



## **Accident Attorneys Shed Light On Recent Appellate Court Opinion**

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San Antonio, TX Carabin Shaw P.C. is reaching out to share their insight on a recent opinion issued by an appellate court of an accident that took place out of state. While the victim was a Texas resident, the accident itself took place in Colorado. The firm's official website and other online resources may provide more information on the topic as well.

The firm explains that the victim of the accident went out on an out-of-state wilderness expedition with his church group, with the activities having been planned by a company. All participants were required to complete a registration form and a medical form. The victim took part in a rappelling course during the trip when he fell and died. His wife later filed a lawsuit against the rappelling company. The company then moved for summary judgment, arguing that Texas law did not apply to the case in addition to a number of other issues. A case involving injury to Texas residents in another state can be very complicated without the help of a professional attorney.

The law provides that, in diversity actions, the court should apply the conflict-of-laws rules of the forum state, the San Antonio firm says. This also applies in contract language dispute matters. In this case,

Texas laws require liability releases to be "adequately conspicuous," which is a stricter standard than Colorado law. As such, the plaintiff contended that because her husband signed the release in Texas, Texas law should apply. However, the magistrate judge concluded that Colorado law controlled the matter. On appeal, the appellate court explained that Colorado law applies because diversity actions require courts to apply the conflict-of-laws rules of the forum state.

The court further elaborated that applying Texas law would hinder commerce and require recreation companies to know the laws of every state in which a participant might live. This would impose a significant burden on companies that specialize in outdoor-recreation activities and whose main source of income is out-of-state participants. The court decided to apply Colorado law while the plaintiff argued that the company could not establish that the parties' intentions were clear and unambiguous. The court found the forms which were signed by the plaintiff's husband "straightforward and uncomplicated" and also that they addressed the risk that later led to the victim's death. The forms were completed months before the trip, which gave the victim more than enough time to address any concerns he may have had with the forms.

There were a number of issues that came up in the case that, in the hands of an experienced, skilled attorney, could have been better handled, and the plaintiff could have easily received the compensation they deserved following the wrongful death of their husband. Carabin Shaw, with over 200 years of combined experience in personal injury law and a strong commitment to offering excellent service, has all the tools needed to ensure that their clients get the very best out of any case.

"We are dedicated exclusively to advocating for the rights of individuals injured or wrongfully killed in accidents," the firm says. "We stand up for victims against insurance companies and responsible parties. Our lawyers are mostly in San Antonio, with branch offices across the State of Texas. We work hard to not only win your case, but to keep our clients updated and involved throughout the representation. Our firm works with the best and brightest doctors and medical experts in the medical arena, and we are able to send our clients to them so that our clients receive the best possible treatment for their personal injuries. We provide free consultations to anyone in need of legal advice, and if we cannot help a potential caller, we will take steps to find someone who can. Carabin Shaw aggressively represents victims of auto accidents, trucking accidents, 18-wheeler accidents, worksite accidents, wrongful deaths and other injuries."

Find out more about Carabin Shaw P.C through their website. Clients may contact James Shaw or any other attorney at Carabin Shaw P.C. to follow up on any further inquiries or discuss their case in greater detail as well.

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For more information about Carabin Shaw P.C., contact the company here: Carabin Shaw P.C. James

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## **Carabin Shaw P.C.**

*The Attorneys of Carabin Shaw aggressively represent individuals across Texas.*

*Our Team of Experienced Attorneys represent clients that have suffered catastrophic personal injuries and tragic wrongful deaths.*

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