



PERSONAL INJURY LAW JOURNAL

805-962-2022

WWW.NORDSTRANDLAW.COM

JULY 2020

INSIDE THIS ISSUE

- 1 We're the Mediation Experts You Can Trust
- 2 2 Real Mediation Cases That Prove Preparation Is Everything
- 3 Welcome Daniel Back to Our Team
- 3 The Secret to Delicious Grilled Veggies
- 4 3 Travel Destinations Where Photos Are a No-Go

No Photos Allowed



Since the COVID-19 pandemic, travel has come to a halt. Well, if you can't travel at least you can look at pictures of travel, right? Did you know there are certain destinations where visitors are not allowed to take photos? Here are three places where you might not see many pictures.

THE EIFFEL TOWER Right now, you're probably thinking about all the pictures of the Eiffel Tower you've seen or even taken yourself. After all, the Eiffel Tower is one of the most popular tourist spots in the world, but under French law, taking a photo of the Eiffel Tower *at night* — and then distributing that photo — is illegal. That includes posting the picture to social media.

French officials can send you a cease-and-desist order if they find your night photo because the tower's nighttime light display is copyrighted. It was installed by French artist Pierre Bideau who owns the rights to the display. Do French officials search the web for your vacation photos? No, but they can take action if it's brought to their attention.

THE SISTINE CHAPEL While the Sistine Chapel may be home to incredible works of art originally painted by Michelangelo, it is also a place of worship, and the Vatican considers it disrespectful to photograph such a holy place.

However, there's more to the story. In 1980, Japan's Nippon Television Network Corporation bought exclusive rights to all photos and videos of the interior of the chapel because they funded the renovation of the chapel. While the Japanese corporation no longer holds these rights, the Vatican maintains the "no photos" rule.

ULURU Also known as Ayers Rock, Uluru is one of the largest sandstone rock formations in the world. Located in the middle of Australia, Uluru is highly regarded by the Anangu Aboriginal people who call the region home. Photography around parts of the rock is forbidden out of respect for the Anangu people's beliefs, specifically *Tjukurpa*, or the time when the world was created.

Certain areas around Uluru are used for gender-specific rituals, and as a result, members of the opposite sex must *never* see these locales, including in photos. The Anangu say the restriction of photography ensures they adhere to their beliefs and never lay eyes on these sacred spots, even accidentally through a photograph.

THE ART AND EXPERTISE OF MEDIATION

WE WON'T SETTLE FOR LESS THAN FULL VALUE

Mediation has become its own art form in the legal profession, but when I began practicing law over 30 years ago, it largely didn't exist. Now, our firm's goal is to always settle cases before trial, and that most often occurs through mediation. We've established ourselves as experts when it comes to settling cases for full value; that's because we know how to properly prepare a case, and the insurance companies know our reputation for fighting for our clients.

For those who don't know, mediation is a settlement process where, instead of trying a case before a judge and jury, a neutral third-party person (the mediator) works with the parties in a case, their lawyers, and an insurance company adjuster (for the responsible party).

The hope is that the parties can reach an agreement before incurring substantial costs and avoiding the uncertainties of trial.

Timing of a mediation is important. Mediation is most effective after a personal injury client has finished getting medical treatment for their injuries or when the doctor can tell us

what their future holds medically. It is only after getting all the information we need to prove the value of the case — whether it's through experts, medical records, or other information — that we can get the best value for a client at mediation.

It's critical to prepare for mediation properly. Often times, the defense needs to take our client's deposition before mediation so they can determine if the client will make a good witness for themselves, an important factor in determining case value. We thoroughly prepare our clients to be good witnesses. We demonstrate the value of our cases by many effective means, including doctors' reports, illustrations, and other information pertaining to our arguments. When we present tangible proof to the mediator, who uses that information to talk to the defense, we can increase the value of your case and disprove the opposition's arguments that your case has a lesser value. If we achieve that, then the mediator is more likely to convince the insurance adjuster to offer you more money to settle.



For example, if a client suffered a head injury in a vehicle rollover that caused the vehicle's roof to cave in or their seat belt to fail, we hire experts to show the true value of the impact that an injury has on a person's daily life. We use medical illustrators to highlight injuries shown on X-rays, such as broken bones, and we create video presentations and illustrations of medical procedures to show how the client's life has been negatively impacted by the injuries. We submit medical bills to show the client's fiscal damages. We also gather jury verdicts from similar cases involving injuries, and liability scenarios, highlighting those that are most beneficial to our client. Upon seeing these numbers, insurance adjusters often realize the amount they would spend on a settlement is far less than they would potentially

CONTINUED ON PAGE 2 ...

... CONTINUED FROM COVER

spend on taking a case to court and leaving the decision in a jury's hands.

Preparation and strategy are key, but having 30 years of experience helps our cases, too. Much of the value of a case is dependent upon who the trial lawyer is. That is because insurance companies consider who their adversaries are when determining case value. With an experienced trial lawyer on a case, the insurance company assigns a higher value than they do with a lawyer who doesn't try cases or have expert knowledge. We are a firm that doesn't settle for less than full value, and we aren't afraid to go to court to achieve it. Insurance companies and opposing counsel know we'll take them to litigation and to trial if a reasonable settlement isn't

reached in mediation. Trial involves a higher degree of uncertainty for both sides, however, so it is always preferable to settle in mediation if the numbers are right. Mediation provides certainty and risk control that you cannot get in a trial when you must depend on a jury of 12 strangers.

After the case is fully prepared for mediation, we always prepare our clients' expectations. Mediation is a process that may take an entire day and sometimes is concluded by the mediator after the mediation session ends. The opposing parties are moved into separate rooms, and the mediator talks to each side independently and confidentially. The client usually does not talk to the opposing side, only to their own lawyer and the mediator.

The opposing parties may start negotiations very far apart, but that doesn't mean they aren't going to settle. It's a long day with a lot of back and forth, but we always remind our clients not to get discouraged when they hear the opposition's initial low numbers because the starting number is never the ending number. Each side generally makes high demands or low offers to start so that they have room to negotiate.

When all is said and done, we help our clients in mediation to consider all factors so our clients can make the best choice for their circumstances and can feel good that they got the best offer for their case.

-Renée Nordstrand

HOLDING RESPONSIBLE PARTIES ACCOUNTABLE

Personal injuries can result from any number of scenarios, and we've seen them all. Mediation is a practice that can be a useful tool to resolve nearly any type of injury case, and we strive to use it to its fullest potential.

We had a client who was injured by a defective chair in an establishment. The chair collapsed when they sat in it, causing multiple injuries. Through the litigation process, we determined that more than 50 such chairs at the same establishment had broken before our client was injured, yet the owner had taken no steps to replace them. When one broke, they simply replaced it with the same type of chair. We sued the owner, the retailer, and the distributor of the chairs. We got all parties to agree to participate in a mediation to attempt to settle the case. Initially, all three defendants made an initial joint offer of \$120,000 to our client, which was not nearly enough to cover the pain and suffering they experienced. The mediator worked with the defendants to isolate the most culpable party by getting the parties to settle with the less culpable parties. Ultimately, by singling out the most responsible defendant, the mediator worked by phone to get the case settled a few weeks later for \$440,000.

We've recently begun having mediation using Zoom conferencing and have been pleasantly surprised by just how willing adjusters are to settle cases when they can carry out the process from their home or office rather than having to travel long distances for the mediation, as they often must.

In my first Zoom mediation, our client was crossing in a crosswalk and was hit by a car turning left. In our minds, our client was in a crosswalk on a green light and therefore clear of liability. But the defense argued that our client was negligent due to the fact that she was not paying attention to traffic. The eyewitness testified that our client didn't look before stepping into the street, was looking down and carrying a cell phone. We entered the mediation with the demand of \$1.5 million and had evidence of our client suffering a fractured hip, aggravation of knee problems, and severe anxiety. The defendant came in starting at \$250K, which we felt was a good start but nowhere near full value given our client's compromised condition. After several hours of back and forth presentation, during which the increments never increased or decreased by more than \$50k at a time, the mediator was able to bring both parties together in a settlement that resulted in \$700K for our client.

Even when we were presenting our evidence using Zoom on the computer, doing the necessary preparation before we began was the key to our success. Mediation can be helpful for nearly any type of case, and these two real-life examples show proof of that. But what they demonstrate above all else is how crucial it is to be prepared before you walk through those doors or sit in front of your camera for a Zoom call.



CELEBRATING OUR TEAM'S ACHIEVEMENTS

It is with great enthusiasm that we welcome Daniel Bauerlein back to our team as an attorney. Daniel worked as a legal assistant for NordstrandBlack for the last three years while he attended the Santa Barbara College of Law. In December 2019, he graduated third in his class with honors and left the firm to study for the California State Bar Exam (one of the hardest bar exams in the nation). In February 2020, Daniel took the exam and, through his hard work and determination, was one of the 26.8% of applicants to pass. On June 1, 2020, he was officially sworn into the California State Bar.

Daniel brings a wealth of experience and knowledge to our firm. Prior to beginning law school, he earned a B.S. in Environmental Science, Technology, and Policy from California State University, Monterey Bay. He then enlisted in the U.S. Coast Guard where he served as an operations specialist on a national

security cutter (NSC). While in the Coast Guard, Daniel earned an M.S. in Environmental Policy and Management from American Military University, graduating with honors.

When Daniel relocated and began to study law in Santa Barbara, he was not sure what type of law he wanted to practice. After working for NordstrandBlack, he discovered how a personal injury accident, such as an auto crash or slip-and-fall, can have a drastic impact on a person's life. Daniel feels that interacting with clients and working on their cases gave him a better perspective on the role and purpose of a personal injury attorney and the motivation to help.

"One of the first things I learned when I started working at NordstrandBlack was how even a minor accident can result in severe and lasting injuries. As a relatively healthy person who has never experienced an injury because of another person's negligence, it was



eye-opening to see the effects these types of accidents can have on a person's life.

I also learned how important it is to have good legal representation when it comes to dealing with insurance companies. Unfortunately, insurance companies are in the business of making profits, and it is practically impossible for an injured person to receive full compensation from insurance companies without experienced legal representation."

The combination of Daniel's education, service background, success in law school, and experience with our firm puts him in a position to have an immediate positive impact on our clients and their cases. He looks forward to continuing to work with our clients as an attorney, and we look forward to watching him thrive in the years to come.

We Want You to Think of Us as Your Law Firm

If you have a legal matter that needs attention, let us know. If we can't handle the matter, we will refer you to a firm that can. Please feel free to refer us to your friends and family for their legal needs. We welcome the opportunity to help!

WORD SEARCH

G	R	I	L	L	I	N	G	S	S	Q	
S	Z	D	R	U	B	Y	K	E	V	Z	J
U	N	V	G	V	G	V	L	I	G	X	I
N	J	C	Y	U	P	C	S	N	V	M	R
G	V	H	B	K	I	N	P	D	B	W	P
L	N	Y	E	S	C	H	A	E	O	L	E
A	Q	Z	P	C	N	S	R	P	P	H	A
S	Q	O	V	I	I	A	K	E	B	G	C
S	P	G	E	P	C	C	L	N	Z	C	H
E	B	N	Q	L	R	G	E	D	Q	A	E
Z	I	S	W	I	M	M	I	N	G	S	W
L	A	R	K	S	P	U	R	C	K	A	U
B	Z	C	Q	X	F	U	U	E	H	R	K
B	L	M	F	I	R	E	W	O	R	K	S

- Caesar
- Fireworks
- Grilling
- Independence
- Larkspur
- Peaches
- Picnic
- Popsicles
- Ruby
- Sparkler
- Sunglasses
- Swimming

If you've loved working with our firm, please leave us a review on [NordstrandLaw.com/Review!](https://www.NordstrandLaw.com/Review/)

THE BEST GRILLED SUMMER VEGETABLES

INGREDIENTS

- 1 tsp salt
- 1/4 tsp pepper
- 1 1/2 tsp dried Italian seasoning
- 1 1/2 tsp garlic, minced
- 2 lbs assorted vegetables, trimmed and halved (asparagus, mushrooms, red onion, red bell peppers, baby carrots, and yellow squash are great on the grill)
- 5 tbsp olive oil
- 2 tbsp lemon juice
- 1/4 cup parsley leaves, chopped

DIRECTIONS

1. In a small bowl, combine salt, pepper, Italian seasoning, and garlic.
2. Brush vegetables with olive oil and place in a large bowl. Top with lemon juice and seasoning mixture. Toss to coat evenly. Cover and refrigerate for at least 20 minutes but no longer than 2 hours.
3. Prepare the grill at medium-high heat.
4. Grill vegetables in batches, cooking 3-5 minutes on each side until browned and tender. (Carrots will cook longer, 6-9 minutes per side.)
5. Remove from the grill, sprinkle with parsley, and serve hot.

Inspired by [DinnerAtTheZoo.com](https://www.DinnerAtTheZoo.com)