

## MY LEGAL RIGHTS

**Q. My husband and I are in the middle of an ugly divorce. One reason for the divorce is my husband's anger. About six months before I filed for divorce my husband and I got into a big fight in our car. He got very angry, he ran a red light and we crashed into another car. He was ok, but I sustained an injury to my back. Now that we are getting divorced, can I sue my husband for my injuries?**

**A.** The claim you have against your husband is based on the legal theory of negligence. Until recently, spouses were immune from liability for the negligent harm they caused to their spouses. The fact that you are divorcing is not really relevant to your personal injury claim, but it can be very relevant in your divorce case. You can bring a claim against your husband just as you would against any other driver. The insurance covering the car at the time of the collision should step in and pay your damages. Because your husband's insurance company is most likely also your insurance company you should seek legal advice prior to speaking with any claims adjuster.

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