



Spring 2008 Issue

Deuterman
Law Group



Community News

Veteran Workers' Compensation Attorney Joins Deuterman Law Group



From left to right: Pam Foster, Joel Davis, Dan Deuterman and Ben Burnside.

Pamela W. Foster, a board certified specialist in workers' compensation and certified Superior Court mediator who has practiced law in the Triad for a decade, joined the Deuterman Law Group in March.

Foster, whose experience also includes personal injury, medical malpractice and Social Security disability cases, is dedicated to protecting the rights of injured workers. She views her work as a community service, extending justice to people who can't afford to hire an attorney except on a contingency basis.

The Deuterman Law Group is one of the foremost workers' compensation law firms in North Carolina. It is one of only a few law firms in the state whose workers' compensation attorneys are all board certi-

fied specialists. Founding attorney Daniel L. Deuterman and Joel W. Davis also have earned this distinction.

In addition to representing injured workers, the Deuterman Law Group handles Social Security Disability and personal injury cases.

A North Carolina native, Foster graduated cum laude from the University of North Carolina at Wilmington in 1985 with a bachelor's degree in English and Spanish. She earned her juris doctorate degree in 1994 from the University of North Carolina School of Law.

Foster was licensed to practice law in North Carolina in 1994. In 2002, the North Carolina Board of Legal Specialization rec-

ognized her as a board certified specialist in workers' compensation law. This designation is a testament to Foster's expertise, her performance as an attorney and her reputation in the legal community.

Only a few attorneys in the state have earned this prestigious designation. To become certified legal specialists, attorneys must have practiced a minimum of five years, undergo peer review by other attorneys and judges, participate in continuing legal education in the subject matter and pass a board exam given by the Board of Legal Specialization.

"I have known Pam Foster for many years, and I'm very pleased that she has joined the Deuterman Law Group," Deuterman said. "Pam knows the law, and she un-

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Foster, who previously had her own law firm in High Point, has represented a wide range of clients, including those in the furniture industry, trucking and nursing. She has practiced throughout the Triad and the state, representing clients from High Point, Randolph County, Davidson County, Forsyth County, Rowan County and Surry County.

Foster has a deep appreciation for hard-working people because she has been surrounded by them her entire life. She and her four sisters were raised in Chapel Hill, where their single mother worked as a bookkeeper for the family-owned Fowlers Food Store.

“Everybody in the family did a little work. When I learned to count, I assisted in doing inventory, which meant going to the grocery store at 4:30 in the morning and counting cans on the shelves while the older sisters and cousins would write down the numbers,” Foster said. “Growing up in the grocery store business provided the foundation for what I know about hard work and being a part of the working class.”

After college but before law school, Foster worked in the graduate library at UNC. It was that experience, specifically her exposure to numerous legal tomes, which sparked Foster’s interest in law. A volunteer job teaching English as a Second Language

at Durham Technical Community College further cemented her desire to become an attorney.

“In those classes, I became acquainted with people from various nationalities who were struggling with one legal issue or another,” she said. “I learned a great deal about the impact that our laws have on people who are not citizens.”

Prior to focusing on workers’ compensation cases, Foster was in general practice

with Hunter Large & Sherrill in her hometown of Sylva, N.C. She also worked as an attorney for the Law Offices of Grover McCain in Chapel Hill, where she clerked during law school.

Foster is a member of North Carolina Academy of Trial Lawyers and the N.C. Bar Association. She is also a certified Superior Court mediator.

She lives in Greensboro with her husband and two children.

DLG Employees Continue Their Commitment to the Asheboro MS Walk

For the second year in a row, Deuter- man Law Group employees participated in the Asheboro MS Walk and raised money in honor of clients who are battling the disease.

Employees raised over \$1,000 between them, and the law firm matched their pledges for a total contribution of \$2,000. That’s well above the \$250 that the firm’s paralegals, attorneys and support staff raised last year. The money will be used to fund research and programs for people with multiple sclerosis.

“Each year, we’re starting to get a little bit more organized,” said paralegal Katie Cox, who helped motivate her coworkers to put on their walking shoes for a good cause. “Next year, hopefully, we can start fund raising a little sooner and continue to beat our goal.”

Multiple sclerosis is an autoimmune disease that affects the central nervous system. People with the disease may have abnormal fatigue, severe vision problems, loss of motor function, trouble walking and slurred speech. Most symptoms worsen as the disease progresses.

During the March 29 walk at the N.C. Zoo, the Deuter- man Law Group walked in honor of three clients who have MS – Daniel Jackman, Brenda Watlington and Susan Hillyard. The Deuter- man Law Group is representing each of them in their Social Security disability claims.

“I don’t have any friends or family mem-

bers that have MS,” said attorney Ben Burn- side, who handles Social Security Disability cases for the Deuter- man Law Group. “Meet- ing these clients and seeing how physically debilitating the condition is brought the reality of MS home to me. It makes me want to do this MS walk every year.”

Jackman, Watlington and Hillyard are examples of how multiple sclerosis can strike people of different ages and in very different ways. For some, the disease strikes early and the physical deterioration is rapid. Some people are diagnosed later in life and are able to continue working for many years before becoming disabled.

Because of the way the Social Security disability guidelines are written, many people with multiple sclerosis are denied benefits and seek the assistance of an attorney to help battle the bureaucracy.

“We are vigorously pursuing disability benefits for all of our MS clients,” Burnside said.

The MS Walk underscores the Deuter- man Law Group’s commitment to community service and volunteer work. Found- ing attorney Dan Deuter- man and his wife, Dawne, donate their time and money to many local charities and organizations, and they encourage their employees to do the same.

Last year, the Deuter- mans encouraged their employees to participate in the MS Walk and paid their entry fee. But this year,

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BRIEF NOTES

Congratulations to Dan Deuter- man who has been elected onto the Execu- tive Committee of Workers’ Compensa- tion Section, NC Bar Association.

Congratulations to Ben Burnside who has been elected Co-Chair of the CLE committee of the Social Security Dis- ability Section of the NC Academy of Trial Lawyers.

Who is at Fault in Any Car Wreck?

One of DLG's staff members found this useful excerpt on TruckingAccident.org blog. It is entitled, *The Car Accident Handbook: 12 Simple Rules to Know Who is at Fault in Any Car Wreck*.

Getting in an accident is a stressful experience, but it's even more nerve-racking if you don't know how to determine fault. It's hard to be reasonable after an accident: your adrenaline is pumping, you're probably in pain, and numb from the shock of it all. You may second-guess yourself after the fact, or even be persuaded by the other driver that you're to blame. Protect yourself with knowledge and read on to get clear-cut rules.

1. If you're rear-ended, it's not your fault:

Drivers are required to be able to stop safely if another driver stops in front of them. If you're rear ended, clearly the driver behind you was not following this rule. This situation is easy to settle: if your rear end is damaged, and the other car's front end is damaged, there's little room for argument about how the accident happened. For example: You've come up on traffic that's at a standstill, and you have to brake hard to avoid hitting others. The driver behind you isn't paying attention, and isn't able to brake as

>> *MS Walk, continued from page 2*

the employees led the fundraising charge.

"They're really instilling in us those values of community service and volunteerism," Cox said. "It's like that saying, 'Give a man a fish and he will eat for a day. Teach a man to fish and he will eat for a lifetime.'"

Burnside, who joined the Deuterma Law Group in 2006 after graduating with honors from UNC law school, said he's been impressed by how involved the firm is in the local community.

"What you hear about in law school is that many firms expect their attorneys to take on a certain number of pro bono cases to give people who can't afford access to legal representation," he said. "I wasn't expecting such deep community involvement in other areas that are not related to the law, in addition to the pro bono cases that the Deuterma Law Group takes on."



effectively as you did. This is not your fault.

2. If someone makes a left turn in front of you, it's not your fault:

If you're going straight and someone pulls out on you to make a left turn, they're interfering with your right of way. To make a left turn, drivers must wait until they can safely make the turn without interfering with oncoming traffic. This rule has few exceptions, but it could be your fault if you're traveling at an excessive speed, running a red light, or if an outside force interferes with the other car's ability to turn left. Like the rear-end collision, this accident is an easy one to prove based on the location of damage to the cars. For example: If you have a green light to go straight, but another car turns left in front of you, it's not your fault. This doesn't mean you have free reign to hit anyone who is running a red left turn light, however. You're still responsible for an attempt to avoid the collision.

3. If you're not where you're supposed to be, it's your fault:

Every driver has duties: to wait for a light, to stay inside lanes, to stop at stop signs, and so on. When drivers don't follow signs, accidents can happen. For example: If you park in the middle of a busy street, it is your fault if your car gets hit. It's not supposed to be there, and other drivers will not be prepared to avoid it. They're required to attempt to avoid the collision, but ultimately, it's your fault for leaving your car somewhere it doesn't belong.

4. If you're not paying attention, it's your fault:

Neglecting to look out can cause any of the accidents we've noted so far. If you're

not paying attention, you may not be able to brake in time, effectively gauge oncoming traffic, or make note of signals and signs. Additionally, this can cause accidents that could have been avoided because you're not watching diligently enough to notice an accident about to happen. For example: If you look down to change your radio station, you may not notice that there's a huge line of traffic in front of you. By the time you realize you have to brake quickly, it's too late and you've caused a rear-end collision.

5. If you don't try to avoid the accident, you share some blame:

Every driver has a duty to avoid collisions whenever possible. You can't just plow into other drivers without care, even if they're completely in the wrong with regards to vehicle placement. For example: If someone pulls out to take a left turn, but for some reason gets stranded in the middle of the road, you must attempt to avoid them, or you'll be liable for damage. This is especially true if you have ample time to change lanes or apply the brake.

6. If you break the law and cause the accident, it's your fault:

If you're speeding, running a red light, or not waiting for your turn at a stop sign, it's pretty clear that you're to blame for any collisions that happen as a result of your actions. For example: If you're speeding in a rainstorm, hit a puddle, and hydroplane into another vehicle, you caused the accident and will be held responsible.

7. If you break the law, but it didn't cause the accident, it's not your fault:

This one's a little tricky, but essential. There's always

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a chance that the law you break has nothing to do with the cause of the accident. If this is the case, you may be responsible for a percentage of the liability, but the fault does not fall on you. For example: You're rear-ended, and you're not wearing a seatbelt. You're breaking the law, but neglecting to wear a seatbelt isn't the cause of the accident. The fault does not fall on you, but the other party isn't responsible for any injury you sustain as a result of not wearing your seatbelt.

7. The party who is the most careless is to blame: This rule is at the root of nearly all of the other rules we'll cover here, so it's essential to understand. In a nutshell, the least careful driver is at fault for the accident. Whether that means you're breaking the law or just not paying attention to the road, the person who acted more irresponsibly than the other is to blame for the accident. For example: If you're in a driver's blind spot, and they don't check to see if you're there before changing into your lane, the resulting accident is their fault. Certainly, you should avoid driving in someone's blind spot, but everyone has a responsibility to make sure the coast is clear before changing lanes.

8. If your car malfunctions, it's not your fault: Some things are just beyond your control. Even if you're a responsible driver, it may be difficult to properly steer, stop or otherwise manage to drive your car if it

malfunctions. If you get in an accident as a result of this malfunction, you're not to blame. Nonetheless, you should register with your vehicle's manufacturer to stay on top of recalls and have defective parts replaced. For example: If your accelerator gets stuck and you can't slow down to avoid cars or other objects before you hit them, there's not a lot you can do about it.

9. If your accident is caused by poorly maintained property, it's not your fault: State and federal agencies go to great trouble and expense to keep roads properly maintained, but there's always a slight chance that you can encounter roadway that was overlooked and under-maintained. It's also important to remember that there's no guarantee private roads and parking lots are perfect, either. Accidents that are a direct result of bad roads or poorly maintained property aren't the fault of the driver, provided that you exercise reasonable caution and avoidance. For example: If a fully operational bridge goes out, and your car falls on top of another vehicle, there's really nothing you can do to avoid the accident. You rightfully assumed that the bridge would hold, and you're helpless if it falls.

10. If you both contribute substantial factors, you're both at fault: One driver may have acted irresponsibly, but if another driver does nothing to avoid an accident, or does not follow driver duties like looking both ways before entering an intersection, you both contributed to the cause of the accident. For example: If a driver runs a

red light, and you blindly enter an intersection on green without checking for oncoming traffic, you share fault. Certainly they shouldn't have run the light, but if you'd looked into the intersection like you're supposed to, the accident would not have happened at all.

11. If you acted the way a "reasonable man" would, it's not your fault: Generally, this question is answered by an adjuster, judge, or jury, but it's handy to know. Essentially, you must ask yourself if you acted the way a reasonable man would do if presented with the situation you were in. If you can determine that this mythical man would have done the same thing, you're off the hook. For example: You're in traffic on a bridge and notice a car about to collide with you. There's nowhere to go but over the side of the bridge. You could drive off the bridge to avoid getting hit. It would keep the accident from happening, but unless the "reasonable man" is mentally ill, there's no way he'd do that.

These rules are the essentials of fault, but it's important to remember that the blame will ultimately be determined by either an insurance adjuster or a court of law. If the fault in your accident is not clear, you should consult a lawyer and study the laws of fault that apply to your individual state. And of course, remember to always drive safely! For more information, visit www.truckingaccident.org online.

