

THE WARREN REPORT

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Virginia Trial Lawyers Justice Day

The Virginia Legislature, known as the General Assembly, consists of members of the House and Senate. The General Assembly is in session until March 12th to discuss and consider bills from their respective Houses. January 26th was The Virginia Trial Lawyers Association's (VTLA) "Justice Day" and members of VTLA, including Vaden, joined in on a Zoom call with members of the legislature, from both parties, to discuss some of the bills and issues that members of the association have special interest in.

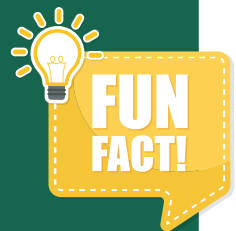
One bill of particular interest has already seen the floor and been struck down. Senate Bill 555 would have allowed people to sue a bar or restaurant that sells alcohol to an underage customer who is visibly intoxicated if they later cause an accident or injury while under the influence. These types of laws are called "dram shop" laws, and Virginia is one of only a handful of states that does not have one on the books.

We will try to keep our social media current with Assembly updates!



VTLA Legislative Counsel Mark Dix discusses bills with Senator Mark Obenshain (R), Delegate Jason Ballard (R), Delegate Marcus Simon (D), Delegate Jay Leftwich (R), and Senator Scott Surovell (D).

The Virginia General Assembly is described as "the oldest continuous law-making body in the New World." Its existence dates to its establishment at Jamestown on July 30, 1619.



VADEN WARREN FOR [VTLA] PRESIDENT!

Vaden will become President Elect of The Virginia Trial Lawyers Association (VTLA) this month! VTLA is a voluntary bar association with approximately 2,000 members across the Commonwealth. VTLA is dedicated to enhancing the knowledge, skills and professionalism of trial lawyers and committed to improving the law and the fairness of Virginia's system of justice. Vaden has been a member of VTLA for 24 years now and has served in various leadership capacities.

Corned Beef

This recipe takes a little more TLC than your average store-bought corned beef. Vaden made it last year and his family loved it. Just be prepared to begin this recipe a full 5 to 7 days before you want to serve it!

Ingredients

Pickling spices:

- 1 tablespoon whole allspice berries
- 1 tablespoon whole mustard seeds (brown or yellow)
- 1 tablespoon coriander seeds
- 1 tablespoon red pepper flakes
- 1 tablespoon whole black peppercorns
- 2 teaspoons whole cloves
- 9 whole cardamom pods
- 6 large bay leaves, crumbled
- 2 teaspoons ground ginger

Brine:

- 1-gallon of water (16 cups or 4 quarts)
- 1 cup & 3 tablespoons of Morton's Kosher Salt
- 3 tablespoons pickling spices
- 1/2 cup (90 g) brown sugar
- 5 teaspoons pink curing salt (gives it the pink color)
- 1/2 stick cinnamon

Meat:

- 1 5-pound beef brisket
- 1 tablespoon pickling spices

Instructions

1. Place the pickling spice ingredients into a small jar, seal tightly with a lid, and shake them together until well mixed.
2. Fill a large pot with a gallon of water. Add to the water 3 Tbsp of the pickling spice mix (will need the mix again after brining is complete!), the half stick of cinnamon, Kosher salt, pink curing salt, and brown sugar. Bring to a boil, then remove from heat and let cool to room temperature. Next, refrigerate until well chilled.
3. Place the brisket in a 2-gallon freezer Ziplock bag and add enough brine so that the meat is covered. Squeeze out the air from the bag before sealing. Place in the refrigerator and chill for 5-7 days. You can flip the brisket every couple of days to make sure it brines equally on each side.
4. At the end of the cure, remove the brisket and rinse off the brine with cold water. Place the brisket in a large pot that just fits around the brisket and cover with at least one inch of water. If you want your brisket less salty, add another inch of water to the pot.
5. Add a tablespoon of the pickling spices to the pot. Bring to a boil, reduce to a very low simmer (barely bubbling), and cook 3-4 hours, until the corned beef is fork tender.
6. When cutting the meat, cut thin slices across the grain. Notice the visible lines on the meat; this is the "grain" of the meat.
7. Serve with your favorite sides, or some sautéed cabbage for the full St. Patrick's Day experience. Vaden even used leftovers for some Reuben sandwiches, and it did not disappoint!



NEW SCHOLARSHIP!

We are excited to announce a new, \$2,500 scholarship from The Warren Firm! This opportunity is available to graduating seniors from the following Virginia counties: Appomattox, Charlotte, Lunenburg, Nottoway, Amelia, Cumberland, Buckingham, and Prince Edward. Vaden grew up in Crewe, VA and that area of the state holds a special place in his heart. The theme of the scholarship is "Hard Work Pays Off" and we are hoping to find a candidate who could use a helping hand towards their post-graduation education, whether that is at a university, community college, or trade school. There is no GPA minimum to apply and the full details for applying can be found on our website. Simply point your phone camera at this QR code and click on the URL that pops up!



SLIP AND FALL



Our client was injured when he slipped and fell on ice while walking in front of an apartment complex he was visiting. The pavement had not been cleared properly after a significant snowfall earlier in the day and the day before. For this case, we retained a meteorologist to testify about the weather conditions regarding when it started and stopped snowing. Under Virginia law, apartments have a duty to use ordinary care to remove ice or snow from outdoor entrances, walkways, and parking lots within a reasonable time after the snow stops falling. If they do not, then they are deemed negligent. The apartment our client fell at had hired a paving company to clear the snow, but they simply did not clear all of the ice.

Our client broke his tibia and fibula (lower leg) in the fall and underwent surgery which included doctors placing hardware in his leg. Afterwards, he was referred to extensive physical therapy and progressed well in his recovery although he continues to have some lingering issues.

Type of case:

Slip-and-Fall

Place of incident: Charlottesville, VA

Injuries sustained: Broken tibia and fibula

Verdict or settlement: Settlement

Amount: \$100,000

We were pleased with the results of this case given some of the difficulties that are had in premises liability cases in Virginia. Premises liability refers to the responsibility of property owners for injuries that occur while a visitor is on their property.

Understanding Premise Liability Cases

The plaintiff has to prove:

1. A dangerous condition exists.
2. The responsible party (property owner) knew or should have known about it.
3. The responsible party did not adequately warn of the danger.

The defense may try to prove:

1. The danger was “open and obvious.”
2. The injured party was contributorily negligent. For example, they weren’t watching where they were going or using ordinary care.

There are many nuances to these cases in Virginia. For one, it can be difficult to prove that the owner KNEW of something, so the focus becomes that they should have known

(constructive notice). If the plaintiff (the attorney for the injured party) tries to prove a case through constructive notice, they must be able to prove WHEN the substance got on the ground. If the defense counters that the substance was “open and obvious” and therefore should have been noticed and avoided, the plaintiff could contend that the substance was actually NOT open and obvious.

You can see how entangled this can become, because the defense may then argue, “Well then how were we (the owners) supposed to know it was there if they (the injured party) didn’t even notice!” In response, the defense will almost always argue that the injured party was contributorily negligent because they were not watching where they were going.

**We focus our practice on
cases involving:
Personal Injury
Wrongful Death
Children's Injuries
Bicycle Accidents
Auto Accidents**



Vaden
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