNEYS AT LAW
COLORADO'S INJURY LAW FIRM

Darin Schanker inducted as CTLA president

On August 9, 2007, the Colorado Trial Lawyers Association (CTLA) honored **Darin L. Schanker**, founding partner of **Bachus & Schanker, LLC**, as the newly elected president of CTLA for the 2007-2008 year.

The Colorado Trial Lawyers Association is comprised of Colorado trial lawyers who are committed to the protection and advancement of individual rights, to the advancement of trial advocacy skills, and to high ethical standards and professionalism in the ongoing effort to preserve and improve the American system of jurisprudence.

"I am honored to be elected by my colleagues to lead this distinguished organization. CTLA has a history of protecting Colorado consumers and defending fair access to the courts. In the coming year, we are committed to strengthening the civil justice system so that deserving individuals can get justice and wrongdoers can be held accountable," stated Schanker, who has been a member of CTLA for over 13 years.



2007 Subrogation Seminar hosted by Kyle Bachus

On November 16, 2007, **Kyle Bachus** of **Bachus & Schanker, LLC**, hosted the 2007 Subrogation Seminar at the Four Points Sheraton Southeast. Bachus was joined by program co-chair Gregory A. Gold and **Darin Schanker**.

The addressed topic, subrogation, is the substitution of one person in the place of another with reference to a lawful claim or right. Subrogation mostly occurs in insurance matters, when an insurance company that pays its insured client for injuries and losses then sues the party which the injured person contends caused the damages to him or her.

"I was incredibly honored to be asked to co-chair this year's Subrogation Seminar. Although this is the third year in a row that I have presented at this annual seminar, I was extremely excited to be able to share with others the innovative things we are doing in the area of subrogation for Bachus & Schanker clients to help make sure that our clients are not taken advantage of by their own insurance companies," stated Kyle Bachus.

At Bachus & Schanker, we have fought for years to make sure that "subrogation" is only permitted under fair circumstance, and only after clients are fully compensated for their injuries. This is a very difficult battle, especially when the at-fault person has only a limited amount of insurance and both the injured person and the injured person's health insurer are both claiming first right to the limited settlement money.

We are proud that one of our founding partners, Kyle Bachus, actually authored the chapter on "subrogation" in the Colorado Litigation Handbook, which is used by attorneys throughout the state.

The Colorado Trial Lawyers Association (CTLA) sponsored the 2007 Subrogation Seminar. More information about CTLA and the seminar can be found on www.ctlanet.org.

We take your family's safety and security personally.

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LEGAL DICTIONARY

Many clients find legal terms mystifying. From time to time, we provide easy-to-understand definitions to help clear things up. This time, you'll learn the meanings of several important terms used at court to help you better understand legal concepts.

Expert witness

Someone with special skills or expertise who can give accurate testimony at a trial, even though he or she did not see the event in question.

Jury

Citizens who listen to evidence and swear to pronounce a verdict on matters of fact.

Peremptory challenge

Prosecution and defense attorneys can eliminate a limited number of juror candidates without providing a reason. Judges oversee peremptory challenges to prevent keeping members of a certain race or sex off the jury.

Sequester

To insulate juries from improper influences or pressures during deliberations, judges may place jurors in secure locations.

Voir dire

Interviewing jurors to be sure they understand the basics of a case and will tell the truth. From the French "to tell the truth."

Defamation

An individual suffers the harm of defamation when someone makes an untrue remark about them that assails their reputation or good name, or opens them to public derision, hate, or censure.

Damaging false statements that appear in print or broadcast media are called libel. Spoken defamation is slander.

Defamatory comments may refer to the subject's business practices, health, honesty, morals, sexual life, and more.

First Amendment rights make defamation cases difficult to prove. Those believing they have been harmed by defamation should contact an attorney experienced in libel and slander.

Employer defamation



A jury awarded significant damages to a sales engineer who sued when a former employer defamed him by communicating false information. The jury came to its decision after

learning the previous employer, pretending he represented a debt-collection agency, sent false accusatory letters warning the plaintiff's current boss that the employee had sued a number of previous employers.

FOR YOUR SAFETY

Recalled product roundup

Here are some recently recalled products you may have in your home or at work:

- ✓ **Mega Brands America, Inc. (formerly Rose Art Industries, Inc.)** has voluntarily recalled 4 million Magnetix Magnetic Building Sets. Children who swallow tiny, powerful magnets detached from plastic building pieces can suffer serious perforations and blockages if several magnets or metal pieces attach to each other in a child's intestines.
- ✓ **The Holmes Group** has recalled 300,000 Holmes® Oil-Filled Electric Heaters with poor electrical connections that can overheat and burn users.
- ✓ **Lamson & Sessions** asks buyers to return 100,000 Carlon® Drop-In Floor Boxes that are incorrectly wired and can shock or electrocute consumers.
- ✓ **Sears** warns consumers to remove the "Craftsman" logo labels from the outside of the upper blade guards of 308,000 Craftsman Circular Saws. This label can detach, expose the saw's blade, and injure operators.
- ✓ **Oeuf LLC** recalled 1,400 Infant Bouncer Seats with tubular metal frames that can break and cause infants to fall from the seat.



Premises *LIABILITY*

Property owners are legally responsible for maintaining their buildings' entrances, common areas, stairways, escalators, and elevators in reasonably safe condition so that visitors will not suffer injuries. Owners must also keep buildings' surrounding walks and parking lots in reasonably good care as well.

Anyone injured in an unsafe building or its surroundings may deserve compensation for harm done to them.

An elevator accident

A building visitor riding in an elevator was injured when the elevator's handrail came loose and caused the man to fall to the floor. His attorney sued after the man required lumbar fusion surgery and suffered continuing chronic back pain. A petty officer in the military, the victim was medically discharged from the U.S. Navy and can now perform only light work. The parties settled prior to trial.



Made in China



American consumers are alarmed about the growing list of defective and dangerous products being imported from China. More than 60 percent of all U.S. products recalled were made in China, with the number of recalled Chinese products doubling in the past five years.

In late summer 2007, Mattel's Fisher-Price unit, in cooperation with the U.S. Consumer Product Safety Commission (CPSC), recalled millions of children's toys because toxic lead-contaminated paint had been applied by Chinese suppliers on about 80 different toys, including Dora the Explorer®, Elmo®, and other Sesame Street® character toys.

Previous Chinese products presenting dangers to U.S. and international consumers were vehicle tires, contaminated pet food components, medication ingredients, farm-raised seafood, and many others.

Anyone who has suffered serious harm from imported products should contact an attorney experienced in products liability.

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Jury duty and blogs

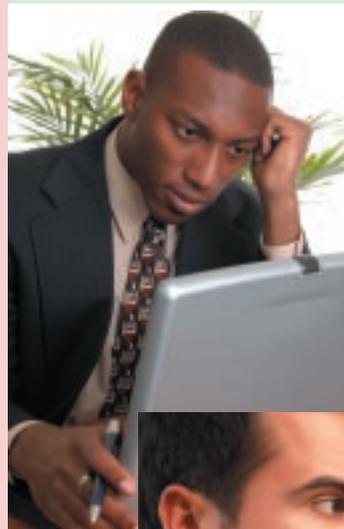
Every American can cast two votes to participate in our democracy. We encourage everyone to do both.

The first is casting ballots on Election Day for candidates, laws, government spending, and public questions. The second is equally important—voting as a juror. Jurors safeguard everyone's legal rights and protect us all.

Recently, some jurors have run afoul of Internet "blogs." Short for "Web log," a blog is a user-generated Web site where participants enter journal-style comments on topics anyone can read. In a recent New Hampshire case, a jury foreperson wrote a blog entry—four days prior to his being named to a jury in a sexual-assault case—stating that he would have to "listen to the local riffraff try and convince me of their innocence," among other comments. Learning of the

blog, the defendant's attorney entered it into evidence to show juror bias after the jury reached a guilty verdict. The judge refused to throw the case out.

Legal experts are debating jury duty, blogs, free speech, and related legal issues. It is probably best to avoid blogging while on jury duty.



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The information included in this newsletter is not intended as a substitute for professional legal advice. For your specific situation, please consult the appropriate legal professional.

EMPLOYEE UPDATE at Bachus & Schanker, LLC

Bachus & Schanker, LLC, is pleased to welcome **Angela E. McGraw** as an associate attorney at the firm. McGraw is licensed to practice law in both the federal and state courts in the state of Colorado, and the federal and state courts of the state of Wisconsin.

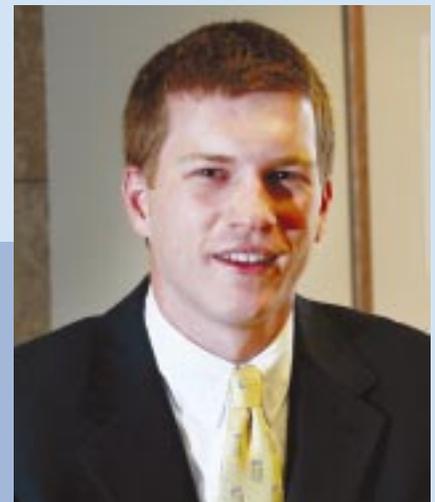
Prior to joining Bachus & Schanker, McGraw successfully tried more cases to verdict than any attorney in her firm. McGraw spent seven years litigating cases exclusively on behalf of injured victims for one of the largest multistate law practices located in Milwaukee, Wisconsin. She also has more than seven years of experience in a "tort state," which makes her a valuable addition to the firm due to recent changes in Colorado tort law.



Angela E. McGraw

Recently, **Adrian Sak** was made an associate attorney at **Bachus & Schanker, LLC**. Mr. Sak, an Illinois native, completed his undergraduate education at Marquette University in Milwaukee, Wisconsin, where he graduated with a Bachelor of Arts in economics, a Bachelor of Arts in philosophy, and a minor in business administration. Mr. Sak then earned his Juris Doctorate from the University of Denver.

Mr. Sak joined Bachus & Schanker, LLC, in May of 2006 as a law clerk, which gave him the opportunity to work on behalf of injured parties in every stage of the legal process. As an associate at Bachus & Schanker, LLC, Mr. Sak is excited about the opportunity to assist injured individuals in seeking and obtaining the justice they deserve.



Adrian Sak

