

LEGALLY SPEAKING[®]

Advocates for Insurance Claimants

Winter 2012

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

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.

THANK YOU!

As we start the new year, we want to take a moment and say thank you to all of our current clients, former clients and friends in the community who were kind enough to recommend the legal services of BF&W in 2011. 57% of our new legal matters last year came from the recommendations of people just like you. Your recommendation of our legal services is truly appreciated and please know we will continue to earn your recommendations and referrals in 2012 by providing the best legal service and customer service possible.



Finley, Wolfe & Boteler

IMPORTANT UPDATES MADE TO BF&W WEB SITE

The BF&W web site has recently been updated to provide even more helpful information. In addition to all of the information, guides and links related to Car Crash Claims, we've now added resource pages and guides for Life Insurance Claims, Homeowner Claims and Business Claims. We have also added more beneficial reports and guides to the Publications page of our site. This material can all be downloaded at no charge from the web site. www.bfw-lawyers.com

In addition we have added a link to our Mass Tort Blog site. A mass tort is where numerous victims band together in mass to bring a claim or case against the entity or company that caused all of them to suffer a similar harm. Generally you will learn or hear about a potential mass tort case via lawyers' TV, radio or print advertisements. Some of the current mass torts include hip implant devices, transvaginal mesh (bladder slings), actos, darvocet, poligrip, etc. The BF&W Mass Tort Blog is a place for us to help our friends and clients learn more about mass tort claims and cases in general and also more information such as symptoms and side effects about a particular or specific claim or case. You can link to the BF&W Mass Tort Blog through the toolbar on our web site, www.bfw-lawyers.com or you can go to it directly: <http://masstorts.blogspot.com/>



Our Boteler, Finley & Wolfe facebook page is used to bring our friends important and timely information and updates about current local, regional and national legal issues. It also helps us report on the various community and charitable activities that your BF&W lawyers are working on to help in our community. Please follow us on facebook for these important updates.



LISTEN FOR NAME THAT RIFF ON 92 ZEW

Riff n. Music: *A short rhythmic phrase repeated constantly.* Tune into the Gumbo Shop on 92 ZEW (92.1 FM) everyday at 12:20 to play "Name that Riff." The weekday contest is sponsored by BF&W and offers great weekly prizes to area restaurants, local concerts and charity events. Karlos Finley karlos@bfw-lawyers.com is coordinating the weekly prizes and it offers BF&W a great way to spot light area restaurants and charity programs. If you know of a charity organization that would like to donate tickets to an upcoming event in return for free radio publicity, please contact Karlos.

BF&W HIGHLIGHTS FROM 2011

2011 was a very busy year for the lawyers and staff of BF&W. Not only were we busy helping our clients with a wide variety of legal issues and matters but we were also very busy in helping in our community. What follows is a brief recap of 2011 at BF&W.

Finley Becomes Partner

One of the most exciting things that happened for our firm last year was announcing Karlos Finley as a partner in the firm. Karlos has worked for the firm since 2008. His hard work and dedication to our clients as well as his devotion to community service have been a true benefit to the firm and our community. We were proud to welcome him as a law partner at the firm.



Legal Services and Cases

Besides continuing our legal work for motor vehicle collision injury victims, the lawyers and staff at BF&W found themselves helping and assisting individuals and small businesses with a variety of matters involving other types of insurance claims. Knox Boteler assisted several area small businesses with business loss claims and Mark Wolfe helped two area families favorably resolve issues related to denied life insurance benefits. Karlos Finley was able to help a client favorably resolve several issues related to a homeowner claim. In addition we are currently helping several clients with issues related to Long Term Disability benefits. Besides expanding our legal work into a wide variety of insurance claims, our lawyers also found themselves helping clients with Social Security Disability claims and Workers Compensation claims. In addition in 2011 we added a Mass Tort Blog site to our web site to provide resources and information for victims of unintended side effects from the use of a prescription medication and/or a medical devices.

Community and Charity Service

In 2011 our law firm continued its long tradition of being active in a variety of community and charity events. As active members of the Mobile Area Chamber of Commerce, we were proud to sponsor the Eagle Forum for Minority Businesses. Our firm also sponsored charity events for the Child Advocacy Center, Family Promise of Coastal Alabama and the Roger Williams Boys and Girls Club. In 2011 Karlos continued to serve on the Board of Directors for 15 Place, a service center for the homeless in our area and the Dearborn YMCA. In addition he currently serves on the advisory committee for the Roger Williams Boys and Girls Club. Karlos also spoke on several occasions to area middle school students and high school students concerning the importance of staying in school and completing their education. In addition, Karlos kept up his tireless work for Alabama Citizens for Constitutional Reform. Knox continues to serve on the Board of Directors for Family Promise of Coastal Alabama, an intra-faith service for displaced families. Knox was also recognized by Mobile Bay Monthly as one of our outstanding community leaders in their 40 Under 40 article in the December issue. He also continues to serve as a Deacon for Central Presbyterian Church. Knox and Karlos also each handled a case for the Mobile Bar Association Volunteer Lawyers Program. Mark stayed busy in 2011 as an active participant in an on-going prison ministry project at the Loxley Work Release facility as well as supporting the work of Elijah House RTF, a residential transitional facility for men recently released from prison.

In addition the following organizations received donations from BF&W in 2011: The Mobile Bar Association (MBA) - Charity Foundation, The MBA Volunteer Lawyers Program, the National Multiple Sclerosis Society, the Muscular Dystrophy Association, the Mobile Theater Guild, the Ride Yellow Benefit for the American Cancer Society, the 100 Black Men of Greater Mobile and the United Methodist Church - Inner City Mission Project.

At BF&W we believe we have an obligation to our clients and our community to be good stewards of the legal fees we receive. We are thankful for the opportunity to use our fees and talents to help.



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Q & A with Senator Ben Brooks re Insurance Reform

For many years BF&W has been advocating for insurance reform in Alabama to help individuals and small businesses with the issue of rising insurance premiums, diminishing benefits and coverage and what we consider to be unfair claim practices. During his tenure in the Alabama Legislature Senator Ben Brooks of Mobile has been an advocate for insurance reform for homeowners and small businesses in our State and specifically along the Gulf Coast. Recently Mark Wolfe of BF&W sat down for a Questions and Answers session with Senator Ben Brooks of Mobile on the topic of insurance reform. [The full Q&A article can be found on our BF&W blog site via the BF&W web site: www.bfw-lawyers.com]



Wolfe: Senator Brooks since your election to the State Senate in 2006 you have been working for insurance reform in Alabama. Can you tell us why this issue is so important to you?

Brooks: Progress on the issue of property/homeowner's insurance reform is profoundly important to the future of our entire region and state. The insurance crisis impacts economic development, job creation, the availability of housing, and the affordability of housing. It negatively affects people from all walks of life and significantly impacts our business community. Reform in the area of property and homeowner's insurance simply must be a top priority for our community. We should approach the issue in a manner similar to how we would rally to seek a major economic development.

Wolfe: Early on in your attempts to push through insurance reform legislation, some of your colleagues in North Alabama were reluctant to support your initiatives claiming it would only benefit individuals and businesses on the Alabama Gulf Coast. Since the devastating tornadoes in April 2011, do you think your peers from those areas that were hit by the tornadoes will be more interested in this issue?

Brooks: Many of us have argued for years that the property/homeowner's insurance issue is a statewide issue. However, in the first few years of the insurance reform effort there were many hurdles to our efforts. Among these hurdles were occasional sad displays of partisanship politics and occasionally some lack of support from some other geographic regions. However, over the years the geographic political issues began to decline as we made our case for reform .

Wolfe: A few years ago ALFA Insurance Company was critical of you and your attempts to bring about legislation for insurance reform. What is the basis for their concerns and have you considered the economic interests of the insurance companies on the issue of reform?

Brooks: Without question some in the insurance industry have been more willing to talk about insurance reforms than others. Each of the industry representatives should have to outline why they in the past took a particular position in opposition to reform. However, in general it often seems that when legislation is proposed that may result in changes to the status quo, then some interests are automatically resistant. This has been true in the insurance reform effort as well. We have a crisis of both availability and affordability in the homeowner's insurance area. Legislators on all sides understand that under our economic system we must and we should do everything we can to improve and strengthen the insurance marketplace.

Wolfe: To date, what do you consider as your best accomplishment on the issue of insurance reform?

Brooks: It would be hard to single out one item as a "best accomplishment". However, I suppose I am most proud of just how much the overall insurance reform effort has grown. We really are part of a broad movement now. Today we have many people and groups working hard to find solutions. It would be an honor to think that I might have had at least a small role in helping to get that movement started. There certainly is still much work to be done, but sort of like the theme of the movie "It's a Wonderful Life", I do believe that things are better right now versus what they might have been if we all had not been working on this issue.

Wolfe: What do you think individuals and small business owners can do to help bring about meaningful insurance reform legislation in Alabama?

Brooks: The most important thing that individuals and small business owners can do is to continue to make sure that their elected and civic leaders know how strongly they feel about the need for reform. In 2011 the Governor's Affordable Homeowner's Insurance Commission met in Mobile and there was "standing room only". This sent a strong message to Montgomery about how strongly we feel about this problem. There will be many other such opportunities for us as individuals and in group settings. We must all take political ownership of this difficult issue. Our voices do make a difference.

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ALABAMA NEEDS A NEW CONSTITUTION

As mentioned on page 2, Karlos Finley continues to work hard to try and help bring about a new constitution for the State of Alabama or in the very least meaningful revisions to this antiquated document. Here is an excerpt from a recent article on the topic. To read the whole article, please visit our blog site on our web page: www.bfw-lawyers.com

It's hard to find any reasonable person who'll make a serious defense of Alabama's decrepit Constitution. It's the longest in the world, it has been amended more than 850 times, it centers most all the power in the state in special-interest-controlled Montgomery and binds local governments.

For some time, Alabama Citizens for Constitutional Reform has lobbied for some action, any action, to bring the state's complex, cumbersome Constitution under control. Last year the state Legislature approved a 16-member Constitutional Revision (not reform) Commission. However this body was forbidden to address what is really wrong with the Constitution, tax reform. So, why bother one might ask. Because there is more wrong with the Constitution than taxes. Although some business groups, like other special interests, oppose a constitutional convention, they also understood that matters such as local control and decentralization needed to be addressed. So they threw their support behind the commission plan that is in place today. Despite the limitations placed on it, the Constitutional Revision Commission is a step in the right direction. It is a practical response to the political realities of Alabama. It is a beginning. The commission will rewrite 11 of the constitution's 18 articles to put before the Legislature and voters.

Federal Judge Lynwood Smith, it is safe to say, is no fan of the 1901 Constitution of Alabama. The federal judge's disgust for the document drips throughout his 854-page, Oct. 21 ruling. "The 1901 Constitution is the state's fundamental charter "only through fraud, ballot theft, economic and physical intimidation and unmitigated corruption," Smith wrote.

When a local government wants a new law, it must beg its local legislative delegation for support. If local lawmakers sign on, legislative courtesy usually applies; that is, the Legislature will approve automatically. "The way the constitution reads currently, we can't amend local laws once they get advertised. We can't debate a bill, find a middle ground, and can't improve it as the legislative process goes along."

Alabama's Constitution Revision Commission met Wednesday January 11, 2012 to discuss home rule, the ability of Alabama cities and counties to have limited autonomy to pass laws without needing the approval of the Legislature. While two proposals were discussed to give local government new powers, about a dozen critics said they saw no need for them. The commission, meeting for the last time before the start of the 2012 regular session, took no action on the proposals, and is not set to meet again until late May or early June. Home rule is not likely to be taken up by the Legislature until 2013 at the earliest.