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FINNEY INJURY LAW
- TRIAL LAWYERS -

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60 YEARS OF 'KIND OF BLUE' CELEBRATING MILES DAVIS' MASTERPIECE



When a young trumpeter named Miles Davis began his career playing in St. Louis clubs, his potential was immediately apparent. By the time he was 18, Davis had already played alongside such jazz luminaries as Charlie Parker and Art Blakey. Few, however, could predict just how influential Miles and his music would become. Across dozens of albums, Davis created an ever-evolving body of work. Davis, like Picasso, was an artist of periods, from the hard bop of the mid-1950s to the fusion experiments of the late '60s and early '70s. While his discography does not want for classics, "Kind of Blue," which turns 60 this month, still manages to stand out.

Released on August 17, 1959, "Kind of Blue" is the rare album that garnered instant accolades in its day and is still studied and beloved decades later. It's not hard to understand why. From the opening piano chords of "So What," Davis and his band are in unimpeachable form. "Kind of Blue" was based on

modal structures, opening up jazz to an entire world of never-before-considered possibilities. "It's one thing to just play a tune, or play a program of music," pianist Chick Corea, who would later play with Davis, said of the album, "but it's another thing to practically create a new language of music, which is what 'Kind of Blue' did." Jimmy Cobb, who played drums on the album, offered a simpler explanation: "It must have been made in heaven," he said.

There is no "Kind of Blue" without Davis, make no mistake, but the album's supporting players are major contributors. With Cobb on drums, Paul Chambers on bass, and Bill Evans and Wynton Kelly on piano, the rhythm section provides a solid foundation for the horn players to express themselves. When those horn players happen to be Davis, John Coltrane, and Cannonball Adderley, that's a very good thing indeed.

Six decades on, the influence and importance of "Kind of Blue" is still growing. It's the first jazz album many people hear, and almost all of them fall in love with it. As long as humans have functioning ears, you can bet a lot of people will be listening to "Kind of Blue."



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A RIGHTEOUS VERDICT

RESULTS FROM A RECENT TRIAL

"Mr. Foreperson, has the jury reached a verdict?"

"We have, your honor."

"Please hand it to the bailiff."

These are some of the most agonizing moments a lawyer and client can experience: waiting for the bailiff to get the paperwork and walk over to the judge, waiting for the judge to read it to himself, waiting for the judge to say, "The verdict form appears in order," and waiting for the result. I looked over at my cousin, Craig, who had recorded the time the jury came back, not saying anything and not even really looking at each other. Our table was clean, and everything was packed away. What can be said in those moments?

We received a verdict last month in the case I most recently wrote about. It was a true and righteous verdict. \$2,500,000 for a man whose life had been terribly and unnaturally altered. Despite all the efforts of the defense to blame him for the crash and say it was only worth \$5,000, the jurors saw through it.

As I stood with my client, seconds before the verdict was read, he told me he was proud of me and that he loved me. I started to tear up. I couldn't help it. I hugged him. The judge read the verdict: "We, the jury, find percentages of fault as follows: defendant 100%, plaintiff 0%. We, the jury, assess

the damages of the plaintiff to be: \$2,500,000." My client couldn't believe it. He wasn't sure what was just read. I hugged him again. He cried and so did I (again). His wife cried. My coworker cried. Justice was served.

As the jurors filed out, they shook our hands. Some hugged my client. He thanked them for their service. They told him they wished he had a better life now. I have rarely had that experience. The jurors were committed to the cause. We gave them all of our trust for this case. They were forced to sit for this trial. In return, we offered up all the power. What they said was how it would be.

The trial lasted three days. It was not all rainbows and butterflies. On the second day, we took it on the chin, hard. The skillful defense attorney had picked through stacks of medical records and attacked our client. As I drove the 45 minutes home that day, I talked with Craig. He felt the same way, but he is an eternal optimist in trial. He had cross-examined the defendant and skillfully showed how the crash occurred and how it was more than likely all her fault. He reiterated that our lay witnesses were fantastic. It felt like those were really our only two highlights. The judge said my opening was too long and asked if I was trying to put the jury to sleep. I kept hearing "preexisting arthritis" over and over in my head. I sat at my counsel table as their expert went



at our client. I felt helpless. I questioned why I would subject myself to this bloodbath. It was brutal.

I woke on the third day at 3:30 a.m. I couldn't sleep. I texted my client, who I knew would be awake. I told him I didn't know what would happen that day, but I truly enjoyed representing him. I told him that no matter what, I enjoyed meeting him and getting to know him, and nothing could ever change that.

I left for the office at 5 a.m., arrived at the courthouse at 6:30 a.m., and sat on the bed of my truck in the parking lot until the bailiff let me in. We had our jury instruction conference. The judge charged the jury. Both sides argued their case. The jury of 12 people retired to deliberate. Justice prevailed.

Chi





YOU'RE GETTING VERY SLEEPY ...

ESTABLISHING A BEDTIME ROUTINE FOR THE SCHOOL YEAR

Between vacations, bonfires, and sporting tournaments, your children's sleep schedule probably went on break when they did this summer. With school fast approaching, it's vital to get your kids back on a proper sleep schedule. In fact, according to the National Sleep Foundation, getting enough sleep can significantly improve a child's growth and cognitive function.

But getting a restful night's sleep is easier said than done when kids have had almost complete freedom for three months. Try these tips to get your kids snoozing through August and prepared for school.

START EARLY AND GO SLOWLY

When practicing this tip, think of the old adage: "It takes 21 days to break

a habit." If your kids have been going to bed late this summer, set a time when they must go to bed, but don't make it too far off the time they have been regularly hitting the hay. If they shuffle off to bed around 10 p.m., push their bedtime to 9:45 p.m., and then push it back to 9:30 p.m. one week later. Slowly work your way back to an appropriate time, and bedtime will be easier when school starts.

MAKE IT EASY

Though the days may be getting shorter, it's still relatively light out at night, making it nearly impossible for your kids to doze off when they should. Sleep experts recommend creating a sleeping space that mimics a cave: dark, cool, and quiet. This means sunlight shouldn't sneak into the room, and the home should be

a quiet zone after bedtime. No one wants to sleep while everyone else is having fun, so it's important that everyone in the home is quiet at bedtime.

JUST RELAX

This is a rule your family should follow year-round, not just when you want to reestablish a routine. At a certain time each night, begin the nightly wind-down. For example, at 8 p.m. shut off your screens, put on pajamas, and engage in a relaxing activity, like reading a book or doing some yoga. Signaling to your body and your family that it's time for bed will help your kiddos, and you, fall asleep at an appropriate time.

THE RIGHT PLACE AT THE WRONG TIME A LOOK AT SOME INTERESTING PERSONAL INJURY CASES

There is no shortage of crazy cases that come through a court of law, but those revolving around personal injury can be especially surprising. Whether it's a slip-and-fall accident or something a little more eccentric, there are a million ways to hurt yourself while simply going about your day. The problems arise when it's determined to be another party's fault. Let's take a look at some notably strange cases where bizarre miscalculations led to injuries and ailments.

AS BELOW, SO ABOVE

Time spent in the restroom is inherently private. We don't normally talk about it, but that's not the case for a Pennsylvania woman who experienced a traumatic event during a routine trip to the lady's room. In 2007, a schlocky horror plot came to life in a building along Philadelphia's famous Market Street. The culprit was a faulty plumbing system. The woman was inside a restroom stall on the eighth floor, and, as she sat on one of the old toilets customary in the building, pressure building from inside the tank caused a massive explosion that sent her body hurling out of the stall. You don't need to know the details of her injuries to understand

the extent of her grievances. Some forms of suffering are better left to the imagination, especially if the aggressor was a literal stink bomb. She sued the building's landlords for anxiety, pain, and medical expenses, but it's hard to determine which party was truly at fault without more information.

IT'S RAINING CATS AND DOLLARS

You can't predict the weather, no matter what your weather app says, but some people tend to forget that. A few years ago, an Israeli weatherman was faced with a lawsuit by a woman who claimed his inaccurate forecast caused her a great deal of suffering. She claimed he misrepresented a particularly harsh day in the forecast, and it encouraged her to wear insufficient layers that left her health to the whim of the elements. As a result, the woman caught the flu from the downpour and missed work for four days. Citing lost income, large medication costs, and tremendous anxiety, she sought reparations from the fraudulent weatherman and was amazingly awarded a four-figure settlement!



UNSUPERVISED CHILDREN, UNNECESSARY ACCIDENTS SUMMER CAMP INJURY CASES

When a parent drops a child off at summer camp, their biggest worry is if their child will be safe. We want to believe that the people watching our kids will provide them all the attention, supervision, and guidance they need. Sadly, it doesn't always happen. Sometimes, summer camp staff and the organizations who employ them don't do enough to create a safe environment. Our legal code contains provisions to hold these institutions accountable when children are needlessly injured.

Summer camp injuries to children fall under the category of premises liability law. In essence, premises liability law states that the owner or occupying tenant of a piece of private property has a legal obligation to keep said property safe. As such, when a person is injured at a business, they may have a right to hold the owner liable. One important factor in doing so involves proving the business in question was or should have been aware of the hazard that caused an accident. Premises liability law affects any business open to the public like shopping malls, restaurants, retail stores, and summer camps.

In regards to the child injury claims, summer camps may be held responsible if they failed to provide adequate supervision to children. When a child care institution lacks oversight of the children in their care, it's known as negligent supervision. It's important to note that not all injuries a child sustains at camp are the result of malice or carelessness on behalf of the camp or its team. If your child attends a football camp and gets hurt doing a drill, that is hardly the fault of the camp. However, if the injury occurs because kids were allowed to take to the field unsupervised, you may have a case. Often, these cases are not black-and-white matters and will require a thorough investigation into the circumstances surrounding a child's injury.

No parent wants to receive the call that their child has been injured while at summer camp, especially if the injury could have been prevented. If your child has been injured while in the care of others, be it at summer camp or anywhere else, call our office at 314-334-1814 to find out how we can help.



SENEGALESE LAMB SKEWERS

Inspired by Food & Wine magazine

INGREDIENTS

For the lamb:

- 2 lbs trimmed leg of lamb, cut into 1-inch cubes
- 1 tbsp peanut oil, plus more for grilling
- Salt and black pepper, to taste

For the onions:

- 1/2 cup distilled white vinegar
- 1/2 cup Dijon mustard
- 1/2 tbsp agave nectar
- 1 yellow onion, thinly sliced
- Salt and white pepper, to taste

EQUIPMENT

- Bamboo skewers

DIRECTIONS

1. In a bowl, coat lamb with 1 tbsp oil and generously season with salt and pepper.
2. In a mixing bowl, whisk together vinegar, mustard, and agave nectar. Toss in onions and season with salt and pepper.
3. Heat a grill or grill pan to medium and oil the grates.
4. Thread lamb on skewers and grill for 6-8 minutes.
5. Serve alongside onions.

YOUR REFERRALS MEAN THE WORLD TO US

There is no greater compliment we can receive than a client telling a friend or loved one about us. If you know somebody who has been injured and needs an attorney who will fight on their behalf and give their case the attention it deserves, please pass along this newsletter and have them give us a call at 314-293-4222. Thank you for spreading the word about Finney Injury Law.