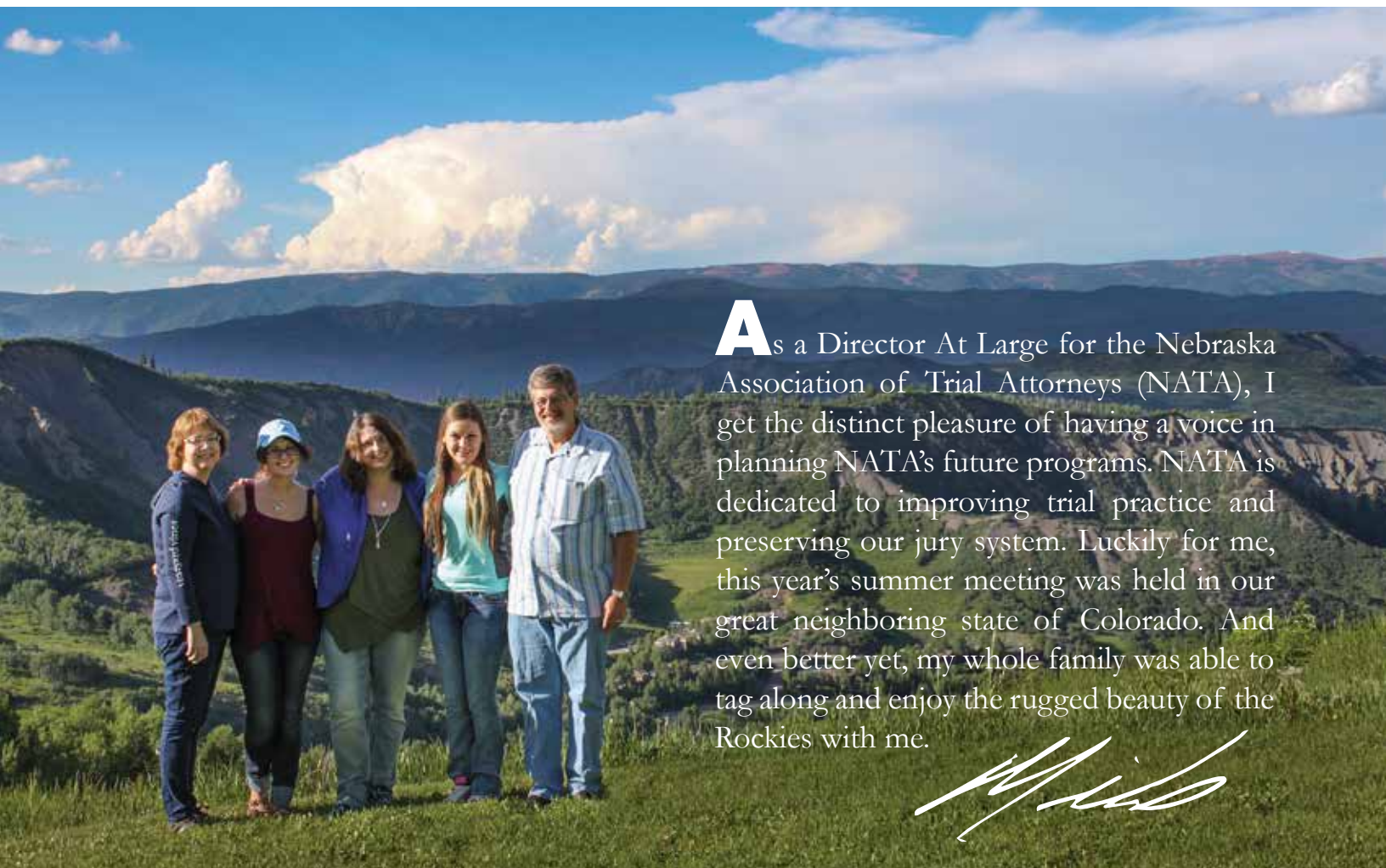


The INSIDE STORY

August 2015



As a Director At Large for the Nebraska Association of Trial Attorneys (NATA), I get the distinct pleasure of having a voice in planning NATA's future programs. NATA is dedicated to improving trial practice and preserving our jury system. Luckily for me, this year's summer meeting was held in our great neighboring state of Colorado. And even better yet, my whole family was able to tag along and enjoy the rugged beauty of the Rockies with me.


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Thank you for the referrals...

A referral from a former client or friend is the greatest compliment our firm can receive. We are grateful for every referral. Below is a list of the people who recently referred a friend or family member to our firm. We would like to publicly thank each and every one of them.

Steve Sexton
Tim Bixby
Tim Tse
Dan Smith
Jim Burn
Carrie Carman
Russ Zeeb

Vince Salerno
Gretchen Bell
Shawntell Smith
Donna Cortizi
Terry Taylor
Jonathan Davidson
Christopher Cloulson

Dawn Vacanti
Paul Lawson
Terry Taylor
Brad Boyum
Stacy Williams
Bradley Ferris
Randy Sevenish

David Torres
Joe Jankowski
Mike Farrell
William Miller
Jada Kreikemeier
Juanita Pinon



Nebraska's Comparative Negligence Law – How It Can Impact You

By Greg Thomas

The following is a common enough scenario on Nebraska streets:

Your car (A) is waiting at a stoplight to make a left hand turn. You are not in the intersection; it's a bright clear day. The light turns to yellow and you move into the intersection to make your left hand turn on the yellow light. You start your turn. In the oncoming lane there is another vehicle (B). She decides to "stretch" the yellow light so she doesn't have to wait through the red light. The inevitable happens, and the two cars collide. Each driver brings a claim against each other, both claiming the other one is responsible for the accident.

Who is at fault? Is one driver more responsible than the other? Those are the types of questions that Nebraska's Comparative Negligence Law is designed to answer. The law states:

§21,185.09. Civil actions to which contributory negligence is a defense; effect on recovery.

Any contributory negligence chargeable to the claimant shall diminish proportionately the amount awarded as damages for an injury attributable to the claimant's contributory negligence but shall not bar recovery, except that if the contributory negligence of the claimant is equal to or greater than the total negligence of all persons against whom recovery is sought, the claimant shall be totally barred from recovery. The jury shall be instructed on the effects of the allocation of negligence.

But what does that mean? If the above scenario goes to trial, the Jury or the Judge evaluates and compares any wrong doing by drivers A and B to see which, if either, is entitled to a recovery. If A is found to be 50% or more responsible for the accident, any recovery is barred. That holds true for Driver B too. If Driver A is found to be 60% responsible and Driver B 40% responsible, Driver A is barred from making a recovery since he is over 50% responsible for the accident. However, Driver B does not get to escape scot-free from her share of the responsibility; her recovery is reduced by 40%. So if Driver B suffered \$100,000 in damages, this amount would be reduced by \$40,000 or 40%.

It is certainly possible that the above accident scenario may end up in both drivers being 50% responsible for the accident. In that case, neither driver can recover damages from the other.

Comparative negligence can be complicated. If you or someone you know has been involved in an injury accident, please call us. We can help you evaluate how comparative negligence may impact your claim.

Nebraska Expands Job Protection for Pregnant Workers by Jennifer Turco Meyer

On April 13, 2015, Governor Pete Ricketts signed the Nebraska Pregnant Workers Fairness Act (LB 267) granting pregnant workers the right to reasonable accommodations in the workplace. Nebraska is the thirteenth state, joining Alaska, California, Connecticut, Delaware, Illinois, Iowa, Hawaii, Louisiana, Maryland, Minnesota, Texas, and West Virginia, to pass similar legislation to protect the job security of pregnant workers. Interestingly, LB267 was sent to Governor Ricketts for signature with unanimous support from the voting senators of the unicameral.

Specifically, LB 267 amended the state's employment discrimination law to require employers to provide reasonable accommodations to pregnant workers including acquisition of equipment for sitting, more frequent or longer breaks, periodic rest, assistance with manual labor, job restructuring, light-duty assignments, modified work schedules, temporary transfers to less strenuous or hazardous work, time off to recover from childbirth, or break time and appropriate facilities for breast-feeding or expressing breast milk. Only in cases where the employer can demonstrate undue hardship—that the requested accommodation would require significant difficulty or expense—can an employer refuse an employee's request for an accommodation.

LB 267 also makes clear that it shall be an unlawful employment practice for an employer to discriminate against an individual who is pregnant, who has given birth, or who has a related medical condition in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment. Passage of this legislation is a significant step towards equal employment opportunities for women and increased safety in the workplace. If you have questions about how LB 267 affects your employment, or what rights you have under other state and federal employment laws, please call and we will be happy to discuss these issues with you.



We are thrilled to share the news that David Handley and his wife, Anna, have added a very handsome baby boy to their family.

Livingston Paul Handley was born on July 31, 2015. Livingston weighed 7 lb. 6 oz. and was 18.5 in. long.

Client's Bill of Rights

Lawyers will tell you that it is impossible to offer a guarantee in the legal business. **WRONG!** We say that law firm clients should settle for nothing less! Remember, your attorney works for you - not the other way around.

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7. Right to have your legal rights and options explained in plain English without legal mumbo jumbo.
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Coming Soon!

We are excited to share the news that our Lincoln office will soon be relocating to Lincoln's Historic Haymarket District. Walls are currently going up and will soon be followed by light fixtures and paint. Stay tuned to our website (dyerlaw.com) for our grand re-opening date.

