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# Legal Matters®

## 'Hidden' injuries after car accidents can lead to real costs down the road

If you've been in an automobile accident but don't feel any significant physical pain, it's still important to seek medical attention right away.

That's because you may have a "hidden injury." In other words, you could have an injury without any immediate visible outward effects but for which you begin to experience symptoms over an extended period of time.

Hidden injuries can cause serious financial and non-financial costs that you may be entitled to recover. But if such an injury goes undetected for too long, it can make it difficult to secure all the compensation you deserve.

One of the biggest costs posed by hidden injuries is harm to your future health. For example, neck strain, also known as "whiplash," is a common injury that surfaces gradually in the days and weeks after a car crash. If you suffer whiplash and go without treatment for an extended period of time, it could impact your mobility and lead to chronic pain, worsening your quality of life.

Similarly, it's common to suffer spine injuries, such as a herniated disc, in a car crash. A herniated disc — meaning a disc that was compressed or ruptured from the force of a crash — will cause pain as you try and walk, bend over and lift.

But such an injury often develops slowly, without the victim realizing they're injured until days later. Back pain is a sign of a herniated disc and ignoring it until it's really severe could make your recovery much more difficult and impede your daily functions.

Meanwhile, the force of a car crash, whether from the impact of the



crash itself or from safety restraints such as seatbelts and airbags, can cause internal bleeding and concussions.

Pain from such an injury may feel minor at the time, but it can result in long-term organ damage or issues with cognitive function. Even "soft tissue" injuries such as strains, sprains and bruises caused by the sudden force of a car crash can worsen over time without proper treatment.

Another cost of hidden injuries is the financial expense. Diagnosing and treating accident-related injuries can become expensive over time. You may need prescription medications or medical supplies, which cost money. You may also need services from a chiropractor or physical therapist.

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## Court ruling signals broader ADA risk in medical leave denials

A recent ruling from the 4th U.S. Circuit Court of Appeals may signal expanded exposure for employers under the Americans with Disabilities Act when it comes to medical leave requests.

The case involved a U.S. State Department employee whose repeated requests for telework and continued leave following psychiatric hospitalization were denied, ultimately resulting in her termination.

The court ruled that her claims under the Rehabilitation Act, which mirrors the ADA in this context, could proceed.

Notably, the panel rejected the government's argument that its internal leave policies and procedures precluded liability. Instead, it emphasized that an employer's duty to provide a reasonable accommoda-

tion can extend beyond formal internal processes, especially when mental health conditions are involved.

The ruling underscores the importance of employers engaging in individualized assessments when handling extended leave or telework requests, even in rigid bureaucratic settings.

Employers should ensure that their HR staff members are trained to engage in interactive processes and carefully document their rationale when assessing accommodations under the ADA.

While policies may set general rules, consistent application of individualized assessments is an important way to safeguard against liability.

## When DNA tests and estate plans collide: how to prepare

A simple at-home DNA kit is at the center of a \$40 million estate fight, and it's a reminder of how quickly family secrets can reshape inheritance.

When renowned sculptor Fred Eversley died in March 2024, his will seemed straightforward.

Most of his \$40 million estate went to his wife, with smaller gifts to his siblings. But now a California woman is suing in Manhattan Surrogate's Court, claiming she's Eversley's daughter and that she has a 23andMe test to prove it.

According to her filing, the claimant's mother told her the truth decades ago, but Eversley denied paternity when confronted. She says she shared her DNA results with his studio shortly before he signed his final will but never received a reply.

Attorneys for the Eversley estate have reportedly called the lawsuit "meritless" and "opportunistic." A court hearing is set for January 2026.

### Rise of "DNA surprise"

Millions of people use services like Ancestry.com and 23andMe to learn about their heritage. But many also discover unexpected biological relatives, such as children born outside of marriage or half-siblings they never knew about.

These surprises can have real legal consequences:

- *Unknown heirs:* A biological child who was never acknowledged can sometimes inherit, if they can prove paternity.
- *Class gifts:* Broad language like "to my grandchildren" can unintentionally include newly discovered relatives.
- *Intestacy laws:* If someone dies without a will, state law decides who inherits, and DNA evi-

dence can change that distribution.

It's worth noting that consumer DNA results aren't usually enough in court. Accredited lab testing and expert testimony are generally required to establish legal paternity.

### Why it matters for an estate plan

Even well-crafted estate plans can be disrupted by new genetic information. Some states allow "pretermitted children" (e.g., children omitted from a will because they were unknown) to claim a share. A DNA test revealing a biological child, even decades later, could open the door to such a claim.

While you can't control what future genetic discoveries might surface, you can make your estate plan more resilient. That starts with being as specific as possible in how you define your beneficiaries, naming individuals directly rather than relying on broad terms like "descendants."

It may also mean thinking ahead about how to handle unknown, or unacknowledged, heirs. Some people choose to include language that explicitly excludes anyone not named, or to use an *in terrorem* clause, where permitted, to discourage future challenges.

Regularly reviewing your plan as relationships, laws and family circumstances evolve is equally important.

And perhaps most importantly, having candid conversations with your attorney about potential surprises can go a long way toward protecting your wishes.

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## Communication pitfalls to avoid legal trouble while co-parenting

After a divorce or separation, even the most well-intentioned parents can struggle with how to communicate.

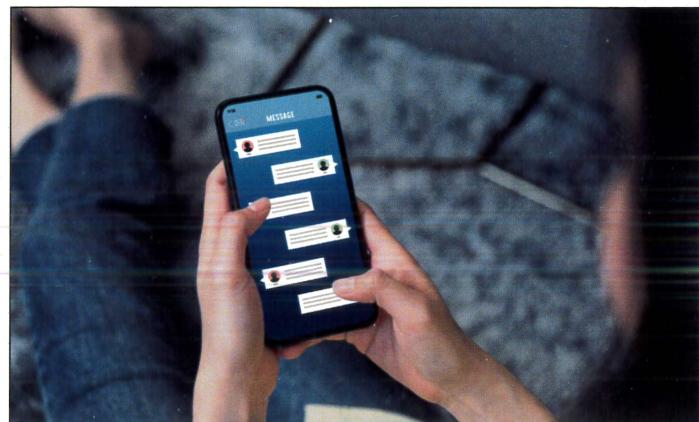
However, texts and emails that seem harmless in the moment can easily be misinterpreted — and in some cases, can lead to legal problems.

A recent New Jersey Appellate Division case illustrates the point: A father's stream of late-night and repetitive messages to his former partner was ruled harassment and resulted in a final restraining order.

Good co-parenting communication protects both your relationship with your child and your standing in court. Poor communication can do the opposite.

Here are some of the most common mistakes to avoid:

- *Making major decisions alone.* Parents often get into conflict when one chooses a school, activity or medical treatment without consulting the other. Courts expect joint input on significant issues, and that also should be addressed in your divorce agreement.
- *Ignoring or delaying responses.* Letting messages pile up or failing to acknowledge them can appear uncooperative and fuel frustration.
- *Using disrespectful language.* Insults, sarcasm or profanity — even in private texts — can be presented in court as evidence of hostility or bad faith.
- *Over-messaging or texting at all hours.* Frequent or late-night messages about non-urgent matters can be viewed as harassment, not communication.



- *Failing to document important exchanges.* Save key messages or summaries of verbal discussions, especially when they involve schedules, health or education.

Building better habits takes effort but pays off. Keep your tone calm and professional, limit conversations to child-related topics, and use tools like co-parenting apps to organize communication. If emotions run high, wait before replying.

The goal is not to be perfect; it's to stay consistent, respectful and child focused. Doing so helps reduce conflict, protects you legally, and creates a more stable environment for your child.

Reach out to your attorney if you need guidance on appropriate communications with your ex about the children.

## 'Hidden' injuries after car accidents can lead to real costs down the road

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Additionally, as your injury worsens, you may need to take time off from work, resulting in loss of income and benefits. If you are unable to work over an extended period of time, it could be financially devastating.

You're obviously entitled to recover these additional costs, and you may also be able to obtain compensation for your pain, suffering and emotional distress. But putting off a diagnosis for too long may make it difficult for your attorney to properly value your case from the outset, creating the risk of a recovery that doesn't account for all the losses you ultimately incur.

Along these lines, perhaps the biggest cost of hidden injuries is potential harm to your case itself. If you go to the doctor soon after the accident, even

with minor pain, your pain gets documented. If your pain gets worse, this gets documented in follow-up visits.

When your hidden injury is inevitably diagnosed, you have a paper trail leading up to that point. These medical records are key to establishing that the accident actually caused your harm. Waiting until your pain gets really bad before you see a doctor gives an insurance company the opportunity to claim you weren't really hurt or that whatever injury you suffered wasn't really caused by the crash.

The bottom line is that even if you feel basically fine after a car accident, you should seek medical care quickly, while consulting with an attorney who can help guide you through the process. It's the best way to protect both your health and your case.

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## Is your home-based business following the rules?

From side hustles to full-time freelancing, more people than ever are working from home — and often turning spare rooms or garages into small business hubs.

But many homeowners and renters don't realize that local zoning, tax and insurance rules still apply, even if your "office" is just a laptop and a ring light.

If you've hung a shingle and started shipping orders, it's important to take a moment to make sure your home business is fully compliant.

Here are some key areas to check:

- *Local zoning and permits* — Many cities and towns restrict certain business activities in residential areas. Check whether your community requires a home-occupation permit, especially if customers, deliveries or employees will come to your home.
- *Lease or condo restrictions* — Renters and condo owners often overlook lease terms or association rules that prohibit business use or limit signage, storage or traffic.
- *Business registration* — Even small online ventures typically need to register a "doing business as" (DBA) name and obtain a local or state business certificate.

• *Taxes and deductions* — The home-office deduction can be valuable, but it's only allowed for spaces used regularly and exclusively for business. You may also need to collect and remit sales tax if you sell goods.

• *Insurance coverage* — Standard homeowners or renters' insurance rarely covers business inventory, equipment or liability. You might need to ask your insurance agent about adding a rider or purchasing small-business coverage.

• *Neighbors and noise* — Activities that generate noise, traffic or odors, such as catering or small manufacturing, may trigger nuisance complaints even if technically allowed.

### Why your business must ensure compliance

Failing to follow the rules can lead to fines, denied insurance claims, or even eviction.

On the flip side, running your home business properly can protect your personal assets and make your operation appear more professional to clients and partners.

A quick consultation with an attorney can help you understand what applies to your situation, before a neighbor, landlord or inspector asks the question for you.