

Revelations of a Case Style in a Vehicular Accident Lawsuit

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Whether interpreting at a court proceeding, deposition, or sworn statement, judicial interpreters benefit from knowing as much as they can about an assignment and the type of matter in which they are interpreting. If the interpreter is familiar with legal procedures, parties, and the different types of potential witnesses commonly found in a lawsuit, he or she will have a much easier time performing the assignment. Knowing the role of each participant in the lawsuit, that party's interests in the lawsuit, and the potential lines of questioning will allow the interpreter to focus on the job at hand and alleviate some of the potential stress of encountering unexpected vocabulary or unfamiliar participants. All too often, interpreters are not provided with information about the lawsuit or proceeding in which they are interpreting.

One simple way to learn a lot about a vehicular accident lawsuit is to analyze the case's "style." The "style" of a case is the caption at the top of a pleading that names the plaintiffs, defendants, case number, and court where the case is pending. This article will explain the development of the case style and demonstrate to the interpreter how analyzing the style of a lawsuit can yield valuable information. Examination of the case style can clarify the roles of witnesses and predict evidentiary material and potential types of testimony that may be elicited at the proceeding.

There are at least fifteen different types of accidents that can give rise to a vehicular accident lawsuit, and at least eighteen different proceedings that can result in testimony from over thirty different types of witnesses. Certain types of documents will require translation or sight translation. The testimony of some witnesses, such as expert witnesses, will include technical terminology or industry specific concepts or terms.

The case style of a vehicular accident lawsuit begins to develop with the initial plaintiff's attorney-client interview and continues through further investigation by the attorney or his staff. The plaintiff's attorney tries to identify all parties that could potentially be liable to the plaintiff(s). Here we show how a case style can develop from a simple intersectional collision between two vehicles into a relatively complicated lawsuit. While the parties

in the following demonstration bear "tongue-in-cheek" names, the reader should keep in mind that any individual party or witness could have limited English proficiency and require the services of an interpreter.

We begin with the simple intersectional collision. Polly Pureheart was innocently driving down a street when she was hit by Ned Negligence. Ned Negligence ran a red light, striking Polly Pureheart's vehicle, causing her personal injuries and causing property damage to her vehicle. The style of the case in this lawsuit would be "Polly Pureheart v. Ned Negligence."

At the time of the accident, Ned Negligence was driving for his employer, "Crummy Corporation." This is called being in the "course and scope of employment" for his employer and thus as a general rule the employer is liable for the employee's actions. The style of the case has now become "Polly Pureheart v. Ned Negligence and Crummy Corporation."

What if Ned were intoxicated at the time of the accident? Suppose Ned came from Crummy Corporation's happy hour at Terrible Tavern. This adds a potential "dram shop" case against Terrible Tavern. A dram shop lawsuit is one wherein it is alleged that a business that serves alcoholic beverages served alcoholic beverages to someone who was obviously intoxicated. That person then, due to his or her state of intoxication, injures someone in a motor vehicle accident. The lawsuit then becomes "Polly Pureheart v. Ned Negligence, Crummy Corporation, and Terrible Tavern."

During the investigation, Polly Pureheart's attorney learns that the brakes on Ned's truck failed, possibly contributing to cause the accident. The vehicle in question is manufactured by Mediocre Motors, and the brakes were manufactured by Bogus Brakes, Inc. In order to make sure that all relevant parties are in the lawsuit, Polly Pureheart's attorney needs to add both Mediocre Motors and Bogus Brakes, Inc. as parties. The style of the case now becomes "Polly Pureheart v. Ned Negligence, Crummy Corporation, Terrible Tavern, Mediocre Motors, and Bogus Brakes, Inc."

In addition to all of this, Polly Pureheart's injuries were more severe than they should have been because the air bag on her vehicle failed to deploy properly. Corporate names are often related to the product the company provides or manufactures. Polly Pureheart's vehicle was manufactured by Awful Autos, which used air bags made by Antiquated Airbags. Now, Polly Pureheart's attorney adds Awful Autos and Antiquated Airbags as parties. The style now becomes "Polly Pureheart v. Ned Negligence, Crummy Corporation, Terrible Tavern, Mediocre Motors, Bogus Brakes, Inc., Awful Autos, and Antiquated Airbags."

The defendant Ned Negligence claims that the traffic signal through which he was proceeding at the time of the accident did not work properly, and that he actually had a green light at the same time that Polly Pureheart had a green light. Polly Pureheart's attorney learns that the traffic signal was manufactured by So-So Signal Corporation, who are then added as a party, thus making the style of the case "Polly Pureheart v. Ned Negligence, Crummy Corporation, Terrible Tavern, Mediocre Motors, Bogus Brakes, Inc., Awful Autos, Antiquated Airbags, and So-So Signals, Inc."

This intersectional collision has suddenly become a much more complicated lawsuit. However, we have only added additional defendants. In any motor vehicle collision lawsuit, there can be multiple plaintiffs. Assume that Polly Pureheart's husband, Virtuous Vic, was in the vehicle, and was killed in the collision. Polly Pureheart would have a cause of action for the death of her husband under the state's wrongful death statute. She would also have an individual "bystander" claim, which is a cause of action in favor of someone who witnesses the death or serious injury of a close family member. In addition, the estate of Virtuous Vic may have claims against the defendants as well. The style of the case then becomes "Polly Pureheart, Individually and as Executrix of the Estate of Virtuous Vic v. Ned Negligence, Crummy Corporation, Terrible Tavern, Mediocre Motors, Bogus Brakes, Inc., Awful Autos, Antiquated Airbags, and So-So Signals, Inc."

During the course of their ten-year marriage, Polly Pureheart and Virtuous Vic were blessed with a child, Adorable Abigail. Adorable Abigail was also riding in the car at the time of the accident, sustained personal injuries, and also witnessed her father's traumatic injuries and death. Adorable Abigail thus has claims against the defendants as well. As a minor child, Adorable Abigail is not able to bring a claim on her own, and requires a parent to sue on her behalf. If Polly Pureheart wishes to assert claims on behalf of Adorable Abigail, the style of the case becomes "Polly Pureheart, Individually and as Next Friend of Adorable Abigail, and as Executrix of the Estate of Virtuous Vic v. Ned Negligence, Crummy Corporation, Terrible Tavern, Mediocre Motors, Bogus Brakes, Inc., Awful Autos, Antiquated Airbags, and So-So Signals, Inc."

The addition of Adorable Abigail to the lawsuit will likely cause the court to appoint a guardian ad litem or attorney ad litem. This will be an individual whose sole purpose is to protect the best interests of Adorable Abigail in this lawsuit.

With each defendant added to the lawsuit, an attorney will be added as well. In this demonstration, there will be one plaintiff attorney, but at least seven

defense attorneys, all of whom have the right to ask questions of any witness.

The case style will assist the interpreter in identifying the various participants in a vehicular accident lawsuit. This, however, is merely the first step in becoming educated about the vehicular accident lawsuit. The interpreter also needs to understand the various types of proceedings that can occur, and be familiar with the potential witnesses, the various types of vehicular accident lawsuits, and the testimony that may be elicited from a witness depending on that person's role in the litigation.