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

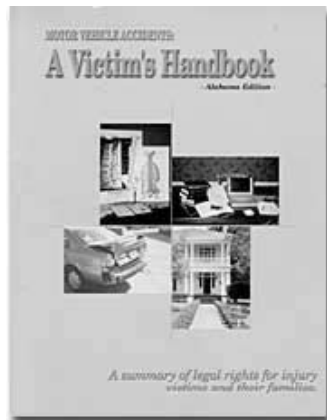
SUMMER 2005

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.

MOORE & WOLFE PUBLICATION RECEIVES PUBLIC SERVICE AWARD

Mothers Against Drunk Driving (MADD) recently announced that the M&W publication, *Motor Vehicle Accidents: A Victim's Handbook*, has been selected to receive its Annual Public Service Award for its continued warning against driving under the influence of alcohol.

Since being printed in its current format in 1999, the back cover of the handbook has been dedicated to the memory of Joia White and includes a message reminding readers not to drink and drive. Joia was 4 years old when she and her grandfather were killed by a drunk driver. The family was returning home from a vacation in Disney World when a drunk driver ran a red light and smashed into their van. The handbook is distributed free by M&W and many area agencies distribute the handbook to motor vehicle accident victims. Over 25,000 copies of the handbook have been printed and distributed to the public.



ATTORNEYS TEACH SEMINAR FOR LAW ENFORCEMENT OFFICERS

Mark Wolfe and Knox Boteler were recent speakers for a three hour continuing education seminar hosted by the Washington County Sheriff's Department. The seminar was open to law enforcement officers in the Southwest Alabama area and it focused on auto-negligence laws and motor vehicle accident investigation. M&W attorneys have also been instructors for a similar seminar sponsored by the Mobile Police Department. This service is provided without charge by M&W. The text and handout materials are also provided by the firm at no charge. "It's always a privilege for us to be asked to speak to law enforcement officers," said Steve Moore. He also said, "we recognize and appreciate the commitment and service provided to our community by area law enforcement officers and we appreciate the opportunity to help them obtain their required continuing education units." Steve is responsible for coordinating and planning the law enforcement seminars and he is currently working with two other area law enforcement agencies for future seminars.

TWO MILLION DOLLAR JUDGMENT

Knox Boteler recently obtained a two million dollar punitive damage judgment against a defendant who violently abused a 4 year old child. The abuse caused permanent brain damage for the child and the child will require lifetime care and treatment because of the injuries. The defendant has been convicted of child abuse and is currently serving his sentence. Knox acknowledged that the victim and his mother would probably never collect the two million dollar judgment but it will follow the defendant even after he is released from jail. "In this situation, it just didn't seem fair for the victim and his family to carry this burden for many years into the future and for the defendant to walk away free and clear after only serving a few years in jail. At least now he will have to carry a two million dollar debt around with him for the rest of his life," said Boteler. M&W did not charge a fee for their services and donated the expenses of litigation.

MOORE & WOLFE ANNOUNCE "STREET SAFE" CAMPAIGN

Friday, October 28 has been designated as Street Safe Day and M&W will be providing "Street Safe" coloring books to area children. The coloring books are designed for pre-K through 2nd grade and provide safety tips for young children while they are walking and/or playing near streets. The goal of Street Safe Day is to provide safety tips to young children about cars and roads and to act as a safety reminder right before Halloween. According to Safe Kids USA, "children are particularly vulnerable to pedestrian injury because they are exposed to traffic threats that exceed their cognitive, developmental, behavioral, physical and sensory abilities. Children are impulsive and have difficulty judging speed, spatial relations and distance." Safe Kids USA urges parents not to allow children less than 10 years old to cross streets by themselves. "Auditory and visual acuity, depth perception and proper scanning ability develop gradually and do not fully mature until at least age 10." If you know of a pre-school or elementary school class that would like to participate in the Street Safe campaign, please contact Sallie Byrd at M&W: 251-433-7766.



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dedicated to protecting the rights of injury victims and their families

INFORMATION ABOUT INSURANCE CLAIM PROCEDURES

According to statistics released from two major insurance survey groups, 39% of bodily injury claimants were not satisfied with the way the insurance company handled their claim. According to Accenture and SAP America Inc. a three year survey found that 45% of the unsatisfied bodily injury claimants felt the settlement amount was not fair and 20% of the unsatisfied claimants felt that it took too long to resolve their claim. The extensive survey also reviewed satisfaction levels for property and casualty claims. Those consumers who were surveyed were people who had attempted to handle their claim without legal representation or assistance. A review of the process used by insurance companies to settle claims will help readers understand this high level of dissatisfaction.

As has been previously reported, claimants who do not have legal representation are at a disadvantage when dealing with a professional claims adjuster. Claims adjusters are highly trained in the art of "claim devaluation." This is the process whereby claims adjusters methodically and meticulously review claim information, **including personal background information of the claimant**, looking for anything that will help them justify reducing the payment of the claim or give them an advantage when making settlement offers. Insurance companies generally follow a three step process for handling claims. Each step in the process involves reducing the amount of money the insurance company actually pays on a claim.

When a covered claim is first reported to an insurance company, a "reserve" is set for the claim. This reserve amount is the most money the company expects to pay on that particular claim. Once the reserve has been set the adjuster then begins the second step which is "claim devaluation." This involves looking for ways to make sure that the amount of money paid on the claim is less than the reserve amount. Adjusters are trained on how to review medical records and other claim material for "devaluation" points. They also have lawyers at their disposal to review liability issues and other arguable legal defenses.

After a thorough review of claim material and possible legal defenses the claim is assigned a "settlement value." This is usually done by a claims supervisor and the settlement value is always below the reserve amount. The ratio of Reserves to Settlement Authority is strictly monitored by insurance companies to make sure that claims are not being "over reserved." The adjuster is then given an amount of money to settle the claim. This is commonly called the adjuster's "authority." However, adjusters are trained, and are expected, to negotiate a claim settlement for less than their settlement authority.

This is where personal background information can be used against the claimant. For example, a review of private financial information about a claimant may reveal that the claimant is experiencing financial difficulty. Knowing this information, the adjuster might make a low settlement offer with a "take it or leave it" deadline. Or an adjuster may find out about a claimant's past or ongoing legal problems, such as a bankruptcy or divorce, and use that information to "lowball" the claim. The amount actually paid on the claim is known as the ACP (actual claim payment). An adjuster's job performance rating is often related to his or her ability to settle a claim for less than the settlement authority. The ratio of Settlement Authority to ACP is also strictly monitored by insurance companies. All insurance companies conduct internal audits of randomly selected claim files to make sure various claim ratios are within prescribed guidelines.

The whole time a claim is going through this "devaluation" process, adjusters are trained to discourage the claimant from seeking legal advice or legal representation. In addition insurance companies spend millions of dollars each year promoting themselves as "kind and caring" companies so claimants think and believe a fair amount will be paid on their claim without having to get a lawyer. When it's all said and done, an insurance company is a business. It is not a "neighbor" nor is it a person with "good hands." Insurance is a business that strives to pay as little as possible on each and every claim that is presented. If a personal injury claimant chooses not to have legal representation then that claimant very well could be the next "dissatisfied" consumer.

RECOMMENDATION OF SERVICES

A review of the new claims and cases in our office so far this year shows that 80% came directly from recommendations of people in our community who are familiar with our firm. These recommendations mainly come from former clients, healthcare professionals and other attorneys. At Moore & Wolfe we truly appreciate the recommendation of our services. While our main area of practice continues to be personal injuries related to auto-negligence, we strive to provide assistance and guidance to all people who are recommended to our firm even if they have legal questions outside of our primary area of practice.

TRAFFIC SAFETY NEWS

Road debris causes 25,000 accidents annually. According to a recent study by the AAA Foundation for Traffic Safety, 80 traffic deaths a year are related to accidents caused by road debris. Road debris causes 68 accidents a day with the most common debris being tire treads, garbage dropped by waste haulers, construction material, mufflers and engine exhaust parts. The AAA Foundation notes that debris related accidents are prevent-

able and recommends the following:

- Drive defensively. Be alert and pay attention to road conditions around you and on all sides of your vehicle.
- Don't litter. Throwing trash out of your vehicle contributes to the potential for debris related accidents.
- Safely secure all items being transported. This is especially true for items carried in truck beds.
- Check tires and tire pressure regularly to avoid blow-outs.

Use of child safety restraints up 16% in last five years. The Partners for Child Passenger Safety (PCPS) report that use of child safety restraints in cars has increased from 49% in 1999 to 65% in 2003. The PCPS reports that this increase for children 9 and under correlates with the Federal government's recent reports that the number of children killed in car crashes has declined over the last several years. M&W continues to urge parents to use child safety seats and booster seats for children under 10.

Twenty million unsafe drivers on U.S. highways? Yes, according to a national driving test and study funded by GMAC Insurance Company. 5000 drivers from across the country were given a 20 question test that represented typical questions found on driving tests. 10% of the drivers tested failed. This would equate to nearly 20 million current drivers. The study showed that driving under the influence and speeding are still the most common illegal activities engaged in by drivers in the United States. According to the test results, Alabama driver's ranked 15th most knowledgeable about highway safety laws. Georgia ranked 29th, Louisiana was 39th and Mississippi and Florida tied at 40th. Oregon drivers ranked highest on the test and Rhode Island drivers ranked lowest.

Use head restraints correctly. The Insurance Institute for Highway Safety reports that properly positioned head restraints can limit head movement (commonly known as whiplash) during a rear-impact crash. For accurate placement, the space between the back of your head and the front of the head restraint should be no more than four inches. Also, the restraint should be as high as your head's center of gravity, which is about three inches below the top of your head.

AT THE FIRM

- Knox Boteler and Marian Cleverdon recently announced their engagement. The wedding is set for October 15 and they plan to honeymoon in San Francisco with several days spent in Napa Valley. Our congratulations and best wishes to both.

- The attorneys from Moore & Wolfe were guest speakers at the May meeting of the Mobile Bar Association Women Lawyers Section. The one hour seminar covered current trends in motor vehicle accident claims and litigation. Steve Moore spoke about issues related to defective products, Knox Boteler talked about subrogation issues and Mark Wolfe discussed claim procedures and trends of the major auto-



insurance companies.

- Mark Wolfe has been appointed to the Executive Committee of the Alabama Trial Lawyers Association (ATLA). Mark has previously served on the ATLA Board of Governors and he is a frequent speaker at ATLA Continuing Legal Education seminars.

- Last quarter charitable activities continued to be an important outreach to our community. At M&W we believe that being active in our community is an important part of our law firm's identity. At M&W doing good work for our community is just as important to us as doing good work for a client. Moore & Wolfe were corporate sponsors for the following activities last quarter:

- The Dearborn YMCA 2nd Annual Antonio Lang Golf Tournament. (2nd year)
- The Central Presbyterian Church Community Arts Camp (3rd year)
- The Little Sisters of the Poor Annual Golf Tournament (6th year)
- The Judge Delano Palughi Memorial Golf Tournament hosted by the South Alabama Trial Lawyers Association (4th year)
- First Annual Men of Honor Celebrity Basketball Tournament (1st year)
- Penelope House Annual Fund Raising Dinner (2nd year)
- Murphy High School Alumni Dinner (1st year)
- Central Presbyterian Church Neighborhood Block Party (3rd year)
- Funfest 2005 for St. Mary's Home (5th year)
- SEEDS (education foundation) First Annual Cajun Challenge Race and Fun Run

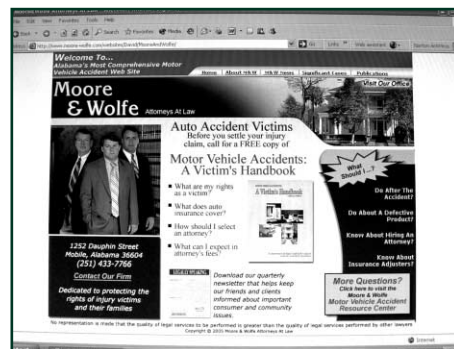
- In addition M&W made donations to the following charities or community organizations last quarter:

- Prichard Boys and Girls Club.
- Prichard Relay for Life in honor of Samuel Oates.
- Muscular Dystrophy Assoc. "Celebrity Lock-Up" fund raiser.
- Campaign to End Renal Disease in honor of Preston Mose.
- St. Jude Children's Research Hospital.
- The Ronald McDonald House of Mobile.
- Cystic Fibrosis Foundation Great Strides Walk-a-Thon in Langan Park.
- Catholic Youth Organization Hispanic Ministry's Mexico Mission Trip in honor of Chris Boos.
- Alabama Watch, a non-profit consumer protection agency.
- Loxley Elementary School Reading Lab.
- Boys and Girls Clubs of South Alabama.

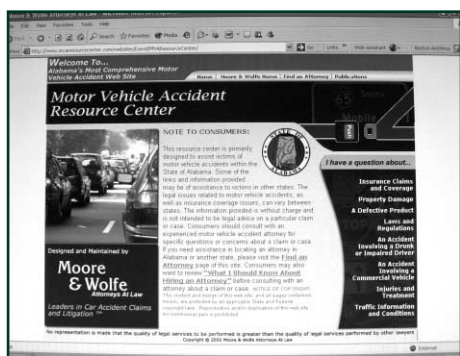
NEW LOOK FOR MOORE & WOLFE WEB SITE

The M&W web site has now been redesigned to provide more helpful information for car accident victims.

The new M&W web site includes information about what to do after an accident, information about insurance adjusters and information about hiring an attorney. The site also includes information about the M&W law firm as well as ordering information for the various free publications available from M&W. As with all M&W informational material, the attorneys at M&W prepared all of the content for the web site. "In reviewing other attorney web sites, I noticed that most used preformatted articles and information. This generic material was really not that helpful because it was not specifically designed or written for Alabama car accident victims," said Mark Wolfe.



The new M&W web site also includes a link to the Motor Vehicle Accident Resource Center.



The M&W Motor Vehicle Accident Resource Center has more information for car accident victims including information about insurance coverage, property damage, defective products, locating attorneys, accidents involving commercial vehicles and accidents involving drunk drivers. In addition each subject area has links to additional resources on the web. "We take great pride in providing car accident victims with the most comprehensive auto-accident web site in Alabama," said Wolfe. He also said, "we know many times victims are reluctant to call an attorney but these victims need basic information about their rights so they are not taken advantage of by insurance adjusters. We believe our new web site will be helpful and beneficial to the thousands of Alabama citizens who are injured in car accidents across our State every week."

The new M&W web site can be found at www.moore-wolfe.com If you know some one who has been injured in a car accident, please encourage them to visit this web site to learn more about their rights and the legal issues related to their claim or case.



Leaders in car accident claims and litigation

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