page 2
House-rich, cash-poor: Who pays the bills while probate plays out?

page 3
Starbucks manager's comments to union worker deemed lawful

page 4
AI is entering divorce and family law, but there are risks

Legal Matters®

General
fall 2026

# Injury seems hard to prove? It's still worth meeting with an attorney

In a lot of personal injury cases, the harm you suffer is obvious. For example, if you break a limb, suffer a severe burn, or lose a finger, it's apparent to anybody who sees you.

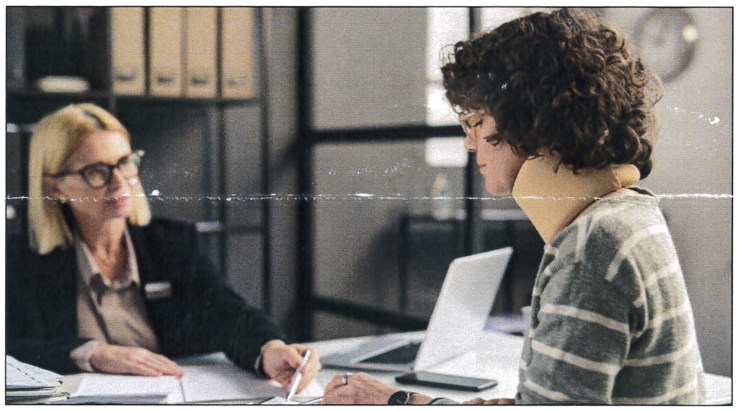
When that happens, it's a matter of proving that the person or company that caused it wasn't as careful as they should have been.

But what if your injury doesn't show up on an X-ray or isn't apparent for the whole world to see? A less visible injury might make your case harder to prove but it's still important to call an attorney who can gather the right kind of medical evidence and maximize the chance of obtaining the recovery you're entitled to.

**So what types of injuries fall into this category?**

The most common is soft-tissue injury. For example, let's say you got rear-ended and didn't break any bones. You may still have suffered whiplash — a soft-tissue injury caused by a sudden, forceful, back-and-forth movement of the head that results in strained neck muscles, ligaments and tendons. Typical symptoms include neck stiffness and pain, headaches and dizziness. These symptoms can impact your quality of life, and you're entitled to recover if you can prove the other party was at fault.

Brain injury is another type of harm that often won't show up on X-rays or MRIs. But it can impact your life in a number of ways, such as impaired cognitive function. It can also impact your personality, affecting your loved ones. As with soft-tissue injuries, the pain and suffering and loss of enjoyment of life that results are all damages that can be recovered if you can show that the other party's negligence caused it.



Meanwhile, many people suffer chronic pain after a fall or collision. For example, maybe you suffered a back injury that makes it difficult to find a comfortable position while working, driving, relaxing or sleeping. The cause of the pain may not be apparent from medical imaging, but it's very real and impacts your life and you may be entitled to compensation.

The challenging part is that when your injury isn't so visible, the other party's insurance company and their attorney will try to suggest that the injury doesn't exist at all or that it was a "pre-existing condition" you suffered from before the accident occurred. They may even try to blame your symptoms on aging or aspects of your lifestyle.

To preempt these kinds of tactics, there are important steps you can take.

*continued on page 3*

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# House-rich, cash-poor: Who pays the bills while probate plays out?

It's a common scenario, and a stressful one for the person in charge of the estate. A decedent leaves behind a home but very little cash. Administering an estate can take time, but expenses don't pause in the meantime.

Property taxes come due. Insurance premiums need to be paid. Utilities must stay on to prevent damage. Lawn care, snow removal and basic upkeep all add up.

For an executor or personal representative, the question is immediate and practical: Where does the money come from?

**Expenses don't wait for probate**

Even in relatively straightforward cases, probate can stretch for months. During that period, the home still needs to be preserved. Letting insurance lapse or allowing the property to deteriorate can reduce its value and expose the estate to liability.

In most cases, these carrying costs are considered legitimate estate expenses. But that doesn't solve the short-term problem of how exactly to pay for them.

- Option 1: Use available estate assets (if any)
  If the decedent had any liquid accounts (checking, savings or even small investment balances) the executor can typically use those funds to cover necessary expenses. The challenge, of course, is when those assets are minimal or tied up.
- Option 2: Executor advances
  In many cases, the executor ends up fronting the money personally to keep things running. Courts generally allow reimbursement for reasonable, necessary expenses incurred in administering the estate.
  That said, this approach comes with risk. Reimbursement is not always immediate, and disputes can arise, especially if beneficiaries later question whether certain expenses were appropriate or necessary.
  Clear recordkeeping is essential. Every payment should be documented, and expenses should be limited to what is needed to preserve the property and fulfill the executor's duties.
- Option 3: Agreement among beneficiaries
  If beneficiaries stand to inherit the home (or proceeds from its eventual sale), they may agree to contribute funds to cover ongoing costs. That can be particularly helpful in family situations where there is consensus about maintaining or selling the property. However, this requires cooperation and, ideally, a written reimbursement agreement.
- Option 4: Borrowing against the property
  Some estates explore short-term financing options, such as estate loans or lines of credit secured by the property. These can provide liquidity but introduce additional complexity, including lender requirements, interest costs, and sometimes court approval.

**On legal fees and fairness**

The same liquidity challenge often extends to legal and administrative costs. Executors are typically entitled to use estate assets to pay reasonable attorneys' fees and administrative expenses. But when cash is limited, those costs can become a source of tension.

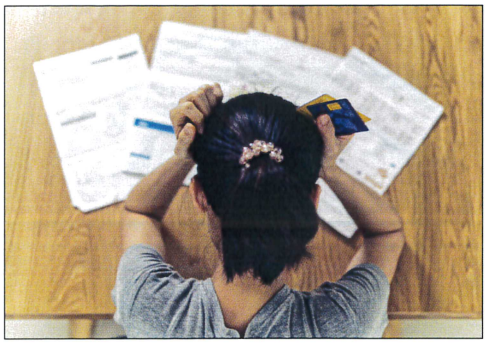
Beneficiaries may question whether the estate is being managed efficiently, particularly if legal fees begin to erode the value of the primary asset. Transparency, including regular updates, clear explanations and documentation, can go a long way in avoiding disputes.

**The takeaway**

An estate that is "house-rich but cash-poor" creates real, immediate pressure on the executor. There's no single right answer, but the options generally involve some combination of advancing funds, coordinating with beneficiaries, or accessing credit.

State laws and probate rules vary, and the executor's authority may depend on court approval. For that reason, early guidance from an estate attorney is often valuable.

The key is to act quickly enough to protect the asset, while keeping decisions grounded in what's reasonable and ultimately in the best interest of the estate as a whole.



**We welcome your referrals.**

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## Starbucks manager's comments to union worker deemed lawful

The National Labor Relations Board has ruled that a Starbucks manager did not violate federal labor law when she told an employee from a unionized store that union workers might no longer be able to pick up shifts at nonunion locations.

The 2-1 decision reversed an administrative law judge who had found that the manager's comments could reasonably be interpreted as a threat to eliminate work opportunities because of union activity.

The case involved a Seattle-area Starbucks employee whose home store had unionized in 2022. Shortly after the union was certified, the employee was working a shift at another store when coworkers told her that employees from union and nonunion stores would no longer be able to swap or "borrow" shifts.

The employee asked the manager of that store about the policy. According to the record, the manager said she had attended a meeting where company lawyers discussed separating union and nonunion stores for shift-borrowing purposes, but also said she was unsure exactly what the policy was and reassured the employee that she was "always welcome" at the store. The employee later transferred to that location full time.

The union filed an unfair labor practice charge, and an administrative law judge ruled against Starbucks in 2023. The judge concluded that the manager's statements could have discouraged union activity by suggesting that unionized employees could lose access to additional shifts and income.

**NLRB reverses**

The board's majority disagreed. It emphasized that the employee had initiated the conversation, that the manager expressed uncertainty rather than announcing a firm policy, and that she reassured the employee she remained welcome at the store.

Considering the exchange as a whole, the board concluded the comments did not have a reasonable tendency to interfere with protected union activity.

The decision stands in contrast with several other recent Starbucks cases in which the NLRB found managers' statements about unionized employees working at nonunion stores unlawful.

The board distinguished those cases in part because the conversations were not initiated by employees and involved more definitive statements about potential consequences for unionization.

**What companies can take from the ruling**

The decision illustrates how heavily the NLRB may weigh context when evaluating what managers say during union organizing or after a workplace unionizes.

Statements about possible changes to scheduling, benefits or work opportunities can create risk if they sound like threats tied to union activity.

But the board's ruling suggests that an employee-initiated conversation, a manager's clear expression of uncertainty, and reassurance that no adverse consequence is being imposed may affect how the exchange is viewed under federal labor law.

The case is a reminder that managers should be carefully trained on how to respond to employee questions about union-related workplace changes without speculating, threatening consequences, or presenting uncertain information as established company policy.

## *Injury seems hard to prove? It's still worth meeting with an attorney*

*continued from page 1*

First, you should see a doctor right after the accident and engage in all the follow-up care that your doctor recommends. This is a good way to document your symptoms and develop a record to show your injury is real. And if you don't follow through, the defense can use that as evidence that your injuries aren't serious or that they aren't real.

You should also document your injuries and their effect in a daily journal. Describe your pain, how severe it is, and the impact it's having on your life. For example, is it causing you mental distress, anxiety and depression? Describe it. Are you canceling plans with friends because you hurt too much to go out? Document the pain. Are you having trouble sleeping and is that affecting your ability to perform at work? Make sure you've included that.

Finally, don't wait to talk to a lawyer. An attorney can give you much more targeted advice while helping you gather the right kind of documentation and the appropriate experts to strengthen your case.

This newsletter is designed to keep you up-to-date with changes in the law. For help with these or any other legal issues, please call our firm today. The information in this newsletter is intended solely for your information. It does not constitute legal advice, and it should not be relied on without a discussion of your specific situation with an attorney.

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# AI is entering divorce and family law, but there are risks

Artificial intelligence is increasingly finding its way into divorce and other family law matters, where cases can involve enormous amounts of information ranging from financial records and property documents to emails, text messages and parenting communications.

Used appropriately, AI tools can help organize large volumes of information, build timelines, and identify patterns or transactions that warrant closer review. In complex divorces, technology may also help attorneys analyze financial records and flag unusual activity that could require further investigation.

But using AI independently to analyze or prepare for a family law case can create risks that you may not anticipate.

**AI conversations may not be confidential**

A recent Massachusetts Superior Court decision illustrates one concern. The court held that documents generated through ChatGPT by a litigant's romantic partner were not protected from discovery under the attorney work product doctrine because they were not created at the direction of counsel.

The ruling is particularly relevant where clients may be tempted to enter sensitive financial information, communications with a spouse, or details about a custody dispute into a generative AI tool.

Doing so can raise questions about confidentiality and whether AI-generated materials, including prompts and responses, could later become discoverable in litigation.

**AI cannot replace individualized legal advice**

Accuracy presents another issue. Generative AI can produce convincing answers that contain incorrect facts, nonexistent cases, or legal rules that do not apply in a particular jurisdiction.

That can be especially consequential in divorce and custody matters, where outcomes depend heavily on individual circumstances and state law.

AI is likely to become an increasingly useful tool in family law, both for attorneys and clients. The safest approach, however, is to treat it as a tool rather than a substitute for legal counsel and to speak with an attorney before sharing sensitive case information with an AI platform.