

# LEGALLY SPEAKING<sup>©</sup>

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

FALL 2008

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## NEW ATTORNEY JOINS M&W TEAM

M&W is pleased to announce that Karlos F. Finley has joined the firm. Karlos graduated John L. Leflore High School, Mobile, AL in 1983. Upon graduation, he enlisted in the United States Coast Guard. He served honorably from 1983 to 1988. While serving on the USCGC Buttonwood, he received a meritorious commendation for relief efforts during Hurricane Opal and was awarded the Good Conduct Medal. He was Honorably discharged and entered the private sector with Chevron USA, Lafayette, LA. During his ten years in the paper industry with Kimberly-Clark Corporation, Karlos served as a member of the United Way Executive Committee for its annual Kimberly-Clark campaign and helped to coordinate the annual Day of Caring. With a passion for children, he participated in the Moorer YMCA's mentoring program and Corporate Games. In 1999 Karlos earned his Bachelors Degree in Management, Cum Laude, from the University of Mobile. He then enrolled at Miles Law School in Birmingham, AL. He served as Student Bar Association Vice-President in 2004 and President in 2005, and graduated class Valedictorian. While in law school, Karlos served as Judicial Law Clerk to Circuit Judge Eugene R. Verin, Tenth Judicial Circuit, Jefferson County, Alabama. He served as a member of the Bessemer Cut-Off Domestic Violence Task Force, the Bessemer Child Advocacy Center and participated in the Kawanis Club's Elementary Reading Initiative. Upon being licensed to practice law in 2006, he began service at the Mobile County District Attorney's Office where he represented the State of Alabama in the Juvenile and Adult Court Systems, at the District and Circuit Court levels. In addition to his regular duties as an Assistant District Attorney, he gave the District Attorney's Office's Early Warning Truancy address weekly to children and parents who are at risk of being in violation of the State's Compulsory Child Attendance Laws. Karlos has regularly spoken to students and parents at schools throughout Mobile County to insure an understanding of the laws

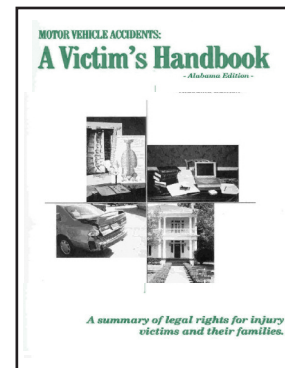


that govern truancy and underscoring the importance of education. Recently Karlos served as President of the 2008 class of Leadership Mobile and he currently serves as a member of the Board of Directors for the Mobile Underage Drinking Task-Force, the Herin-Chandler Branch of the YMCA and 15 Place Homeless Shelter.

"Karlos' court room experience and commitment to community service make him a natural fit for our firm," said Steve Moore. Moore indicated that Karlos will initially be handling District Court litigation files and working with the other attorneys on other claims and cases.

## FREE 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 good that 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 that will require medical care that averages about \$4,700.00 per person and the average time off of work because of the injury will be about 10 days. Our publication Motor Vehicle Accidents: A Victim's Handbook (free) and our web site: [www.moore-wolfe.com](http://www.moore-wolfe.com) provide motor vehicle collision victims with important information about the insurance coverage and claims related to car accidents. "Many times accident victims don't need an attorney right away but they still need to know and understand how the process works and what they need to do to protect themselves. It's not the insurance company's job or responsibility to advise victim's of their rights or tell them what coverage may be available or how to use various policies or coverages in a way that is beneficial to the claimant," said Knox Boteler. 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.



## LISTEN FOR THE M&W TRAFFIC SAFETY CHALLENGE

Starting in late November, please listen for the M&W Traffic Safety Challenge on 106.5 the Pirate each morning and evening. The Traffic Safety Challenge is a licensed public service program that will run for six weeks, Mon – Fri. It promotes safer driving by using auto-safety trivia to help remind drivers of various safe driving points and facts. It also serves as a reminder for drivers to be attentive to road conditions and their traffic environment. “We really liked the program’s emphasis on driving safety and thought it’s format was a fresh and unique way to help promote safer driving,” said Mark Wolfe. He also said, “We appreciate the hard work of Andrea Fussell [sales rep] at the Pirate to help get this project off the ground. As far as we can tell no one else in our community has used this type of program to promote safer driving in our area.”

## MOBILE COUNTY JURY IMPOSES \$2,500 PUNITIVE DAMAGES AGAINST DRUNK DRIVER.

In a case recently tried in the Mobile County Circuit Court by Mark Wolfe and Steve Moore, a Mobile County jury imposed \$2,500 in punitive damages against a young woman who admitted to being intoxicated and speeding while operating her car. She ran a red light on Government Street and slammed into a car that was entering the intersection under a green light. M&W represented the victim in her claim for civil damages. “In reality, the insurance companies involved in this matter forced us to have to go to trial on this matter,” said Wolfe who was the lead trial attorney on the case. “We tried for several months to get this resolved with the insurance company for the at-fault driver before filing the lawsuit, but they would not agree to fairly compensate our client for her medical bills and damages. Finally a few weeks before trial they offered the full amount of their policy limits but then we couldn’t get things worked out with our client’s own insurance carrier,” he said. Even though the real dispute was with the insurance companies, Wolfe explained that under the rules of evidence, jurors can’t be

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-Mark Wolfe

told about the existence of liability insurance or past settlement negotiations. According to Wolfe, both insurance companies were convinced that a jury would not impose punitive damages against the at-fault driver

and they tried to downplay the extent and duration of the victim’s injuries. “They were pretty smug in their evaluation of this case and we just thought they were wrong on both aspects of their evaluation,” he said. The jury’s verdict in the case proved the insurance companies wrong on both points. The compensatory damages assessed by the jury were \$10,000 higher than the pre-trial settlement offers and they imposed an additional \$2,500 in punitive damages against the at-fault driver. Wolfe concluded with the following observation: “We hope the imposition of punitive damages in this case, will make insurance companies take notice of the ongoing problem in our community of DUI drivers. My frustration with the insurance industry on this point is that they spend billions and billions of dollars promoting their image and their products and millions on lobbyists to protect and promote their profits, but do very little in the fight against drunk drivers. According to some estimates, drunk drivers are responsible for 30 to 40 percent of all motor vehicle collisions. This means 30 to 40 percent of our auto-insurance premiums go towards damages caused by impaired drivers. Yet, the insurance industry would rather spend its money on advertising and lobbying instead of a serious and meaningful campaign for DUI prevention.”

## M&W ENDORSE JUDGE DEBORAH BELL PASEUR

M&W has endorsed Judge Deborah Bell Paseur for the Alabama Supreme Court. She has served Lauderdale County for over 27 years and will be a fair voice for Alabama consumers on our Alabama Supreme Court. We would ask that you please consider voting for her on November 4th. To learn more about her, please visit her web site [judgedeborahbell.com](http://judgedeborahbell.com) or the M&W blog site at <http://auto-negligence.blogspot.com/>

## THE “ROLEX TAX”

The web site InsCEO.com reports insurance costs are now the 3rd or 4th largest expenditure for American families. Yet this burden on families does not stop CEO’s of the largest insurance companies from receiving exorbitant salaries and lavish compensation packages. One example from their web site should really steam Gulf Coast residents. After Hurricane Ivan in 2004 and Hurricane Katrina in 2005, Allstate began cancelling insurance coverage for thousands of Gulf Coast residents because “they posed too high of a risk of loss.” For those people insured by Allstate who were not cancelled, they saw a significant increase in premiums “because of the storms.” Yet in 2004, Allstate CEO Edward Liddy, was paid over \$29.5 million dollars. In 2005, the year of Katrina, he was paid \$21.6 million dollars. While Liddy leads the pack in compensation for property and casualty insurers, UniCare Life & Health CEO, Thomas C. Geisner, gets the prize for the web sites highest compensated CEO. In 2004, Geisner was paid over \$50.7 million. However, this amount is practically “minimum wage” when compared to the \$400 million Travelers CEO, Sanford Weill was paid in 1998. So next month when your insurance premiums go up again, think of the nice new Rolex watch you’re buying for your insurance company’s CEO.

## TRAFFIC SAFETY NEWS

**SLOW DOWN: SPEEDING IS DANGEROUS AND COSTLY!** According to the National Highway Traffic Safety Administration (NHTSA), exceeding the posted speed limit or driving too fast for conditions is one of the most prevalent factors contributing to traffic crashes. Speed is a factor in nearly one-third of all fatal crashes. Speed related crashes cost society more than \$23 billion a year. **This comes out to \$44,193 per minute.** According to NHTSA, too few drivers view speeding as an immediate risk to their personal safety and the safety of others. Yet, speeding reduces a driver's ability to steer safely around curves or objects in the roadway, and it extends the distance required to stop a vehicle in emergency situations. Crash severity increases with the speed of the vehicle at impact. Inversely, the effectiveness of restraint devices like air bags and safety belts, and vehicular construction features such as crumple zones and side member beams decline as impact speed increases.

**GM RECALLS 944,000 VEHICLES.** General Motors Corp. said Friday it was recalling 944,000 vehicles because of a problem with a windshield wiper fluid system that could lead to a fire. More than 850,000 sport utility vehicles, trucks and passenger cars in the United States and nearly 100,000 vehicles in Canada, Mexico and the Middle East are involved in the recall, the company said. GM said it includes the 2008 Buick Enclave, 2006-2008 Buick Lucerne, 2006-2008 Cadillac DTS, 2007-2008 Cadillac Escalade, 2007-2008 Cadillac Escalade ESV, 2007-2008 Cadillac Escalade EXT, 2007-2008 Chevrolet Avalanche, Silverado, Tahoe and Suburban, 2007-2008 GMC Acadia, Sierra, Yukon and Yukon XL, 2006-2008 Hummer H2 and 2007-2008 Saturn Outlook. The recall involves vehicles with a heated washer fluid system. A short circuit in the system could cause electrical features to malfunction, which could lead to an odor, smoke or potentially a fire. GM spokeswoman Carolyn Markey said there have been nine reports of fires and three of them have been linked to the system. There have been no accidents or injuries connected to the defect, she said. The National Highway Traffic Safety Administration opened an investigation last February into 2007 Yukon and Tahoe vehicles over potential engine compartment fires. In June, the highway safety agency upgraded its investigation into about 2.7 million 2007-2008 GM trucks and SUVs and reported allegations of 41 engine fires. Dealers will install a wire harness with an in-line fuse to fix the problem free of charge, GM said. For more information, owners may contact Buick at (866) 608-8080,



Cadillac at (800) 982-2339, Chevrolet at (800) 630-2438, Saturn at (800) 972-8876, GMC at (866) 996-9436 or Hummer at (800) 732-5493.

### ALABAMA TROOPERS REPORT 42% OF STATE'S HIGHWAY DEATHS CAUSED BY IMPAIRED DRIVERS.

In a recent press release from the Alabama Department of Public Safety and reported by the Associated Press, 475 of the 1,100 highway deaths last year were alcohol related reported director Col. Chris Murphy. He also reported the average blood-alcohol level of drunken drivers arrested by state troopers is between 1.4 and 1.5. The maximum blood-alcohol level under Alabama law is 0.08 grams. Most DUI arrests happen between midnight and 4 a.m. But troopers say they see drunken drivers from all walks of life at all hours of the day. The National Highway Traffic Safety Administration reports that in 2006, Alabama ranked number 8 in the United States with the highest number of alcohol-related road deaths per 100 million vehicle miles traveled.

### THE CENTER FOR AUTO SAFETY WEB SITE HAS A LINK TO FILE VEHICLE COMPLAINTS.

The CAS web site also has files and documents related to numerous problems or conditions for vehicles. <http://www.autosafety.org/> Through the web site you can file a complaint about a vehicle problem. Also, if you are experiencing an ongoing problem with your vehicle, the CAS web site can provide information to tell you whether it is a common problem with your vehicle and if the manufacturer has agreed to fix the problem.

## AT THE FIRM

**WOLFE SELECTED AS MEMBER OF ACADEMY OF TRIAL ADVOCACY (ATA).** The following is an excerpt from the ATA news release:

### Alabama Attorney Selected for Membership in Academy of Trial Advocacy

The Academy of Trial Advocacy (ATA) is pleased to announce that Gulf Coast attorney Mark Wolfe has become a member of the organization. The organization is limited to 1000 members and Wolfe is only the second lawyer in Alabama to qualify for membership. The ATA members are lawyers who represent consumer and injury victims. Not only are members required to have extensive litigation and trial experience, but they also must have had articles published in legal journals, taught continuing education courses for other lawyers in the area of trial advocacy, handled significant or important appellate issues, been involved in public education activities regarding the legal system and been active in charitable activities. John Leighton, a Miami attorney who is the chairman of ATA, said the organization wants lawyers who have demonstrated skill in the courtroom but also excelled in other areas such as public service, teaching, writing and advocating issues on behalf of consumers and injury victims. "Simply put, ATA looks for the best of the best. We

want members who are deeply committed to protecting the rights of consumers and injury victims," said Leighton. Wolfe, who was nominated for membership by New Jersey attorney, Larry Simon and sponsored by fellow Alabama lawyer Greg Cusimano of Gadsden, said ATA membership appealed to him for several reasons. "The main thing I liked was the ATA has no membership fees or dues. Day in and day out we receive material from one group or another who want you to buy your way into a super name or title. This is not the case with the ATA," he said. "Also, when I looked at the criteria for membership I realized this organization was looking for people who not only have courtroom and trial experience but who are truly committed to helping the people who we represent. I am very proud to be a member of ATA and I look forward to continuing to help consumers and injury victims in our area," he said. Wolfe is a partner in the law firm of Moore & Wolfe located in Mobile, Alabama. The firm's primary area of practice is auto-negligence and wrongful death claims and cases.

**THIRD ANNUAL M&W CHARITY WINE TASTING IS SUNDAY, OCTOBER 26, 2008.** The event will go from 2:00 to 5:00 and again be at the Bakery Café at 1104 Dauphin Street. This year's beneficiary is the Mobile Bar Association Volunteer Lawyer Program (VLP). The program has been providing quality pro bono legal assistance to the low income citizens of Mobile County in civil matters for over 23 years. Over 50% of the Mobile Bar Association members volunteer their time to help with this important program. He program is recognized as the most effective pro bono program in the State and one of the best in the country.

In the past two years the M&W Charity Wine Tasting has raised almost \$20,000 for area charity projects. In 2006, the proceeds went to help build a community playground at Central Presbyterian Church in midtown. In 2007, the proceeds went to the ClassAct Program at USA Children's & Women's Hospital. The program provides teachers and classrooms at the hospital so patients can stay current with school assignments and receive attendance credit. For more information or to download ticket order forms visit the News page of the M&W web site: [www.moore-wolfe.com](http://www.moore-wolfe.com) or call 251 433-7766.

**M&W BLOG SITE:** For updated information about our firm, auto-safety information and important consumer information, please visit our blog site: <http://auto-negligence.blogspot.com/>

## WE'D LIKE TO HELP YOUR FRIENDS AND FAMILY

M&W continues to rely on "word of mouth advertising" for new claims and cases. We are proud that almost 97% of our new clients are recommended to our firm by former clients, area healthcare professionals and/or other lawyers. We are glad to have the opportunity to assist your friends with legal questions, even if those questions are related to areas of law outside our main area of practice. Also, remember that our web site: [www.moore-wolfe.com](http://www.moore-wolfe.com) has lots of helpful information for auto-negligence victims.



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