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Life insurance... ...and divorce settlement

Divorcing spouses should consider life insurance protection needs in their agreement.

If an ex-spouse is a beneficiary of the divorcing spouse's insurance, that should be changed. Financial planners also encourage a divorcing spouse who will receive alimony and child support to purchase a life insurance policy for their ex-spouse to enforce the divorce court order and assure financial security for themselves and their children.

The policy amount should cover agreed-to support payments as well as future costs, such as college tuition. Since an ex-spouse can name another beneficiary for currently held insurance

policies, the divorcing spouse should become responsible for payments to keep the policy in effect. Counsel can help clients calculate how much insurance coverage may be needed.

In Virginia, the law does not permit a judge, except in limited circumstances, to order a divorcing spouse to carry insurance for the benefit of the other spouse. Thus, it is important that this issue be resolved by a negotiated agreement.

Divorcing spouses should also consider purchasing incremental life insurance to protect themselves and their children as well.



Children's guardians

To protect your children, take two legal steps.

First, prepare a will to ensure that your assets are passed to them. Second, appoint a legal guardian to help your children grow up safely, securely, and happily if you're not there for them.

Here are some guidelines.

- Child guardianship is far-reaching. It's important to think with your head, not your heart, about who will do the best job over the years.
- Choose someone whose principles, ideals, and spiritual outlook will reinforce the path along which you've been guiding your children.

- Select those who are psychologically stable and happy.
- Designate a person who is roughly your age. This might be too difficult a charge for grandparents.
- Pick an individual who will effectively administer all the assets you leave for your children, but who also has the financial means to maintain support if needed.
- Appoint someone who genuinely loves children and who really wants to be the guardian for your children.

The best legal thinking gets the best results



HORMONE THERAPY

Troubling research findings

Recent troubling findings question the effectiveness of hormone-replacement therapy. Early on, manufacturers' marketing campaigns convinced doctors and their female patients that menopause was a medical disorder that could be successfully treated with prescription medications that had virtually no side effects.

Now, evidence suggests medications—particularly combination hormone-replacement therapy—not only can cause cancer, heart attacks, and other serious side effects, but also may be much less effective at treating menopausal symptoms than previously believed.

Although dozens of firms manufacture medications for estrogen-replacement therapy (ERT), generally used by women who enter menopause following surgical removal of the uterus, Wyeth Laboratories' Premarin® is the most widely prescribed. For combination hormone-replacement therapy (HRT), prescribed for women who enter menopause naturally through aging, the most commonly prescribed medication is Wyeth Laboratories' Prempro®.

Here is a brief chronology of hormone therapy's history.

1959—A *Journal of the American Medical Association* (JAMA) article reports a 25-year study showing that estrogen protects bones and relieves menopausal symptoms.

1962—Brooklyn gynecologist Robert Wilson's best-seller, *Feminine Forever*, recommends estrogen as the "cure" for "the tragedy of menopause."

1975—Thirty million prescriptions of Premarin are being filled annually.

1976—The *New England Journal of Medicine* (NEJM) reports a link between estrogen therapy and breast cancer.

1980—Pharmaceutical manufacturers market ERT and HRT from a new angle, claiming they prevent bone loss.

1985—Drug makers promote the first of several studies which say that hormone replacement therapies prevent heart disease and bone loss without risk of cancer, strokes, or blood clots.

2000—The Women's Health Initiative, part of the National Institutes of Health, reports that women taking Prempro experience a small increase in heart attacks, strokes, and blood clots.

2001—JAMA reports that a 20-year National Cancer Institute study found that long-term ERT use significantly increased the risk of ovarian cancer.

2002—Another JAMA article reports that Prempro may stem Alzheimer's disease.

2002—The National Institute of Environmental Health Sciences, of the United States Department of Health, places estrogen on the government's roster of known human carcinogens.

The most recent studies present additional worrying findings.

May 2003—NEJM reports a new study which shows that hormone-replacement therapies failed to improve sleep, vitality, and sexual satisfaction or reduce depression.

May 2003—A JAMA article says that hormone therapy nearly doubles the risk of Alzheimer's disease.

June 2003—JAMA reports that even short-term use of HRT increases the risk of breast cancer and makes the disease more difficult to detect.

Throughout 2003, class actions have sought damages for injury and death among women who took Prempro, alleging its manufacturer failed to use due care in designing and manufacturing it to

reduce health risks, failed to conduct sufficient clinical testing and monitoring to determine safety, and failed to provide proper warnings to users about potential side effects.

The HRT situation continues to vary from month to month. For more information, please consult your attorney.

If you slip and fall

Slips and falls can be funny in slapstick comedies when stunt specialists, protected with padding and knowing how to fall properly, take on-screen tumbles.

But in real life, slips and falls are a leading cause of serious injury. Even the smallest trip-up can result in a great deal of damage to ankles, legs, arms, hands, the back, or the head.

What causes falls? Among the many contributing factors are ice and snow, slippery materials on floors, stairs with faulty handrails, uneven concrete or slate sidewalks, improperly secured carpets or mats, and objects placed unsafely in people's paths.

Anyone who has a slip-and-fall accident and experiences injury should try to do several things. First, get immediate medical assistance. Second, ask for the names, addresses, and phone numbers of witnesses who saw the fall. Third, try to save any evidence related to the fall, such as a squashed piece of fruit and the shoes worn at the time. Fourth, contact legal counsel.

Carpet hides drain

A woman underwent arthroscopic knee surgery and missed several months of work after tripping and falling in a railway tunnel. Her attorney achieved a settlement for her with the owners of the railway station tunnel after demonstrating that they had negligently created a dangerous condition by installing carpeting that obscured the grate of a drain depression from her view.





AUTO ACCIDENTS

Seven slip-ups

Time and experience have shown that drivers can make seven mistakes that forfeit rights and limit opportunities for fair restitution in auto accidents.

- 1. Failing to call the police.** Without an official police accident record, it is, unfortunately, one driver's word against the other's about what happened. All claims bear equal weight.
- 2. Consenting to working out auto-damage repairs and medical-injury care with a trusting handshake.** People change their minds and tell different stories.
- 3. Declining an immediate checkup and ongoing medical assistance.** A neck that starts hurting a week after the collision is harder to justify. Also, insurance companies often counter that delayed pain may come from an existing condition or an earlier or subsequent occurrence.
- 4. Failing to collect or exchange information with other drivers, passengers, or eyewitnesses.** The document trail of evidence and statements can make or break a claim.
- 5. Forgetting to notify your insurance company.** You paid the insurance premiums, but by forgetting to call, you may incur out-of-pocket costs that the insurer should cover.
- 6. Saying "It was my fault."** Be fair to yourself. This accident may really not have been your responsibility.
- 7. Not consulting an attorney.** It's often said, "He who defends himself is foolish." Omitting legal representation cedes your rights to the other driver's insurance company.

Traumatic brain injury

The Brain Injury Association estimates that more than five million Americans now live with disabilities stemming from traumatic brain injury (TBI). Of the over one million treated annually for TBI at trauma centers, 80,000 suffer the start of long-term disabilities.

TBI often has long-lasting consequences for sufferers' cognitive capabilities, affecting memory, judgment, and concentration. Symptoms may include pain, reduced control of muscular coordination, and problems with speech, visual acuity, and other bodily functions. TBI sufferers' emotional effects range from increased anxiety and impulsive behavior to depression and major behavioral changes.

TBI expenses can be significant, depending upon the health, treatment, living, educational, and physical and occupational rehabilitation needs of the sufferer. TBI legal cases often involve issues of negligence, disability, workers' compensation, special education, and the right to medical rehabilitation. TBI-disabled individuals may sue responsible parties for pain and suffering, past and future medical expenses, lost wages, reduced earning capacity, loss of life's satisfactions, and life-care costs.

Families experiencing TBI challenges should seek legal counsel.



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" UM" coverage Don't leave home without it

Some bad drivers cannot, or refuse to, purchase auto insurance coverage. Estimates show that the national average of **uninsured** drivers on our roadways is as high as 15 percent. Getting into an accident with an uninsured driver can be a nightmare, since it is extremely difficult to recover damages from drivers at fault.

Accidents involving negligent **underinsured** drivers—those who carry minimum coverages—can be almost as devastating to the innocent driver whose car is wrecked and who faces thousands of dollars in medical bills.

" UM"

Prudence leads the wise driver to purchase "UM"—uninsured and underinsured motorist—insurance on his or her own policy. These insurances will provide coverage against damages and injuries from accidents involving drivers who have no insurance or have inadequate insurance. Further, the smart driver will also be sure to purchase more than the minimum "UM" protection that their insurer may offer, since incremental costs may be minimal.

Review your auto insurance policy to be sure you have complete "UM" coverage. Call your insurance agent or our office with questions.



Antidepressant medications Questions on safety

Initially referred to as "wonder drugs," anti-depressants such as Paxil®, Prozac®, and Zoloft® have helped millions cope with serious depression and anxiety disorders. However, over the



past several years, the safety of these antidepressants has come into question. Although manufacturers maintain that their products have only mild side effects, these antidepressants may have prompted some users to behave violently. British drug studies and a Food and Drug Administration warning indicate that antidepressants may also carry the risk of causing acute withdrawal symptoms and prompting teens and younger users to consider suicide.

Patients throughout the nation have filed claims that the drugs prompted them to behave violently. In 2001, a Wyoming jury awarded substantial damages to relatives of a man who killed three family members, then committed suicide, while on antidepressant medication. Evidence presented in the case showed that hundreds of medication-testing volunteers had suffered adverse reactions to antidepressants, including suicide.

Paxil ©GlaxoSmithKline, Prozac ©Eli Lilly and Company, Zoloft ©Pfizer, Inc.