

LEGALLY SPEAKING

A quarterly newsletter for friends and clients of
MOORE & WOLFE, Attorneys at Law

April 1, 2002

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.

Victim's Handbook Available Free

Our publication *Motor Vehicle Accidents: A Victim's Handbook*-Alabama Edition has recently been updated. This publication is intended to provide accident victims with a general overview of their rights. It includes a new section on understanding how Insurance Companies view and handle claims. Since its original publication in 1994, 25,000 copies of this manual have been printed.

It also contains a section on Hiring an Attorney and includes important questions and considerations when making this important decision. **IF YOU, OR A FRIEND OR FAMILY MEMBER, HAS BEEN INJURED IN AN ACCIDENT, PLEASE CALL FOR A FREE COPY.**

RECOMMENDATION OF SERVICES

We truly appreciate the recommendation of our services by our current and former clients and by those people in the community who are familiar with our practice. Unlike lawyers who advertise on TV, we count on each and everyone of our clients to recommend our services to their friends and family members. *Our next client comes from you, not a TV commercial.*

This publication is provided free as a service of:

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*dedicated to protecting the rights of injury
victims and their families*

AT THE FIRM

WEDDING BELLS will ring on April 27 for M&W litigation secretary Jennifer Adams. Jennifer is marrying Tom Walthousen and the wedding service will be at Dauphin Way United Methodist Church.

MARK WOLFE will be a featured speaker June 14 at the Summer Conference of the Alabama Trial Lawyers Association (ATLA). ATLA is a statewide organization of 1400 lawyers who represent injury victims and consumers. Mark's presentation will be part of the conference's Continuing Legal Education seminar for its members. Over the last ten years Mark has accumulated over 70 hours of teaching credits for various CLE presentations to other lawyers.

STEVE MOORE has been continuing his hard work as a Bar Commissioner for the Thirteenth Judicial Circuit. Steve is one of three area commissioners elected by the members of the Mobile Bar Association to represent them at Alabama Bar Association proceedings and functions. This volunteer position requires Steve to travel to Montgomery one day a month and to attend MBA monthly meetings to report about ongoing events and proceedings. Recently the Bar Commissioners voted that the Alabama Bar Association adopt stricter regulations for Attorney advertisements.

These new regulations for attorney advertising were needed because many lawyers advertising on television and in newspapers were not licensed to practice law in Alabama. Also, many times the attorney running an advertisement would not be the attorney handling the solicited case. The new regulations should go into effect in the next six months and are a step in the right direction towards protecting Alabama consumers.

KNOX BOTELER and MARK WOLFE recently participated in awarding grants to area charities on behalf of the Alabama Civil Justice Foundation (ACJF). The ACJF is a charitable foundation sponsored and supported by the Alabama Trial Lawyers Association. Since its inception in 1993 the ACJF has raised and donated over \$3.6 million dollars to charitable organizations in Alabama. Knox presented a \$5000.00 grant to the local Habitat for Humanity organization and Mark presented a \$5000.00 grant to the Deep South Girl Scout Council.

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If you know of a local non-profit organization that might need assistance from the ACJF call 334-263-3003 for more information about grants and donations.

LEGALLY SPEAKING circulation is now at 6500 per quarter. Since our law firm began publishing this newsletter in 1998 its circulation has continued to grow each year. What started as a simple mail out to about three hundred friends and clients has grown into a major quarterly production. We want to thank our friends at Office Supply Inc. (OSI) and Access Mail for their hard work every quarter in printing and mailing our law firm newsletter.

We also thank our readers for their comments and input. Please consider sharing your copy of Legally Speaking with a friend or family member and remind them they can call our office to get added to the mailing list.

MOORE & WOLFE publication nominated for National Recognition. *MOTOR VEHICLE ACCIDENTS: A Victim's Handbook*, published and distributed by M&W, has been recently nominated for several national recognition awards. The publication is currently under consideration by the American Bar Association in three different categories.

It is also under consideration by Mother's Against Drunk Drivers (MADD) for a National Merit Award. This is because the back cover is dedicated to the memory of Joia White, a local four year girl who was killed by a drunk driver in 1999, and it contains a powerful message about the dangers of drinking and driving.

The Handbook was originally written in 1994 and today over 25,000 copies have been printed and distributed in our community. Many area businesses now provide copies of this important publication to their customers and many others make copies available to their customers in waiting areas. If you would like copies of this publication for your business, please call us today. The publication is free.

STEVE MOORE and MARK WOLFE were recent guest lecturers at the Mobile Police Training Center. On March 7 Steve and Mark presented a two hour program to area law enforcement officers on Civil Litigation. The program, which was attended by 45 law enforcement officials from six different agencies, focused on automobile accidents and civil procedure issues confronted by police. Steve and Mark have now been invited to make the same presentation in April to the cadets at the Police Academy.

MOORE & WOLFE were sponsors for the recent Luck of the Irish Cook-Off held on March 16 at Cathedral Square. The

NO. Despite the lobbying effort of large corporations to enact legislation to limit and restrict Class Actions and the effort of these lobbyists to "spin" Class Actions as bad for the economy, they serve a very useful purpose. We all agree that it

event was sponsored by the Exchange Club of Mobile and the proceeds went to support the Family Center which helps at-risk children and their families.

MOORE & WOLFE also made contributions to the Jack and Jill College Fund which helps provide scholarships to area children and a contribution to the American Cancer Society. At M&W we continue our quest to be true good neighbors in our community and we appreciate the opportunity to help.

WHAT IS A CLASS ACTION?

You have probably noticed a lot of attorney advertisements on TV and in the newspaper about insurance policies, consumer loans and medication usage. Some of these ads are from local attorneys, but many are from out-of-state attorneys. Most of these ads are for potential cases related to Class Action lawsuits. A Class Action lawsuit is where numerous individuals bring one lawsuit against a company for a wrong that has been committed. The law allows this type of case because many times an individual does not have sufficient damages to justify a lawsuit on their own. Chances are you have received mail-outs or documents, or seen legal advertisements in newspapers, indicating you may be a class member in a Class Action lawsuit.

Most of the time when a Class Action lawsuit is settled, the members of the class are notified by mail or by publication in a newspaper. Usually, if a potential class member is not satisfied with the proposed settlement he or she can "opt-out" of the class and pursue an individual claim. If a large enough group opts-out of the settlement they can sometimes secure a better settlement than the class members. This is what you usually see attorneys advertising for in the newspaper or on TV.

As a consumer, you want to make sure you use a lawyer or law firm that can obtain the best result. At **Moore & Wolfe** we are not directly handling these type cases. As is true for many of the lawyers who are advertising for these type of claims. But if you or a friend or family member sees such an advertisement and you want to know more about your legal rights in a certain type of case or situation, please call us for a free consultation. We can usually determine what law firms or lawyers are actually handling the class action or handling the largest opt-out group and put you in direct contact with those lawyers.

ARE CLASS ACTION LAWSUITS BAD?

would be wrong for a corporation to fraudulently take \$100,000.00 from one person. In that situation the person who was wronged would be entitled to recover restitution and no one would say it was wrong for them to seek that restitution

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through our civil justice system. But what happens if that corporation wrongfully takes \$10.00 from 10,000 consumers?

The expense and time for an individual consumer to litigate a claim for \$10.00 is not practical or feasible. Does this mean the corporation in our example should be allowed to get away with its wrongful conduct simply because it was smart enough to steal a little bit of money from a lot of people?

The answer is NO. Such a result would not be fair or just.

This is why the American civil justice system has recognized and allowed Class Action lawsuits for many many years. A Class Action allows all of the wronged consumers to unite and pursue one lawsuit for the benefit of all the class members. Yes the lawyers that handle such Class Actions usually make a large fee if they are successful and these large fees have been the source of much criticism in the main stream media. But the fact that the attorneys may make a large fee should not be used as a "cover" for corporate wrong doing. In most Class Action lawsuits, the fee approved and awarded by the Court is nominal compared to the total amount in controversy.

Lost in the main stream media and by many political "reformists" is the fact that these large corporations got caught with their hands in the "cookie jars." Wrongfully taking something from another should not be tolerated by our society. Whether you wrongfully take a lot from a little or a little from a lot, it is still wrong and our justice system must continue to send that message to large corporations. By limiting and restricting Class Action lawsuits, our politicians will be telling large corporations that it is all right to wrongfully take a little from a lot. This is not right or fair for consumers. Remember, once a right has been taken away by politicians, it will not be easily given back.

WHO'S PROTECTING THE RIGHTS OF CONSUMERS?

This is a good question and one each and every person should consider as we gear up for another Election year. Over the past several years we have witnessed an unprecedented erosion of victim and consumer rights. On a National and Statewide level, many of our elected officials have given into the lobbying efforts of special interest groups to limit the rights of victims and consumers in our civil justice system. We have seen the endorsement of Binding Arbitration applied to consumer contracts in a way that severely hinders the ability of consumers to seek restitution when they are wronged, we have seen the enactment of "tort reform" legislation that removes long held rights of victims and consumers in our Court system, we have seen the Medical Liability Act expanded by liberal judicial interpretation to hinder the rights of consumers of prescription medication and victims of Nursing Home neglect and we have witnessed liberal judicial interpretations allow the

rights of large insurance companies to be placed above the rights of their customers in case after case.

Part of the problem is that main stream media does not do a good job of reporting these changes. Occasionally when these issues are addressed by the media, they are done so from a pro-business perspective. In fact many times the articles or reports printed in the newspaper are actually written by industry or business associations and lobbyists. "Hurricane Deductibles are Good for the Consumers" written by Joe Blow, of the National Insurance Premium Protection Association.

Because these issues often do not receive the media attention that they should, consumers are often unaware of what changes are being made and how these changes effect them. Unfortunately, many times the consumer or victim does not become aware of these critical changes until they are sitting in our office. It is frustrating for us as advocates for consumers and victims to have to continuously tell some potential clients that because of this or that change in the law, there is no practical legal remedy for the wrong they suffered.

As this years elections get closer, we will be reviewing the various candidates on issues related to consumers and injury victims. In those races where we believe one candidate stands significantly above his or her opponent on the issues of consumer protection and protection of the legal rights of injury victims, we will endorse that candidate in the October 1, 2002 edition of *Legally Speaking*. We hope that you will consider voting for those candidates.

Register to Vote at Moore & Wolfe Office

As with past election years, individuals who are not registered to vote, or who need to update their voting registration information, can do so at the Moore & Wolfe office at 1252 Dauphin Street. The forms are easy to complete and it takes less than five minutes. If your not registered to vote, please stop by in the next few weeks. Remember, the June 4th primary elections are only a few weeks away!

MOORE & WOLFE CONSUMER ALERT NETWORK

In an attempt to better inform Alabama Consumers about critical legislation and legal issues, M&W has now established the M&W Consumer Alert Network. Using the Internet, we will e-mail Consumer Alert Bulletins to individuals. To subscribe simply e-mail Mark Wolfe at mcw@moore-wolfe.com and put Consumer Alert Network in the subject line. As you receive Bulletins, please forward them to your friends and family on your e-mail list. Also, remind your friends and neighbors that they can read *Legally Speaking* on-line at our web site, www.moore-wolfe.com

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