

# LEGALLY SPEAKING<sup>®</sup>

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

WINTER 2010

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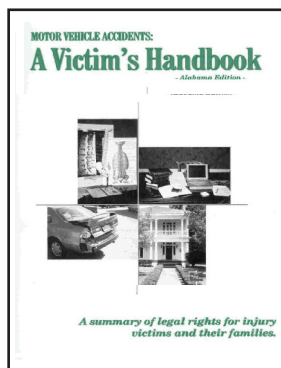
## MOORE & WOLFE DEEMED "MOST HIGHLY QUALIFIED."

Martindale-Hubbell, a peer review based attorney and law firm rating service, recently announced that the law firm of Moore & Wolfe has qualified for its **Bar Register of Preeminent Lawyers**. Michael Walsh, President and CEO for the company that monitors the peer review rating service (LexisNexis) reported that only 5% of all law firms in America qualify for this special listing. "We are proud to be recognized as one of the few personal injury law firms in Alabama to qualify for this designation," said Steve Moore. In 2004, M&W was included in the top 15% of all American law firms when it received a prestigious AV rating from Martindale-Hubbell. Steve said, "I think the fact that we have now reached the top 5% shows we are continuing to improve and we are committed to always finding ways to improve our representation of injury victims."



## INFORMATION ABOUT AUTO-NEGLIGENCE CLAIMS

With 6.5 million motor vehicle collisions each year and 3 million injuries related to those collisions [NHTSA 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. Our publication Motor Vehicle Accidents: A Victim's Handbook (free) and our web site: [www.moore-wolfe.com](http://www.moore-wolfe.com) provides motor vehicle collision victims with important



information about the insurance coverage and claims related to car accidents. M&W has been publishing the Victim's Handbook since 1994. It has been updated three times and over 45,000 copies have been published and distributed free to the public. CALL 1 866 975 7766 (toll free) or locally 433-7766 FOR A FREE COPY.

## [www.moore-wolfe.com](http://www.moore-wolfe.com)

The M&W web site has been recently updated to include even more information for victims of motor vehicle collisions. The front page of the site includes a link to the Motor Vehicle Accident Resource Center which includes answers to FAQs and articles and links to information about various issues faced by accident victims. This includes Property Damage, Insurance Coverage issues, Defective Products, Injuries caused by drunk drivers and 18-wheeler collisions. Our web site is the most comprehensive motor vehicle collision web site in Alabama and is specifically designed to help and assist victims of motor vehicle collisions. [www.moore-wolfe.com](http://www.moore-wolfe.com) In addition the web site has a link to the Moore & Wolfe Blog Site: <http://alabamacaraccident.blogspot.com/>. This blog allows us to update consumers and personal injury victims about important pending legal claims and cases. If you have not visited these sites recently, we hope you will take a few minutes to review them. Also, if you have a friend or family member who has questions related to a motor vehicle collision, please encourage them to visit our web site!

## M&W E-MAIL ADDRESSES

Many of our clients are now using e-mail as a way to communicate with us about pending legal matters or to help with questions about a legal issue. For your convenience here are our current e-mail addresses:

Steve Moore:	<a href="mailto:scm@moore-wolfe.com">scm@moore-wolfe.com</a>
Mark Wolfe:	<a href="mailto:mcw2@moore-wolfe.com">mcw2@moore-wolfe.com</a>
Knox Boteler:	<a href="mailto:jkb@moore-wolfe.com">jkb@moore-wolfe.com</a>
Karlos Finley:	<a href="mailto:kff@moore-wolfe.com">kff@moore-wolfe.com</a>
M&W Claims Dept.	<a href="mailto:lld@moore-wolfe.com">lld@moore-wolfe.com</a>
M&W Litigation Dept.	<a href="mailto:kom@moore-wolfe.com">kom@moore-wolfe.com</a>
Investigation:	<a href="mailto:Justin@moore-wolfe.com">Justin@moore-wolfe.com</a>
M&W Administration:	<a href="mailto:tmb@moore-wolfe.com">tmb@moore-wolfe.com</a> , <a href="mailto:amy@moore-wolfe.com">amy@moore-wolfe.com</a>
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Appointments:	<a href="mailto:jill@moore-wolfe.com">jill@moore-wolfe.com</a>

## TRAFFIC SAFETY NEWS

The National Highway Traffic Safety Administration is currently promoting a nationwide campaign to help increase the safety of teen drivers. The following material is excerpted from the NHTSA web site. The heart of NHTSA's mission is keeping families safe on America's roadways. Young drivers, ages 15- to 20-years old, are especially vulnerable to death and injury on our roadways – traffic crashes are the leading cause of death for teenagers in America. Mile for mile, teenagers are involved in three times as many fatal crashes as other drivers. Research shows which behaviors contribute to teen-related crashes. Inexperience and immaturity combined with speed, drinking and driving, not wearing seat belts, distracted driving (cell phone use, loud music, other teen passengers, etc.), drowsy driving, nighttime driving, and other drug use aggravate this problem.

### Seat Belt Use

Teens buckle up far less frequently than adults do. Despite efforts aimed at increasing belt use among teens, observed seat belt use among teens and young adults (16 to 24 years old) stood at 76 percent in 2006 – the lowest of any age group. In fact, in 2006 the majority (58%) of young people 16 to 20 years old involved in fatal motor vehicle crashes were unbuckled.

### Graduated Driver Licensing

Young, inexperienced drivers, particularly 16- to 17-year-olds, are significantly overrepresented in fatal crashes. Our research tells us that immaturity and inexperience are primary factors contributing to these deadly crashes by young drivers. Three-stage GDL laws address these factors by reducing high-risk exposure for novice drivers.

46 States and the District of Columbia have a three-stage GDL system. Analysis shows that adopting GDL laws will lead to substantial decreases of crashes for this age group – anywhere between 20 and 50 percent.

### Youth Access to Alcohol

Teens are at far greater risk of death in an alcohol-related crash than the overall population, despite the fact they cannot legally purchase or publicly possess alcohol in any State.

High-visibility enforcement of underage purchase, possession, and provision laws can create a significant deterrent for violation of youth access laws, reduce underage drinking, and decrease alcohol-related crashes. Additionally, parental responsibility is key to educating and protecting our teens.

## PARENTS CAN MAKE A DIFFERENCE

### Parents & Teens

It's not just good parenting, it's a matter of life and death. You need to talk to your kids about traffic safety early and often - before they reach driving age. When your teenager begins driving, we recommend that you set rules and then clearly outline the consequences of breaking the rules. Remind your teenager that driving is a privilege - a privilege they will lose if they don't drive by your rules.

We know that getting through to your teen can be tough, but research tells us that teens listen to their parents, and that you influence your kid's driving habits.

You need to teach safe driving behavior from the beginning. As the parent, you can start by modeling safe driving behavior anytime you drive your kids anywhere, even before they begin to drive. Talk to your teen about safety issues and the rules you are setting. Explain each one of your rules and the consequences for breaking it. Write up a contract with your teen driver to make sure they drive by the rules and drive as safely as possible. Include the most important issues. Here's how:

### Spell out the rules:

1. Alcohol: Absolutely No Alcohol
2. Seat belts: Always Buckle Up!
3. Cell phone/texting: No talking or texting while driving
4. Curfew: Have the Car in the Driveway by 10 p.m.
5. Passengers: No more than one at all times
6. Graduated Drivers License: Follow the state's GDL law
7. Parental Responsibility: Set your house rules and consequences

## MASS TORT CLAIMS AND CASES

Mass Tort litigation refers to issues in which a company or individual does harm to a large number of people or their property as a result of an action or product. Cases in this practice area range from defective products, such as pharmaceutical drugs and building products, to large "man-made" disasters such as plane crashes and chemical plant explosions. While M & W does not commonly practice in the area of mass tort litigation, the firm does assist many with locating experienced legal representation in this area. Many law firms are advertising for Mass Tort cases but many of these law firms are not actually handling the claims or litigation. It's important for the victim to hire an experienced law firm related to a particular claim or case. Recently, our office has assisted victims with questions regarding the following products:

**Chinese Sheetrock/Drywall** - Homes and buildings constructed between 2005 - 2007 and having recurring A/C problems and/or electrical problems, may have been built

with Chinese sheetrock or drywall. It is suspected that chemicals in the defective drywall are causing the problems. If Chinese drywall was used in the construction of your home or building, it will be necessary to remove all sheetrock and replace all metal wiring. A certified Chinese drywall remediation contractor should be used, and the drywall should be properly disposed in a hazardous substance facility.

**Yaz (drospirinone & ethinyl estradiol)** - The New York Times recently published a major news story on the growing safety concerns with Yaz. Numerous lawsuits have been filed against Bayer HealthCare Pharmaceutical for the birth control drug Yaz. Lawsuits and claims have also been filed related to Yasmin and Ocella. Yaz, Yasmin and Ocella birth control pills all contain drospirenone, a synthetic form of progestin which works in combination with ethinyl estradiol (estrogen) to prevent pregnancy. Drospirenone is not contained in other forms of birth control and is believed to be the major cause of side effects from Ocella, Yasmin and Yaz. Two recent case-control studies published in the British Medical Journal show that patients on the birth control pills containing drospirenone have a 200% higher risk of serious injury than those patients using first or second generation oral contraceptives.

**Bextra (valbecoxib)** - used as treatment for mild to severe arthritis (osteoarthritis & rheumatoid arthritis) and other chronic pain. Bextra has been linked to heart attacks, strokes, gastrointestinal problems, and Steven Johnson syndrome, a potentially fatal skin condition. This drug was recalled in 2005.

**Avandia (rosiglitazone)** - was prescribed to control blood sugar in adults with Type 2 Diabetes. The FDA has monitored several heart related adverse events associated with Avandia, such as fluid retention, edema and congestive heart failure. The most recent labeling change included a new warning about a potential increase in heart attacks and heart related chest pain in some individuals.

**Reglan** - Reglan is a drug used to treat gastrointestinal problems caused by gastroesophageal reflux (GER) and gastroesophageal reflux disease (GERD) in adults and children. Reglan has a number of serious potential side effects including Neuroleptic Malignant Syndrome, Tardive Dyskinesia and Tardive Dystonia. Reglan side effects appear to increase with prolonged use.

**Asbestos** - continues to bring serious illnesses from exposure in the 1940s and 1950s. The most common types of illnesses directly associated with asbestos are: mesothelioma, lung cancer, asbestosis, throat cancer, colon cancer, and stomach cancer. Asbestos exposure could have occurred in any number of occupations,

including shipyard workers, brake mechanics, factory workers, construction workers, power plant workers and refinery workers. Veterans, particularly those who served in the U.S. Navy, may now bill ill because of asbestos.

If you, or a friend or family member, may have a mass tort claim, please contact Knox Boteler at M&W to discuss your case and for assistance in finding the right law firm for your particular claim or case. There is no charge for consultations at M&W. 433-7766, also toll free 1 866 975-7766 or visit our web site and blog for regular Mass Tort updates: [www.moore-wolfe.com](http://www.moore-wolfe.com).

## AT THE FIRM

### Moore & Wolfe Raise over \$11,500 for area Charities.

In October, M&W held its 4th Annual Charity Wine Tasting. This year's beneficiary was Victory Health Partners which provides free or low cost medical care to people without health insurance. Over \$5,000 was raised at this year's event. Plans are already under way for next year's event! Remember the M&W Charity Wine Tasting is held on the last Sunday of October.

In November, M&W organized and presented a 6 hour "free" Continuing Legal Education seminar for local attorneys. Steve Moore coordinated and moderated the event which required a suggested donation to the Salvation Army's Neediest Family Campaign. Over 100 lawyers attended the seminar and over \$6500.00 was raised for the beneficiary.

Since M&W began doing specific charity events 5 years ago, the events or programs have raised over \$50,000.00 for local charities or community projects. These programs and projects are in addition to the wide variety of community and charity projects supported by the firm each year.

### Boteler and Wolfe Speak at CLE Programs.

Knox Boteler recently spoke at a continuing education seminar for lawyers on trucking claims and cases. Knox is a member of the AAJ Trucking Litigation Section and he spoke on the importance of evidence preservation after a collision involving an 18-wheeler or other large commercial vehicles. Mark Wolfe spoke to over 500 lawyers from across the State at a program in Birmingham on December 2nd. His presentation dealt with evidentiary issues at trial related to collateral source payments for injury victims. In addition to his presentation, Mark was also a panelist for a panel discussion on this same topic.

### M&W Help Area Boys and Girls Clubs.

M&W and other area attorneys with the South Alabama Trial Lawyers Association donated funds for toys and gifts for the children of the Boys and Girls Clubs of South Alabama. This is the sixth year that M&W has participated



*Leaders in car accident  
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## LEGALLY SPEAKING®

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in this Christmas program that buys bicycles and other items for deserving children. Also, M&W was a sponsor for a fund raising event to benefit the Roger Williams Boys and Girls Club at Wing's Restaurant.

### **M&W Help the Child Advocacy Center (CAC).**

The attorneys at M&W helped the CAC again this year with its annual fund raising event. Over the past 5 years M&W has regularly supported CAC fund raising events. This year's event was held at the Bull Restaurant on Dauphin Street.

### **Attorneys Doing Time?**

Not exactly but Karlos Finley and Mark Wolfe did spend most of the evening of December 11th at the Loxley Work Release Center helping serve food to the almost 500 inmates at the facility. The annual program is sponsored by a local prison ministry project (The Brothers of Encouragement) that holds a monthly Bible study at the facility. The choir from Life Line Baptist Church provided Christmas carols and music and the speaker for the event was Eddie Spencer. Mr. Spencer spent several years in prison before being released and becoming a successful owner of several restaurants in and around Jackson, Mississippi. He has written several books and now runs a full time ministry for inmates and troubled youth. After Mr. Spencer's moving message, the men at the camp were treated to a full course meal donated by the ministry project and served by volunteers. This year's meal was catered by Riley's Catering of Daphne. The food and fellowship was enjoyed by all.



## **M&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 M&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 [jkb@moore-wolfe.com](mailto:jkb@moore-wolfe.com)