

# Seufert Law Offices, PA

*We'll Get You Through It*

## From the Captain's Log Captain and the Nutty Professor



One of my oldest friends is someone who attended Suffolk Law with me from 1981-1983. The 1st year we met in a “study class”, which is a group of law students who agree to stick together throughout the 3-years of law school and push each other through the challenging times. There is a high rate of dropout due to the pressure of law schools and these small groups allow each to lean/push the other. Bill and I got through it. After Suffolk I stayed in the USCG for the last year of my tour, Bill joined a Legal Aide group in western MA. I then moved up to NH and started a would-be career as a tax attorney in Manchester, but seeing nothing but a self-inflicted gunshot wound to the head if I continued, I shifted gears and opened a litigation practice. After a couple of years things took off and I needed help, so I reached out to my old friend Bill, and he offered to leave MA and join me in NH. We practiced law together for over a decade. I was always the ambitious one, he the careful and deep thinker. His suits would always be just unrolled from the trunk of his car, or the floorboards seemingly some days, and his office was a complete mess, but he was the genius when it came to constructing legal arguments. He also loved the underdog and would represent many clients for free. With a small practice, this soon created a problem as cash flow was crucial to keeping the doors open. Bill, however, was set in his ways. We parted ways still as good friends and he joined the NH Public Defender program in Manchester NH, where he has now been close to 25-years, and the managing attorney. We always stayed in touch.



Last month I received an email from his office manager that they were throwing him a surprise “40-year law career celebration” as that is a milestone in most attorney’s careers, and they ask if I would join them. I did not hesitate to RSVP. We all snuck into the conference room on the 2nd floor of the NH Public Defender’s office and waited, while one of his colleagues feigned needing assistance in an upcoming trial and led Bill into the conference room filled with 30+ of his colleagues. He strolled in, with an outfit that looked like he had just unrolled from the trunk of his car. One of his junior attorney’s gave a glowing speech on how he was the mentor and intellect of that office and the go-to person to construct a legal argument, and I realized that nothing had changed with my friend.

When leaving I saw an open door with his name on it, and again, nothing had changed with my friend. •

January 2025 News





# Foreseeability and Proximate Cause

Let's take a deep dive into a couple of personal injury terms ... well, maybe dip our toe into the labyrinth.

“Foreseeability” and “proximate cause” are two key factors in proving negligence (fault) in a personal injury case. Foreseeability refers to predictability — an act that someone of ordinary mental capacity should be able to see will lead to repercussions, meaning a plaintiff's injury or property damage. For instance, a dog attack should be foreseeable when a dog has a history of such behavior.

Proximate cause can be defined as the “legal cause” of an injury — in the eyes of the law, a reason that an injury occurred, maybe not the sole, or even primary reason, but a cause, in a chain of causes, that allowed an injury to then occur. It need not be the first event of a sequence of events leading to the injury, nor necessarily the most eye-catching aspect of the accident. Some states utilize the “but for” test: The injury would not have happened but for the proximate cause (i.e., the defendant's negligence). However, the contribution to the injury must be more than trivial, as that won't achieve proximate-cause status. As you can imagine, the definition of “trivial” may be disputed.

Although injury may be foreseeable, the extent of injury might not be — the same negligent act can affect one person more severely than the next. Regardless, a liable defendant will be on the hook for the full extent of the plaintiff's damages. This is known as the “eggshell skull” rule.

If you find yourself the victim of negligence, contact our firm. We will fight to attain fair compensation for your injuries, allowing you to focus on healing. ●



# A Sampling of Insurance Industry Tactics

January 2025 Notable Dates

**Jan. 1**  
New Year's Day

**Jan. 5**  
Whipped Cream Day

**Jan. 12**  
Hot Tea Day

**Jan. 17**  
Kid Inventors Day

**Jan. 20**  
Martin Luther King Jr.  
Day

**Jan. 23**  
Pie Day

**Jan. 29**  
Red Carnation  
Day

The U.S. insurance industry is an economic dynamo. It has trillions of dollars in assets, rakes in over \$30 billion in profits annually, and pays its CEOs more than any other industry. But to boost their bottom lines ever further, many insurance companies seek to pay as few claims as possible, or the smallest amounts possible.

Some may say that these tactics border on the “unethical”.

One of the tricks of the trade is simply denying perfectly valid claims, or denying them on a very shaky defense. A bigger “bottom line” means more money to go towards year-end bonuses.

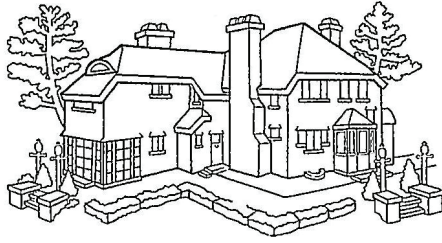
Delaying claims is also a favorite strategy. Some claimants become frustrated and just give up, or take less than the claim is worth just to end the matter.

Some healthcare insurers have also been known to deny life-needed test or treatment ordered by a patient’s doctors, on the excuse that it is “unnecessary care”. One could argue that one’s own doctor, who has probably seen his/her patient repeatedly, should be given deference to the patient’s necessary care, not some corporate executive sitting in his/her big NYC corner office.

Although more than half of states have what are called “plain English” laws, incomprehensible, convoluted language used in contracts is still a problem and serves to confuse and undercut policyholders. Consumers believe they have proper coverage; technically speaking they don’t. Bottom line: A financial crisis ensues.

Not all insurance adjusters are bad, some are quite professional and really try to do the right thing, but they are not your friend. Their job is to keep the insurance company profitable. Their first allegiance is to their employer, not consumers. If you have a claim against an insurance company, contact us to protect your rights. ●

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*Protect Your Family, Protect Your Rights*



## Captain and the Nutty Professor

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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.

# Divine Callings Aren't Exclusive



Joan of Arc, born January 6, 1412, had a short but impactful life. At age 13, she claimed to have heard the voices of Michael the Archangel, Saint Margaret of Antioch, and Saint Catherine of Alexandria on several occasions. They informed her that God had chosen her to reverse the military fortunes of France during the 100 Years' War between France and England.

Fifteenth-century illiterate, seemingly delusional, teenage peasant girls were not typically granted an audience with royal officials. After being predictably rebuffed several times, her persistence paid off. She was finally able to tell her story, prognosticated with stunning accuracy the outcome of a key military battle, and then underwent further interrogation. Ruling authorities concluded she was divinely inspired.

On a subsequent relief mission, Joan was granted permission to accompany the army she would soon lead. While traversing enemy territory, she wore armor, dressed in men's clothes to remain inconspicuous, and cut her hair short, which became the "bob" traditionally associated with French women.

With Joan at the helm, military victories became the norm. She carried a banner into battle, not a weapon, and took a few arrows for the team. Her Christian faith was at the fore, as she encouraged confession before battles, expelled prostitutes from camp, clamped down on soldiers' coarse language, and forbade pillaging and raping following victories.

Joan was eventually captured by enemy forces, sold to England, and falsely charged by pro-English Catholic religious authorities with heresy, cross-dressing, and other offenses. A sham trial followed. She was burned at the stake in 1431 at age 19.

Joan of Arc was canonized by the Catholic Church on May 16, 1920. Her sainthood centered on her dedication to carrying out God's will, personal holiness, and her example that anyone is eligible for a divine calling. ●