

PARKER V. DAVIDSON

General Information for Attorney for Parker

Last September 1, at 2:35 pm, twenty-seven-year-old B.J. Parker was driving south in a three-year old Honda Accord on Wisconsin Avenue in Washington, D.C. This is a four-lane thoroughfare that carries a substantial amount of traffic between Georgetown and the Maryland suburbs. It was a clear, sunny day, and the pavement was dry. Although the speed limit on that part of Wisconsin Avenue is 25 mph, Parker was driving 35 mph.

Approaching the stoplight at R Street, N.W., Parker observed a green light for southbound traffic and continued to travel at 35 mph. D. Davidson was driving west on R Street in a new Ford Taurus. Davidson was then employed by the District of Columbia Department of Public Works as a civil engineer. At 1:30 pm, Davidson had become embroiled in a disagreement with his/her immediate supervisor concerning Davidson's dissatisfaction with a recently received 2% salary increase. Their discussion had taken more time than anticipated. Davidson was thus late for an important job interview with a private engineering firm. Davidson was hoping to obtain a new position that would pay almost \$20,000 more per year than his/her current salary of \$67,500.

Approaching Wisconsin Avenue, Davidson was driving 37 mph in a 25-mph zone. At the Wisconsin Avenue and R Street intersection, Davidson noticed that the traffic light was red. Davidson reduced speed to 25-mph and endeavored to make a right turn onto Wisconsin Avenue. At this excessive rate of speed, the car swerved into the outer lane of southbound traffic. Davidson's car struck the left front portion of Parker's vehicle, causing that car to veer into a light pole located just below the south-west corner of the intersection. When Parker's car struck the light pole, it stopped abruptly. Davidson was wearing a seat belt, and the Taurus air bag opened as soon as the two vehicles collided. Because of the seat belt Davidson sustained no serious injuries.

Although Parker was also wearing a seat belt, the Accord did not have an air bag. When the automobile struck the light pole, Parker's upper chest struck the steering wheel, resulting in a crushing blow to the chest that caused a cracked sternum and multiple rib fractures. Parker was taken to the Georgetown University Hospital where a thorough examination revealed the cracked sternum and the fractured ribs. The doctors taped Parker's upper body and provided medication to reduce the discomfort. Although Parker's upper body was severely contused, there was no evidence of additional injury.

The Emergency Room treatment cost Parker \$5,425. Subsequent examinations by Dr. Joan Bannon, an orthopedic specialist, cost an additional \$1,375. Parker was out of work for two weeks. Parker is a self-employed electrician, and these two weeks of missed work cost \$4,000 in lost business. Parker continued to experience some pain for

an eight-week period, but was able to perform his/her usual job duties after the second week. On October 28, Dr. Bannon examined Parker and declared him/her recovered.

Parker's Honda Accord was totally wrecked, at a loss of approximately \$12,400. Last month, Parker filed a civil action alleging that Davidson's negligent driving caused the accident. The complaint demanded \$500,000. Defendant Davidson carries liability insurance providing \$750,000 coverage per accident. The Court has referred the case to mediation.

CONFIDENTIAL INFORMATION

Parker sued Davidson because Parker was angry over Davidson's failure to exhibit any sympathy following the accident. In fact, Davidson had even complained to Parker about the job opportunity s/he was going to lose due to the accident. Since the chest wounds have completely healed and there is only limited discomfort on cold, damp days, Parker does not expect a substantial sum of money. Parker would like to obtain at least \$29,000 to cover the \$6,800 in medical expenses, the \$12,400 value of the destroyed Honda Accord, the \$4,000 in lost earnings and your 25% contingency fee. Parker has indicated that any amount over \$29,000 which you believe would be appropriate would be acceptable. However, Parker has expressed hope that the settlement will be in the \$40,000 to \$50,000 range.

Parker does not want to have to take time off from work to participate in a trial now that his/her injuries have healed, and has thus instructed you to settle this case immediately. Three months ago, you had Parker examined thoroughly by Dr. James Woods, an internist, who indicated that Parker's cracked sternum and fractured ribs had healed completely. Parker's heart and lungs appear to be functioning properly, with no evidence of any impairment. Last week, the Defense Attorney had Parker examined by Dr. Jules Goldberg, an orthopedic/thoracic specialist. Although you have not yet received Dr. Goldberg's report, you're sure that Dr. Goldberg will testify as an expert witness for the defense and will confirm Dr. Woods' findings. You just graduated from law school last year and have not handled many cases. Although you are sure that you have an open-and-shut case on liability, you really do not know how to value the damages in this case. You just know that you want to satisfy Parker, who could refer other clients to you. While you will try for a \$50,000 settlement, you also will ask the mediator how s/he would value the case. Most importantly, you must settle this case today.ⁱ

ⁱ Adapted from "Parker v. Davidson" by Charles Craver