

LEGALLY SPEAKING

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

FALL, 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.

Anderson for Alabama Supreme Court

JAMES ANDERSON'S PRACTICAL EXPERIENCE IS THE DIFFERENCE. We are endorsing James Anderson for the Alabama Supreme Court in the Fall General Election. He has practiced law for twenty-three years and represented individuals and businesses. James Anderson has earned a reputation for being a well prepared and fair advocate for his clients. His peers have rated him highly on legal skills and ethics. We believe his practical experience and integrity are important for an Appellate Judge. Anderson's opponent, Harold See, was a law professor before joining the Alabama Supreme Court in 1998. See has never taken the Alabama Bar exam. (Law Professor's are exempt from having to take the Alabama Bar exam.) While we appreciate See's dedication to teaching the law, we all know there is a great deal of difference between "book" knowledge and real life experience. James Anderson understands the dynamic nature of the law and we are confident his twenty-three years of legal experience will result in the fair and compassionate application of Alabama law for all citizens.

To learn more about **James Anderson** please visit his web site at www.jamesanderson2002.com PLEASE TELL YOUR FRIENDS AND FAMILY TO VOTE FOR JAMES ANDERSON, He's a good man for all Alabama citizens.

WHO'S PROTECTING THE RIGHTS OF CONSUMERS AND VICTIMS?

This is a good question and one each and every person should consider as the Election gets closer. 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 so as to hinder the rights of consumers of prescription medication and victims of Nursing Home neglect. We have recently witnessed two significant cases that allow the

**ACCIDENT HANDBOOK
AVAILABLE FREE**

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

Part of the problem is that the 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 business associations and lobbyists. E.g. *Hurricane Deductibles are Good for the Consumers* written by Joe Blow, of the Insurance Premium Protection Association.

Because these issues often do not receive the media attention they should, consumers are often unaware of what changes are being made and how these changes effect them. Many times consumers and victim's have no idea what rights they have lost until they need legal assistance. For example, employees of **Enron** and **Worldcom** are just now realizing that their right to bring legal action against their employer for abuse and misuse of Retirement benefits may be severely limited by a little known Federal law. The Employee Retirement Income and Security Act (ERISA) strictly limits the damages they can recover. (This draconian law also shields HMO's and health insurers for employer provided health insurance programs.)

Firestone, Enron, Worldcom, Tyco, Haliburton, Adelphia, etc. are all examples of Corporate greed gone to excess at the expense of victims and consumers. We must elect those candidates who are willing to stand up for the average citizen and not be bought and paid for by the big business special interest groups.

This publication provided as a service of:

Moore & Wolfe

Attorneys at Law
1252 Dauphin Street
Mobile, Alabama 36604

251 433-7766

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

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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. Included is a new section on understanding how Insurance Companies view and handle claims. It also contains a section on Hiring an Attorney with important questions and considerations when making this decision.

Since its original publication in 1994, 25,000 copies of this important booklet have been printed and distributed. IF YOU HAVE 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 every one of our clients to recommend our services to their friends and family members. *Our next client comes from you, not a TV commercial.*

Over 85% of our current clients have been recommended to our office by former clients or people in the community who are familiar with our work and service.

AT THE FIRM

MOORE & WOLFE GIVE PROCEEDS TO LOCAL ELEMENTARY SCHOOL. Moore & Wolfe made a \$2500.00 donation to Daphne Elementary School in honor of recently retired second grade teacher Sarah Duncan. School officials are currently deciding how to best utilize the funds.

WOLFE TO PARTICIPATE IN FAMILY RE-UNION CONFERENCE. Al and Tipper Gore have again invited Mark Wolfe to participate in the Family Re-Union Conference. The annual conference is sponsored by Vanderbilt University and hosted by Al and Tipper Gore. Each year the conference focuses on a specific issue or area of concern for American families. Experts from across the country are invited to speak and host small group workshops where participants discuss and recommend policy directives. Numerous policies and regulations can trace their origin to this important conference including, improved viewer rating guidelines, V-chip legislation and the Patient Bill of Rights. The conference starts on October 21 and this is the sixth year Mark has been invited to participate.

AT THE FIRM (Continued)

Lawsuit Tax?

MOORE & WOLFE MAKE DONATION TO LOCAL YMCA. The Moorer YMCA received a \$500.00 contribution from the law firm last quarter. The money went to help sponsor and support a regional racquetball tournament. Proceeds raised by the YMCA from the tournament will now be used to support various programs for area youth.

ALABAMA CIVIL JUSTICE FOUNDATION RECEIVES ADDITIONAL DONATION. Last quarter Moore & Wolfe made a significant donation to the Alabama Civil Justice Foundation (ACJF). The ACJF is a state-wide charitable organization founded and supported by the Alabama Trial Lawyers Association. The ACJF directs contributions to various non-profit and charitable groups across Alabama. Last year 173 different organizations received almost \$500,000.00 in grants and contributions from the ACJF. If you know of a local non-profit organization that might qualify for a ACJF grant, have them call 334 263-3003 for grant applications and guidelines.

VOLUNTEER LAWYER PROGRAM RECEIVES FINANCIAL COMMITMENT FROM SATLA. The South Alabama Trial Lawyers Association has made a financial commitment to the Mobile Bar Association's Volunteer Lawyer Program(VLP). The program is supported by local attorneys who volunteer their time to help indigent clients. The program has received State and National recognition but recently found itself having financial difficulties because of a decrease in donations and grant funding. SATLA has designated a portion of this year's charity golf tournament proceeds for the benefit of the VLP. Mark Wolfe serves on the SATLA Executive Committee and Moore & Wolfe have been SATLA Community Partners for the last three years. (Community Partners pledge additional financial support for SATLA's various community outreach programs.)

MOORE BEGINS SECOND YEAR AS STATE BAR COMMISSIONER. Steve Moore recently began the second year of his three year term as a Bar Commissioner for the thirteenth Judicial Circuit. Steve is one of three local lawyers elected as representatives to the Alabama State Bar Association. The Bar Commissioners help establish rules and regulations for attorneys and oversee grievance and disciplinary procedures. Steve's work as a Bar Commissioner keeps him out of the office and in Montgomery several days a month.

*lawyers from the community helping
people in our community*

dedicated to protecting the rights of injury victims and their families

[Editor's Note: The following is a reprint of Mark Wolfe's letter to the editor of the Mobile Press Register concerning TV commercials run by the U.S. Chamber of Commerce.]

I am writing this letter in response to the current television commercials sponsored by the U.S. Chamber of Commerce. These commercials tell consumers about a "hidden tax" on various products brought about by lawsuits. Not only are these commercials false and misleading but they are down right disgusting given the current level of greed and lack of compassion demonstrated by Corporate America.

The commercial in question quotes various extra costs associated with products because of lawsuits. While I seriously doubt the accuracy of the "lawsuit costs" claimed in the commercial, I would point out that consumers are currently paying a "greedy CEO" tax, a "poor accounting practices" tax and a "fraudulent business practices" tax on various products and services. The U.S. Chamber of Commerce is quick to rail on lawsuits as the reason for higher product costs but stands silent on the extravagances of corporate CEO's and corporate greed. Organizations such as the U.S. Chamber of Commerce claim lawsuits are the reason for higher health insurance costs but fail to mention that the President and CEO for the Traveler's Insurance Group (Sanford Weill) had an annual salary in 1998 of **\$400 million dollars**. (In 1997 he barely eked out an existence with a paltry salary of \$280 million.)

The U.S. Chamber also fails to mention in its anti-lawsuit commercial the economic cost of defective products and/or unsafe work conditions. 99.5% of all civil lawsuits are for restitution, i.e. compensatory damages for the victim. If a worker loses an arm because of a defective product or an unsafe work environment, not only is his or her family going to lose wage income but their local economy will also lose the benefit of that earning and spending capacity. Avarice and lack of compassion for victims by Corporate America and their insurance carriers, like Travelers, often leave victims with no alternative but to file a civil lawsuit to try and collect fair restitution for their loss. Look no further than the recent Firestone tire debacle as a clear example of Corporate America's absolute lack of concern for the safety of consumers.

When that restitution finally is recovered through the legal system, it is not a financial windfall

for the victim or the community but rather it is an economic payment for what was wrongly taken from the victim and the community. Of course these large corporations would prefer that this restitution be kept locked in the coffers of their Corporate headquarters so that it can be used to buy another yacht or condominium for the CEO. Which brings us back to the true purpose of the self-serving scare tactics used by the U.S. Chamber of Commerce in their Five million dollar television commercial campaign. Closing the courthouse doors for all victims is good for the "bottom line" of corporate America.

Other Moore & Wolfe Publications

Besides publishing *Legally Speaking* each quarter and the Motor Vehicle Accident Manual, M&W also publishes a brochure related to Slip and Fall Injuries and a manual for Small Claims Court. Both of these publications are available free by calling M&W at 433-7766 or they can be ordered on-line from the M&W web site, www.moore-wolfe.com

Booster Seats Prevent Injuries

A recent study by Children's Hospital of Philadelphia, provides clear evidence that children between the ages of 3 and 8 are safer in car seats or booster seats than adult seat belts. Research of data from over 150,000 crashes showed children weighing between 40 to 80 pounds wearing a seat belt without a car seat or booster seat received broken noses, broken jaws and other facial fractures that could have been easily avoided if the seat belts had been used in conjunction with a car seat or booster seat. The researchers also emphasized that seat belt use alone was still much, much safer than no restraint at all.

Partners for Child Passenger Safety make the following recommendations and observations:

- Children are safest in the back seat.
- A rear-facing infant seat or convertible seat should be used for children up to 20 pounds and 1 year old.
- A forward-facing car seat should be used for children weighing between 20 and 40 pounds and more than 1 year old.
- A belt-positioning booster seat should be used for children under 4-foot-9 and weighing between 40 and 80 pounds, and who have completely outgrown a convertible car seat.
- A lap-and-shoulder seat belt should be used for children over 4-foot-9 and weighing more than 80 pounds.

The statistics are overwhelming regarding the benefit of seat belts, car seats and booster seats. PLEASE USE THEM!

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