



TURNER & MILLER, LLC

A t t o r n e y s A t L a w

SUMMER 2005

Brought to you by
Turner & Miller, LLC
Attorneys At Law

1302 Noble Street, Suite 3F
Anniston, AL 36201
256-235-1901
FAX: 256-235-2591
e-mail:
bill@bamalaw.com
boice@bamalaw.com
Web site:
www.turner-miller.com

PERSONAL INJURY PRACTICE

- Free case evaluation
- Home appointments available
- No recovery. No fee. We do not get paid unless you do.
- Trial attorneys

To enable us
to communicate more
easily with you, please
send your e-mail address
to us at
bill@bamalaw.com
or
boice@bamalaw.com



Juries protect us all

America's civil justice system holds individuals and businesses accountable when their behavior breaches society's expectations of fair treatment. The following product liability case shows how our jury system can work to protect those who need it most.

After a nine-year-old boy died from carbon monoxide poisoning when a window air conditioner caught fire, his parents sued the manufacturer, alleging wrongful death.

Their attorneys' investigation revealed that the air-conditioner maker had used underrated and excessively flammable components to cut costs, which resulted in the units having a history of overheating problems. Attorneys

also demonstrated that although the manufacturer was a qualified self-certifier for Underwriters Laboratories, no testing had ever been done to assure the air conditioners complied with guidelines.

A jury found that the manufacturer's conduct amounted to malice because it was aware of its product's extreme risk, but remained indifferent to consumers' safety. After jurors awarded significant actual damages, the plaintiff settled for confidential and punitive damages during jury deliberations.

Medical malpractice

Texas study contradicts "litigation explosion"

Although politicians and the American Medical Association warn that the nation is in the midst of a "litigation explosion," yet another study has shown there's little evidence to make such a claim.

Researchers from Columbia University, the University of Illinois, and the University of Texas—including two doctors—who studied 15 years of Texas claims data, reported "remarkable stability" in medical malpractice lawsuits and payouts.

University researchers concluded that Texas physicians' large insurance premium increases did not come from medical malpractice claims, but instead from dynamics operating within the insurance industry itself. Another research center, the National Bureau of Economic Research, has independently suggested that these factors might include insurance companies' investment practices, competitive behavior, and the cycle of their underwriting.

The Texas researchers also reported that:

- Large claims (over \$25,000) remained constant between 1991 and 2002.
- The number of small claims actually dropped sharply.
- Payouts and jury awards per claim remained constant or dropped.
- The rate of claims per 100 Texas physicians dropped from 6.4 (1990-92) to 4.6 (2000-02).



Small Firm Service, Big Firm Results.

What's wrong with "tort reform"?

The real meaning of "tort reform": taking away the legal rights of American families

Some federal and state lawmakers want to pass "tort reform," or litigation-limiting, legislation to give insurance companies and corporations more power to overturn the rights that the average citizen has to seek redress for harm through our court system.

If elected officials legislate away our citizens' right to trial by a jury of their peers in a courtroom, the new power that big insurers and companies will acquire will affect us all.

Lawbreaker protection

By limiting victims' rights, "tort reform" protects negligent drivers, greedy corporate managers, and polluters by bypassing the effective, centuries-old approach of using citizen juries to hold wrongdoers accountable for the harm they cause to others.

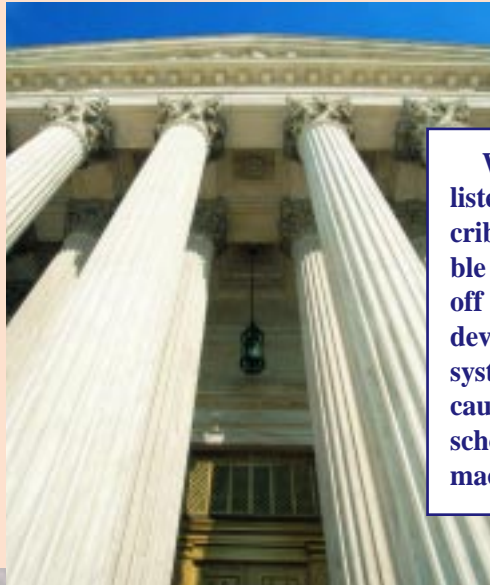
Wrongdoer defense

"Tort reform" will provide a trump-card defense for pharmaceutical companies that market drugs which injure or kill people. It will give manufacturers

who sell unsafe products an automatic shield against liability. Reform will even give nursing homes that negligently cause our elderly to suffer a "free pass" from legal action.

Unprotected victims

The most insidious effects of "tort reform" are that our civil justice system will no longer protect those who have been seriously injured or killed by careless medical errors or defective products or drugs...and no one will have the right to hold wrongdoers accountable.



When juries speak, corporate America listens. That's why...defectively designed cribs no longer strangle infants; flammable children's pajamas have been taken off the market; once-harmful medical devices have been redesigned; auto fuel systems have been strengthened; cancer-causing asbestos no longer poisons homes, schools, and workplaces; and farm machinery has safety guards.

Red-light runners

In 2002, drivers who ran red lights were responsible for 207,000 crashes, 178,000 injuries, and 921 fatalities in the United States. Red-light runners are irresponsible and dangerous drivers who put us all at risk.

The National Campaign to Stop Red Light Running believes that this problem is epidemic, particularly in urban areas.

Here are a couple of injury cases that show the extent of potential injuries and compensation from red-light runners.

A taxi driver

A cab ran a red light, striking a motorcyclist. The rider suffered multiple rib fractures, lung contusions, a fractured femur, a dislocated shoulder, chronic pain, numbness, stiffness, and scarring. The parties settled for medical expenses and an additional award for loss of consortium.

Trucker

An oil truck sped through a red light and collided with a car. A passenger suffered a subarachnoid hemorrhage, multiple fractures requiring jaw surgery, a tracheotomy, and memory loss, as well as loss of employment. The parties agreed to a major settlement.

A civil justice system MYTH

➤ MYTH

Jurors are not rational. Because they don't understand the subtleties of law, they get swept away by the emotional pleas of lawyers and their clients. As a result, juries give lawsuit plaintiffs huge punitive damages awards on a regular basis.

➤ FACT

You, your friends, neighbors, and coworkers are America's juries. And you are not irrational. Contrary to common belief, juries rarely award punitive damages. Only 3 of every 100 juries hearing personal injury cases ever award punitive damages. Furthermore, when juries grant punitive damages, the amounts jurors award tend to be small. In fact, the U.S. Department of Justice reports a decreasing trend in payout amounts for personal injury cases. Between 1992 and 2001, the median payment for personal injury cases dropped 56 percent, to \$28,000.



Parents should turn off the engine and remove the keys whenever a child is left in a vehicle.

Car power-window safety

Some auto power-window controllers can harm or kill children.

For the sake of safety, parents should check whether a child can place a foot, knee, elbow, or hand on any power-window controller and unknowingly raise a window. The windows may injure or choke a child leaning out the window. According to www.vehicleinjuries.com, seven children died from electric car windows in 2004.

New National Highway Traffic Safety Administration regulations requiring safer window switches in all new cars should help, but won't go fully into effect until 2008. New switches must be pulled up to raise the window. The problem is that even many newer cars have nonrecessed, door-mounted toggle or rocker controllers that can close the window when a child presses down on them.

For safety, parents should turn off the engine and remove the keys whenever a child is left in a vehicle.

Window entrapment

The federal government and child-advocacy groups pressured manufacturers into designing safer power-window switches, but not before tragedies occurred and the courts intervened. A child became entrapped in a car window that had a toggle-type switch and suffered brain damage from oxygen deprivation. After his guardian sued the car manufacturer for defective switch design, the parties settled to cover the child's medical expenses, life-care costs, and loss of future earnings.

FOR YOUR SAFETY Recalled product roundup

Here are some recently recalled products you may have in your home or at work:

- ✓ **Philips PC Peripherals** has recalled 15,000 Hewlett-Packard (HP) L2035 Flat Panel Monitors. Incorrectly installed back-panel ground clips can electrically shock users.
- ✓ **Wal-Mart Stores, Inc.**, has asked buyers to return 600,000 **GE Oval and Double Dish Slow Cookers**, which have handles on bases that may break, spill hot food, and burn consumers.
- ✓ **Royal Appliance** has recalled 20,000 Dirt Devil® Sweeper Vac™ vacuum cleaners. The vacuum's rotors can lock and overheat, causing smoke and fire hazards.
- ✓ **Swing-N-Slide® Corp.** asked consumers to return 72,000 extra-duty and heavy-duty swing seats with defective seat-attachment grommets, which can break and injure users.
- ✓ **American Suzuki Motor Corp.** recalled 27,000 2004-2005 Eiger and Vinson ATVs. Incorrectly mounted fuel tanks can leak and burn riders.

Flu vaccine shortage and so-called "frivolous" lawsuits



This past fall and winter, some advocates of limiting Americans' legal rights blamed "frivolous"

lawsuits for the flu vaccine shortage the nation experienced.

The blame was a fabrication—just plain false. Here's why.

There have been very few lawsuits against flu vaccine manufacturers. A comprehensive search from 1980 to the present found only seven reported cases based on flu vaccine injuries.

Flu vaccine manufacturing is very risky *not because of lawsuits, but because of economic risk*. Very few pharmaceutical manufacturers remain in the business because...

- competing is expensive. Demand varies since new vaccines must be developed annually to deal with changing virus strains.
- flu vaccine technology is time-consuming, labor-intensive, and expensive, requiring investment of hundreds of millions of dollars.
- there is little incentive to compete. No single U.S. government agency is responsible for ensuring an adequate vaccine supply. The production, sale, and distribution of flu vaccines are handled almost entirely by pharmaceutical companies.
- quality-control expenses and safety regulations are a big deterrent.

And, now that there is a surplus of flu vaccine, no one is *crediting* the civil justice system.

Referrals

We want you to think of us as your law firm.

If you have legal matters that need attention, please let us know. If we cannot handle the matter, we will refer you to a competent firm that can.

Please feel free to refer us to your family, friends, and neighbors for their legal needs.

We welcome the opportunity to help.



CALL US. YOU'RE GOING TO FEEL A WHOLE LOT BETTER ABOUT THINGS.

© Copyright 2005. Newsletters, Ink. Corp. All rights reserved. Printed in the U.S.A. www.newslettersink.com

The information included in this newsletter is not intended as a substitute for consultation with an attorney. Specific conditions always require consultation with appropriate legal professionals.

FAMILY LAW

Blended families

More than a third of American families are blended stepfamilies. Hallmark now markets blended-family greeting cards for Mother's and Father's Days and other sending occasions.

Blended families result when couples remarry or live together as a family after leaving previous relationships or marriages. Such families often include infants the couple gives birth to and older children from previous relationships.

Merging families is difficult. Torn loyalties arise from ex-spouses, stepmothering and -fathering, sibling rivalries, and discipline issues.

Consider us your family law counselors. Many stepfamilies seek help to cope with challenges. We can help guide your family through emotional and legal issues and protect important rights of all involved. Our experience includes divorce procedures, spousal support, child support, custody issues, guardianships, and more.

Visitation rights

When a father appealed a state trial court order prohibiting visits with a new partner, an appeals court ruled that his visiting rights could not be restricted on the basis of a nonmarital relationship unless such visitation would harm the children.



Our new Web site

www.turner-miller.com

As lawyers, we are continually seeking new ways to improve our service. We want to help our clients and friends find solid legal information and counsel that can make their working and personal lives more safe, sound, and secure.

It is with these twin goals of progress and benefit in mind that we invite you to surf to our Web site dedicated to our clients and readers.

Our site, www.turner-miller.com, provides a wealth of information about legal, economic, and financial issues that affect all of our lives. It includes:

Practice information—how our firm represents its clients effectively.

Legal services—from personal injury to estate planning.

Partners—our partners' backgrounds at a glance.

There's a lot more, too. So, please visit our Web site at

www.turner-miller.com.

