



# The Group with the Scoop

Wrongful Death | Car Accidents | Defective Products

## FED UP WITH WEST VIRGINIA GETTING an “F” in ethics?

*Del. Tim Miley led charge in WV House of Delegates to strengthen ethics laws*

### what's inside

#### page 2

Spotlight: Melissa Stevens-George

Malpractice cap ruled unconstitutional in Illinois

#### page 3

Clients wonder: What types of compensation can I receive for my injuries?

#### page 4

The best way to lose your accident case



In 2009, the Center for Public Integrity evaluated West Virginia's ethics laws and gave

the state an “F” based upon the law's failure to require public officials to disclose spousal assets. Currently, any person serving in a public office is required by the West Virginia Ethics Commission to complete a disclosure form to provide information related to that person's assets and sources of income.

Given the “F” grade, Delegate Tim Miley introduced, and was the lead sponsor of, a bill which would have required the spouses of all public officials to disclose the same financial information that is required to be disclosed by the public official. The purpose for such disclosure requirement is to prevent the public official from taking action on a matter that will financially benefit that official or his family.

The West Virginia House of Delegates passed the ethics bill in the first week of the legislative session, receiving **unanimous** bi-partisan support. However, because the West Virginia

State Senate refused to take up the bill, it did not become law this year. Despite this first unsuccessful attempt to strengthen our state's ethics laws, Tim Miley continues to fight to bring integrity to public service. He is committed to strengthening our ethics laws in the State of West Virginia.

Other bills that Tim Miley supported this session that became law include: increasing the size of the State Police's child protection unit to create the Child Predator Unit; a bill increasing the age at which students can drop out of school; increasing criminal penalties for persons who obstruct, flee from or make false statements to law-enforcement officers; increasing the criminal penalty for failing to stop and render aid after a motor vehicle accident; the creation of Business Courts within our existing judicial system which would handle disputes between businesses; and an elections spending disclosure bill that requires groups to disclose their political spending so the public has more information about who is running ads.

If you would like to see the complete list of bills that passed in 2010, please go online at <http://www.legis.state.wv.us/>. ■



*Fighting like a Tiger for you!*

The Miley Legal Group | 230 W Pike Street, Suite 205 | Clarksburg, WV 26301 | Phone: (304) 326-1800

# Spotlight:

MELISSA STEVENS-GEORGE



Ivan, Melissa,  
Ivan IV, and  
Sarah

Although she is the newest member of The Miley Legal Group team, Melissa Stevens-George is certainly

not the least. Missie, as she is

called by friends, is a life-long resident of Harrison County, graduating from Bridgeport High School in 1985.

While she is new to the legal field, Mrs. Stevens-George's experience is already paying dividends. She holds a BS degree in Management/Marketing (Fairmont State College 1992) and has an extensive background in bookkeeping and office administration, having worked for 4+ in a local CPA firm and for over 14 years in the accounts department of a local manufacturing plant.

Missie is excited every day by the challenge of learning the law and how she can apply her already considerable work experience to help our clients. "Missie's enthusiasm for learning new things has been contagious in our office. When combined with her administrative skills, she is a valuable asset to this firm," says owner Timothy Miley.

Mrs. Stevens-George and her husband, Ivan George, III, make their home in Clarksburg along with their two beautiful children, Ivan IV (13) and Sarah (5). When she is not hard at work or spending time with her family Missie loves reading, listening to music and being an active member of the St. James Catholic Church. ■

# malpractice cap RULED

## UNCONSTITUTIONAL IN ILLINOIS

The Illinois Supreme Court recently ruled that the state's cap on malpractice damages was unconstitutional, bolstering the argument that judges and juries – not legislators – should be responsible for determining appropriate damages in malpractice cases.



The decision was based on a tragic case of a baby born with severe impairment as a result of mistakes allegedly made by doctors attending her mother. The baby, Abigaile Lebron, was born in 2005, and suffered severe brain injury, cognitive mental impairment, cerebral palsy, and the inability to develop normal neurological function. Doctors allegedly failed to perform tests on her mother which would have indicated the need for an immediate delivery and too much time passed until Abigaile was delivered by Cesarean section.

The court ruled that the cap on damages put in place by the state legislature was a violation of the separation of powers, and intruded on the authority of judges to make sure that jury verdicts are in line with the evidence presented in malpractice cases. This is the third time since 1976 that the Illinois Supreme Court has ruled that malpractice caps are unconstitutional.

The 2005 statute had capped jury verdicts at \$500,000 against doctors found liable and \$1 million against liable hospitals. West Virginia remains a "capped" State, limiting the recovery of non-economic damages (such as pain and suffering) in medical malpractice cases to \$250,000 for most cases and \$500,000 for the most serious cases. ■

# clients wonder: WHAT TYPES OF COMPENSATION CAN I RECEIVE FOR MY INJURIES?

Serious personal injuries result not only in devastating emotional harm, but also crippling financial losses. A successful personal injury claim can enable a victim to recover both monetary and non-monetary damages.

Some common examples of monetary damages (which are also known as special damages) include:

- **Lost wages**, including wages lost while recovering from an injury or loss of future earning ability.
- **Medical expenses**, which can include both past and future medical care and rehabilitation costs.
- **Costs associated with living with disability**, such as the cost to make a home wheelchair-accessible.
- **Costs of property damages**, such as the value of your automobile. West Virginia law also covers damages for the aggravation and inconvenience that results from having your car damaged or destroyed.

- **Funeral expenses.**

Examples of non-monetary damages (also known as general damages) include:

- **Pain and suffering.** Victims can receive compensation for the actual pain for their injuries as well as the emotional distress caused by them.
- **Loss of consortium.** Spouses of personal injury victims can receive damages for being deprived of the emotional and physical elements of a marriage. In West Virginia, loss of consortium also includes damage to the relationship between parents and children that often result from serious physical or emotional injuries.

If you have questions about the types of compensation you may be owed, please call our office to speak with one of our experienced attorneys about your specific situation. ■



**Tim with his Grandparents at the WV Supreme Court on September 23, 1991 after being sworn in as a lawyer**

**My grandparents taught me the value of hard work, honesty, and service to others.**

**I keep those values with me when I represent you in Charleston.**

**Re-Elect Tim Miley to the WV House of Delegates**

Paid for by the Committee to Elect Tim Miley, Treasurer, V.J. Baldini



Fighting like a Tiger for you!

The Miley Legal Group

230 W Pike Street, Suite 205

Clarksburg, WV 26301

Phone: (304) 326-1800

# wondering...



ABOUT COMPENSATION FOR  
YOUR INJURIES? **SEE PAGE 3.**

This publication is intended to educate the general public about personal injury, medical malpractice, and other issues. It is for information purposes only and is not intended to be legal advice. Prior to acting on any information contained here, you should seek and retain competent counsel. The information in this newsletter may be freely copied and distributed as long as the newsletter is copied in its entirety.

## the best way to lose YOUR ACCIDENT CASE

It doesn't matter how good your case is, if you lie to your lawyer or the insurance company about past injuries and accidents, the jury is going to make sure you lose.



Remember, the insurance companies have access to vast databases about your life, including past lawsuits, claims, and injuries. Also, with the popularity of social media sites like Facebook and Twitter, there is even more information out there about you that they can use.

As always, honesty is the best policy. Tell your lawyer all about past claims and injuries, so that he or she can deal with the issues. The worst thing is for your lawyer to be the last one to know! ■

Call us at **(304) 326-1800**