

FALL/  
WINTER  
2008

# LAVIS LAW FIRM

A t t o r n e y s   A t   L a w

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## Highway medians and driver safety

To improve driver safety by reducing the likelihood of violent head-on collisions, highway engineers strive to separate lanes of traffic with ever-improving medians.

Safety enhancements include widening medians, lowering median elevations, installing concrete, steel-beam, or cable guardrails or other guides or barriers, and constructing shock-absorbing devices.



### Dangerous roads

When medians are not in place or design is faulty, they can unduly subject drivers to injury. A driver was killed in a head-on collision. The driver's wife consulted an auto accident attorney who investigated the accident site. On the client's behalf, the attorney sued the driver of the other car. He also sued the city and county, which failed to install a guardrail on the road where the accident took place, even though numerous similar accidents occurred at the dangerous location in the past. The parties agreed to a structured settlement.

## Txt msgng & drvng dangr

Please avoid the distraction of using high-tech devices while driving. Text-messaging, sending e-mails, checking global positioning, tuning satellite radios, scrolling MP3 players, and taking camera-phone pictures may all contribute to reduced attention to road conditions and lead to accidents.

*A text-messaging driver looks away from the road up to 14 times every 30 seconds.*

### Instead, follow these safety suggestions:

- Concentrate on driving.
- If you must talk and drive, use hands-free devices.
- Pull to the roadside when using complicated electronic devices.
- Take calls on voice mail.
- Avoid emotional or stressful phone conversations while driving.

If you are in an accident and suspect the other driver was distracted, obtain legal help. An accident-specialist attorney can investigate other drivers' vehicles for evidence of electronic-device use, phone and e-mail records, and other sources to show a driver lost focus while driving.



Attorneys helping people.

## Rebate **RAGE!**

Rebate rip-offs have sparked consumer lawsuits and new legislation. Many who buy products promoted with “cash” rebates are enraged when the rebate is too hard to apply for, is unreasonably delayed, takes the form of a “reward” credit card, is a credit toward purchases limited to the issuing manufacturer, or never arrives at all.

A federal court in California has allowed cell phone buyers who received Visa® “reward cards” to file a class action. Purchasers allege violations of federal laws against unfair competition, false advertising, and unjust enrichment.

There are other consumer-rebate cases as well:

- When thousands complained to InPhonic, Inc., in 2006, Washington, D.C.’s attorney general sued for the company’s failure to honor rebates. The city and InPhonic reached a

### What a buyer can do

Obtaining rebates can be challenging. To avoid rebate rage...

- Shop at reputable merchants.
- Obtain duplicate cash-register receipts.
- Apply for rebates immediately.
- Photocopy all submitted materials.
- Submit via certified mail.
- Maintain transaction and call notes.
- Be persistent.
- Cash rebate checks immediately.

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multimillion-dollar settlement.

- In 2007, California computer retailer Soyo, Inc., reached a settlement with the Federal Trade Commission over complaints about excessive delays in rebate processing.

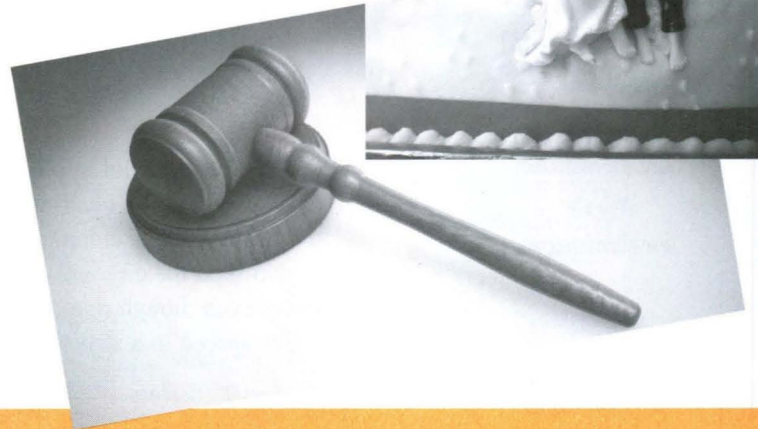
## Courts and courting

Jury duty can be very rewarding.

Queens County, New York, Supreme Court Justice Daniel Lewis, presiding over a criminal trial, said, “Some juries are serious, some are somber, but this jury seemed like it was full of beaming, happy people.”

No wonder. After noticing an attraction between two of their 30-something copanelists, fellow jurors convinced the two to go out on a date. They went to lunch together during a trial break.

A year later, the couple was engaged and planned to be married...by Justice Lewis.



## Auto airbag FRAUD

Drivers who are in accidents, purchase used cars, or visit “weekend” mechanics may be at risk of a very dangerous scam: airbag fraud.

Airbags are valuable, so some dishonest mechanics have removed and sold original airbags. Fraudulent mechanics replace bags with cheap knockoffs, rebuilt equipment, or even stuff cavities with rags—then replace covers. This exposes drivers and passengers to extreme accident-injury risk.

### Precautions

**Get an inspection.** Have a trusted mechanic verify that airbags are present and working properly.

**Check dash lights.** On recent models, dash lights blink at start-up, indicating that the airbag system is working.

**Review invoices.** After accident repairs, have mechanics certify that airbags have been replaced and are working.

**Verify vehicle history.** Obtain a commercial service report.

**Never tamper.** Opening airbag wells is dangerous.

Contact an attorney if you feel you are a victim of airbag fraud.

# CONSUMER PROTECTION

## New car purchases

Consumers have several important protections for new car purchases.

The Federal Trade Commission Web site offers guidance for purchasing a new car, trade-ins, financing, and service contracts. State governments provide buyers assistance with problems such as false advertising, predatory auto lending, and lemon laws.

Car buyers can also contact resources such as *Consumer Reports* magazine, rating guides, and associations such as the Direct Marketing Association and the Better Business Bureau for information about manufacturers, vehicles, and dealers.



## A not-so-new car

After a buyer purchased a vehicle from a dealership that represented it as new, she discovered the car had been previously owned. When she began to experience trouble with it, she attempted to take the car back. The dealership threatened her, relocated the disabled car to a tow-away zone, and laughed in her face. Her attorney sued for fraud and violations of a state consumer protection act. A jury awarded the victim an award a dozen times the vehicle cost, plus punitive damages.

## CLIENT-ATTORNEY PRIVILEGE

**Q:** Who holds the "privilege?"

**A:** The client. An attorney can release information only with authorization from the client.

**Q:** So, clients can trust their attorneys with confidential information?

**A:** Yes. An attorney may not reveal anything disclosed without client consent.

**Q:** Why?

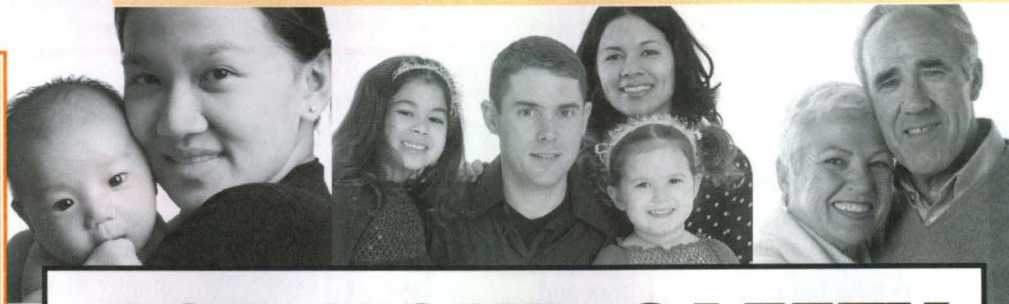
**A:** Regulations governing evidence and rules of professional conduct require that attorneys maintain all specifics of a client-attorney relationship as strictly confidential.

**Q:** Should clients tell their attorneys everything?

**A:** Yes. It's important to fully disclose all the relevant details of a case to a lawyer—positive and negative—so that counsel can represent the client confidently and appropriately.

**Q:** Why is that?

**A:** A client's failure to be fully candid may adversely affect a case if the attorney is surprised or blindsided by critical information coming from anyone but the client at any time in the case. If there are problems with conflicts of interest or ethics issues, the attorney will advise a client immediately.



## FOR YOUR SAFETY

### Recalled product roundup

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

- ✓ **Campbell Hausfeld** has voluntarily recalled 233,000 Campbell Hausfeld and Husky Air Compressors with motor protective covers that can ignite and burn users.
- ✓ **Kids II, Inc.**, has called back 15,000 Baby Einstein Baby Neptune™ Soothing Seascape Crib Toys with straps that can detach, posing choking hazards to young children.
- ✓ **Dollar Tree Stores, Inc.**, asks buyers to return 253,000 Crafters Square Electric Hot Melt Mini Glue Guns, which can short-circuit, catch fire, and shock or burn consumers.
- ✓ **Sears, Roebuck and Co. and Kmart Corp.** recalled 17,000 "My First Kenmore" Play Stoves. Metal brackets may cause a tip-over when the oven door is opened and injure young children.
- ✓ **Mantra, Inc.**, voluntarily recalled 38,250 Pressure Cookers. When closed improperly, lids can separate, release hot contents, and burn users.



## 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.

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Lavis Law Firm cannot represent claimants unless there is a signed fee agreement and authority to represent.

## Premises liability

People who are injured through the negligence of commercial business owners, property managers, or property owners who fail to protect visitors and passersby from physical harm can call on attorneys for help.

Businesses have a legal duty to provide sensibly safe passage for those who enter their grounds.

### Hotel negligence

A motorcycle passenger suffered traumatic brain injury when road flooding caused the vehicle on which she was riding to lose traction and flip. The victim, who incurred just under \$1 million in medical expenses and will require millions in future care costs, sued a hotel employee and trust beneficiaries who owned the hotel for negligence. Her attorney alleged that the hotel's swimming pool water had been illegally pumped onto the road, and responsible parties never warned drivers of the danger. The parties reached a significant settlement.



## Injured at work?

Anyone hurt at their workplace has important legal employment rights to medical treatment, rehabilitative therapy, and financial recovery, among other things.



Many employees forfeit their rights by making **five key errors**:

- 1. Failing to report an injury to a supervisor or manager immediately.** Insurers may use slow reporting to deny claims.
- 2. Refusing immediate medical attention.** No matter how minor an injury, obtain medical care the same day. Postponing examination or treatment can permit an insurer to claim the injury occurred away from work.
- 3. Neglecting information, evidence, or witnesses.** Broken eyeglasses or goggles, torn uniforms, damaged tools, harmful substances, or eyewitnesses can support a case or involve a negligent third-party defendant.
- 4. Ignoring other benefits resources.** Auto insurance or credit-card policies may provide restitution for injuries.
- 5. Not consulting an attorney.** An experienced employment lawyer can advise on specifics and options in each case.