

LEGALLY SPEAKING[©]

A quarterly newsletter for friends and clients of
Boteler & Wolfe, Attorneys at Law

FALL 2010

Alabama Bar Association rules require the following disclaimer: No representation is made that the quality of legal services to be provided is greater than the quality of legal services to be performed by other attorneys.

ATTORNEYS RECEIVE HIGH RATINGS

The attorneys at Boteler & Wolfe have all received high ratings from the online attorney rating service AVVO.com. The web site rates attorneys on a scale of 1.0 to 10.0 based upon public information and professional achievements and accomplishments. The web site also allows for clients to comment and rate the attorney. Mark Wolfe, who was rated a perfect 10.0 and classified as "Superb" by the service, said, "I really like this site because it pulls together a lot of information about an attorney to better help consumers identify qualified and experienced attorneys in many different areas of practice." Knox Boteler received a 9.3 – Superb rating and Karlos Finley received an 8.1 – Excellent rating. In addition the AVVO site has a place where users can research legal issues and even post questions.



AUTO-CRASHES INJURE THREE MILLION PEOPLE

With 6.5 million motor vehicle collisions each year and 3 million injuries related to those collisions [National Highway Traffic Safety Administration report], chances are you, or someone you know, will need information about motor vehicle collisions and the variety of insurance claims related to car accidents. 1% of the American population is injured annually in a motor vehicle collision. This means out of every 100 people, 1 person will be hurt this year in a car accident. Most of these injuries, approximately 2 million, will be "soft-tissue" sprains and strains. Those relatively minor injuries will require medical care at an average of about \$4,700.00 and cause the average victim to lose 10 days from work. Many times right after a crash it may be too early to know if a victim will need to hire an attorney, but it's never too early for victims to know and understand their rights and to understand insurance coverage issues and the insurance claims process. If you have a friend or family member who has been injured in a car crash, we hope you will encourage them to take advantage of our free consultation service. We also have a variety of free publications available for car crash victims and our web site has been recently updated to add even more resources for car crash victims. We're here to help. www.botelerwolfe.com 251 433-7766

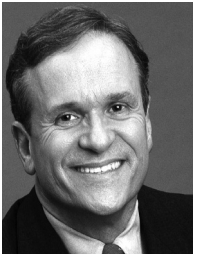
THANK YOU FOR YOUR RECOMMENDATIONS

We truly appreciate the confidence reflected by your recommendation of our legal services to your friends and family members. In fact community recommendations are the main way we get to help new clients with their legal matter. Besides recommendations from former clients, recommendations from other lawyers and recommendations from area doctors and

healthcare providers account for almost 90% of our new clients. We believe the fact that most of our new clients come to us from someone's recommendation is a strong indicator of our commitment to provide the best legal service possible to those in need. Thank you again and please do not ever hesitate to tell a friend or family member to call us about a legal question or issue.

ELECTION ENDORSEMENTS

With Election Day just a few weeks away (Tues., November 2nd), B&W encourages all of our readers to vote. As in the past, B&W will refrain from making any endorsements or suggestions in non-judicial races. However, we do make the following endorsements in the judicial races: Alabama Supreme Court- Place 1: Rhonda Chambers. Alabama Supreme Court – Place 2: Tom Edwards. We make these specific endorsements because we know Rhonda and Tom and know they share our commitment to fairness in the application of the Rule of Law. Both Rhonda and Tom have great legal experience and they have been leaders in their churches and communities for many years. Their common sense approach to the application of the law is needed and we hope you will consider voting for them. To learn more about Rhonda Chambers, please visit



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B&W E-MAIL ADDRESSES

Many of our clients are now using e-mail as a way to communicate with us about pending claims or cases or to ask questions about a legal matter. For your convenience here are our current e-mail addresses. (Old M&W e-mail addresses will also continue to work.)

Mark Wolfe:	mark@botelerwolfe.com
Knox Boteler:	knox@botelerwolfe.com
Karlos Finley:	karlos@botelerwolfe.com
B&W Claims Dept.	laquetta@botelerwolfe.com
B&W Litigation Dept.	katrina@botelerwolfe.com
B&W Administration:	tina@botelerwolfe.com , amy@botelerwolfe.com
Records Dept.	britney@botelerwolfe.com
Appointments:	jill@botelerwolfe.com

her web site: <http://rhondachambers2010.com/>. To learn more about Tom Edwards and his campaign, please visit his web site: <http://www.tomedwardsforjustice.com/>. For the Alabama Court of Civil Appeals we recommend Deborah Bell Paseur.

B&W OFFERS "FREE-MAIL" FOR LEGAL QUESTIONS

As a way to better respond to legal questions that may present themselves to our friends, clients and contacts in the community, B&W is pleased to now offer free e-mail responses to legal questions sent to our attorneys via e-mail. "We appreciate the fact that so many people in the community look to us for guidance and help on a wide variety of legal matters and we think this new program will better help us to extend our resources and allow us to concentrate on ongoing cases and claims during the day," said Knox Boteler. He went on to say, "All of our attorneys have remote e-mail access which allows them to review and respond to e-mail questions outside of normal business hours. By promoting our new 'free-mail' service we think we can better respond to inquiries or questions and at the same time save office resource time often lost in trying to communicate by telephone." A problem he characterized as "telephone tag." He also explained that B&W has now established a local attorney referral network with almost 100 local attorneys who practice law in a wide variety of areas. "We'll often receive calls from former clients or their family members about an area of law outside of the personal injury field, and, while we can often times offer general advice on those legal issues, our attorney referral network gives our clients access to attorneys who may have more specific knowledge about a particular issue," Boteler said. This new program is just one more example of how the law firm of B&W strives to integrate current technology into the practice of law for the benefit of their clients. To access this service just send us an e-mail at freelegal@botelerwolfe.com

TRAFFIC SAFETY NEWS

YOU'RE NOT AS GOOD OF A DRIVER AS YOU THINK YOU ARE

Four separate studies by the Insurance Institute for Highway Safety, the National Highway Traffic Safety Administration, AAA's Foundation for Traffic Safety and the University of California at Berkley's Traffic Safety Center all confirm that most driver's believe they are "above average" drivers and based upon that belief they rationalize or justify engaging in unsafe driving. The four studies confirm that almost 75% of drivers believe they are safer drivers than other drivers. Yet according to Rae Tyson of NHTSA, 95% of crashes are caused by human error. Tyson states that this over confidence in driving skills is dangerous because a driver's false sense of ability often is used to justify multitasking while driving or to engage in unsafe driving behavior. This observation is confirmed by AAA research. 82% of drivers say distracted

driving is a "very serious" problem, but over half of those same drivers admit to using their cell phone regularly while they drive. 14% of those drivers even admitted to reading and sending text messages while driving! According to 75% percent of drivers, speeding is a "very serious" problem yet almost all of these same drivers admit to speeding "a little" most of the time they are driving. 20% admitted to driving at least 15 miles per hour over the speed limit on the highway and 14% admitted to doing the same on neighborhood streets! The next time you get behind the wheel of your car, just remember you may not be quite as good of a driver as you think you are....and the driver's around you aren't as good of drivers as they think they are either!

CELL PHONE USERS MORE THAN FOUR TIMES LIKELY TO CRASH

Prevention magazine recently reported that 85 percent of the estimated 100 million cell phone users talk on their phone regularly while driving. Add to this the growing trend of texting and you can see why cell phone use while driving is the number one "distraction" for drivers. NHTSA reports that cell phone use increases your risk of a crash by four times!

OTHER LEGAL NEWS OF INTEREST

HIP REPLACEMENT RECALL. A Johnson & Johnson subsidiary, Depuy Orthopaedics, has recalled parts used in its hip implant. Studies prior to this recall indicated there was a significantly higher rate for repeat surgeries when these parts were used. At present, DePuy has offered to reimburse patients with these implants, including additional surgery costs associated with the recall. However, in exchange for a reimbursement, a patient will have to sign detailed legal forms. Before signing such forms, it is recommended you seek our advice to fully understand your rights.

AMMONIA SPILL

On August 23, 2010, Millard Refrigerated's Theodore plant leaked ammonia at a toxic level. Hundreds of nearby residents and workers were exposed to this spill. While the cause of the leak is still under investigation, Knox Boteler of B&W has been retained by several of the injured workers and he has issued a letter to the president of the company demanding it preserve any evidence related to the leak. As we prepare to submit claims to Millard on behalf of several victims and worker's compensation carriers, state and federal agencies are investigating the cause of the leak under a preservation of evidence agreement with Millard. If you or your family members have any questions regarding the leak, please contact us.

BP UPDATE

So far, the fund set up by BP and managed by Ken Feinberg has only paid out \$19.6 million to people and businesses in Alabama. No one has been "made whole." The claims process has been unfair and slow. For example, it in no way takes into consideration the fact that many in the seafood industry barter or exchange goods in exchange for other goods and services. Simply put, tax records cannot begin to

show the losses sustained by so many people over the last five (5) months. The firm, along with a coalition of lawyers involved in the spill litigation in New Orleans, LA, are demanding the claims process be revised. On top of the claims process, we are now receiving increased questions from oil clean-up workers regarding complaints of increased upper respiratory infections and other health related problems. While we are investigating the long-term effects of these complaints, it is worrisome to hear of these complaints given what we now know about the long term health effects suffered by workers in the Exxon Valdez disaster. If you or someone you know worked on the oil spill cleanup and is now suffering health problems we would like to speak with them. knox@botelerwolfe.com cause of his litigation experience involving 18-wheeler crashes.

LANDOWNER CLASS ACTION AGAINST BP On behalf of Alabama landowners in the “coastal zone” that suffered damages related to the oil spill, Knox has attend several organizational meetings in New Orleans to hear from the temporary Plaintiff Steering Committee appointed by the Federal Courts to litigate against BP and others responsible for the spill. Earlier this summer, the Federal Courts Mutidistrict Panel met in Idaho to decide the federal venue for all the lawsuits filed in connection with the oil spill. The Eastern District of Louisiana in New Orleans was selected as the venue to hear the cases through the discovery process. Ultimately, the landowners’ case will be transferred back to the Southern District of Alabama in Mobile for trial. If you have any questions regarding your claim against BP as a landowner, please contact Knox at the firm or email him at knox@botelerwolfe.com.

FREE PUBLICATIONS AVAILABLE FROM B&W

In conjunction with our recent name change, B&W is currently in the process of revising and upgrading all of our free consumer legal guides. These guides are available by calling our office or they can be ordered through the B&W web site. www.botelerwolfe.com If you know someone who would benefit from one of these guides, please have them contact our office:

- Motor Vehicle Accidents: A Victim’s Handbook – Alabama edition
- The Basics of Premise Liability Law in Alabama (Slip & Fall)
- Small Claims Court: A User’s Guide
- Insurance Claim Guide: Recorded Statements
- Litigation Facts & Procedures

All of these guides have been written by our attorneys and can be very helpful. Also, as these guides are being updated to reflect our name change, we are also making them more internet compatible. We are embedding links into the

documents so when they are accessed via the internet, they can provide even more beneficial information for readers. For example the recently redone material for Small Claims Court has links to all of the necessary forms you will need to proceed in Small Claims Court. This material can be sent to consumers via e-mail so when they open the document from their computer all of the links will be active.

AT THE FIRM

Boteler Attends Oil Spill Conferences. Knox has made several trips to New Orleans over the last three months to meet with and work with a large number of attorneys from across the Gulf Coast who are representing claimants in the BP Oil Spill litigation and claims process. Knox continues to serve as a board member of Family Promise in Mobile. In addition, he has been selected to serve as a deacon at Central Presbyterian Church.

Finley Continues in Leadership Roles. Since our last publication, Karlos Finley has worked throughout the community in an effort to continue the firm’s commitment to leadership in our community. Finley served as the keynote speaker at the Mobile Youth Justice Coalition’s annual banquet held at the Michael Figures Community Center. He spoke to a group of youth and community leaders on the importance of spending time with children and the necessity of taking advantage of a good education to achieve their life’s goals. The event’s Master of Ceremony was TV15 News’ Deidra Tate.

In September, Finley took the oath of office to serve as Parliamentarian for the Alabama Lawyers Association at its annual Meeting and Black Tie Gala in Montgomery. This year’s honoree was renowned civil rights attorney and author of “Jim Crow and Me”, Solomon Seay, Jr. (Partner at the distinguished law firm of Gray, Seay & Langford). Over his storied career Seay

has served as attorney for Martin Luther King, Jr. in the case of; *State of Alabama v. Martin Luther King, Jr.* and was counsel of record in *Williams v. Wallace*; entering an injunction restraining defendants from interfering with the proposed march by citizens along US Highway 80 from Selma to Montgomery for the purpose of petitioning their government. This action was necessitated by the “Bloody Sunday” attempted march at the Edmund Pettus Bridge and was a precursor of The Voting Rights Act.





*Leaders in car accident
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FREE TO THE PUBLIC

Wolfe to Moderate New Lawyer Orientation Program. On October 20th, Mark Wolfe will moderate the Mobile Bar Association's New Lawyer Orientation Program. The annual event is designed to provide new attorneys to this area with an overview of the local Courts and specific local rules for successfully practicing in our area. In addition, area attorneys from a wide variety of practice areas have a chance to speak to the new lawyers and offer them some guidance related to that specific area of law. In addition to serving as moderator, Mark will also speak to the group regarding civil law and civil procedure. This is the fifth Continuing Legal Education program that Wolfe has spoken at this year.

Strategies: The Journal of Legal Marketing has accepted for publication an article submitted by Mark entitled: Developing a Marketing Culture in Your Firm. The article is tentatively set for publication in mid-2011. The Journal is published monthly and is distributed nationally to law firm marketing executives and members of the Legal Marketing Association.



B&W CAN HELP WITH DISABILITY CLAIMS

Have you or a friend or family member been denied Social Security Disability benefits? Statistically most people are denied their initial disability claim because of the complex filing requirements and procedures. An attorney can help with the appeal and at B&W we may be able to help you recover benefits. We charge no fee unless benefits are recovered and there is no fee for a consultation. Call today. 251 433-7766 or 1 866 975-7766 or e-mail us at knox@botelerwolfe.com