



SPRING 2006

Life Insurance in a Divorce

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In the Spring 2004 edition of *The Advocate*, we suggested life insurance for the benefit of a divorcing spouse entitled to receive child and spousal support. Since Virginia 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, it is important that this issue be resolved by a negotiated agreement.

If you are separated or divorced, and neither your divorce agreement nor a court order allows you to be a beneficiary of your former spouse's life insurance policy, read no further. On the other hand, if such agreement or order requires your former spouse to carry life insurance naming you as the beneficiary, following the proper steps will be critically important to your future rights and benefits.

Typically, if you are the beneficiary of a former spouse's life insurance policy, you have the right to insist that he or she routinely provide you with documentation that all premiums have paid when due and that you remain the beneficiary. You should seek this confirmation as regularly as the agreement or court order allows. If your former spouse does not provide confirmation or if the information indicates either that the policy has lapsed or another has been named as beneficiary, you must take immediate action. Consult your attorney to determine all of your rights and remedies in this case.

If your right to be designated a beneficiary was spelled out in an agreement, and that agreement was later ratified and incorporated as part of your divorce decree, you may need to take an additional step in order to assure your future entitlement to life

insurance proceeds. In Virginia, a statute acts to automatically eliminate a party's spouse as beneficiary in the event of divorce if the parties have not otherwise indicated this in writing. Thus, the effect of the statute must specifically be addressed in the language of the agreement or court order, or entry of the divorce decree will automatically eliminate you as the designated beneficiary.

To remedy the effect of this statute, there are two options. First, there may be language in your agreement which specifically says that you and your former spouse intend for you to remain the life insurance beneficiary. If you can find no such language in your agreement, then option two is the better one. Under the second option, you should insist that your former spouse, on a proper form provided by his insurance

company, designate you as the beneficiary of his life insurance proceeds. Your former spouse should then provide you with a copy of the completed form, and you should verify with the insurance company that it is on file.

In sum, if by agreement or court order you are to be designated as beneficiary of your former spouse's life insurance, you should take the following steps:

1. Confirm this is the case by a close reading of your agreement or court order.
2. Read the agreement or order to see if your former spouse must regularly provide confirmation that the policy is in force and effect, and that you are the beneficiary. If so, insist on your rights in this regard.
3. Read your agreement or court order closely

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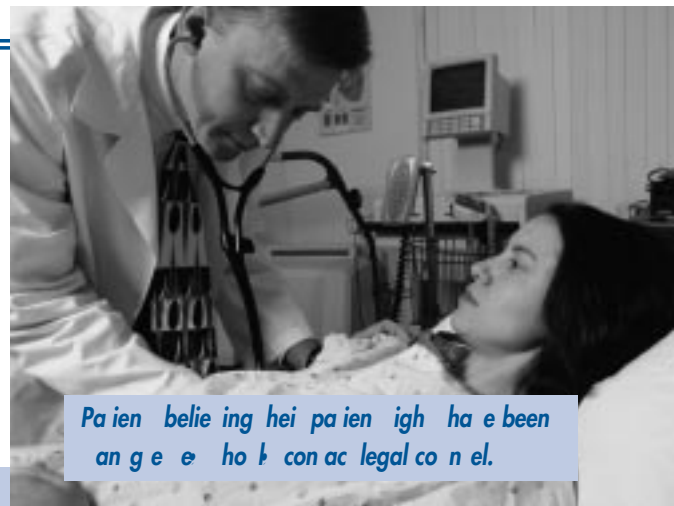
Patients' rights in hospitals

Going to a hospital for an emergency or a prescribed surgery or treatment can make anyone anxious. On top of that, many individuals and their families fail to understand what their rights are as patients.

Since most hospitals and care-providing centers prepare documents that specify their patients' rights, everyone can request a copy. Many institutions' patients' rights statements comply with the requirements of the Joint Commission on Accreditation of Healthcare Organizations.

The rights patients should be entitled to include:

- Respectful care
- Notification of next of kin upon admission
- Privacy
- Personal safety
- Confidentiality of treatment
- Understand the full extent of medical conditions
- Comprehend the ramifications of all prescribed treatments
- Participate in decisions about treatment
- Request or refuse service or treatment, according to law
- Formulate advance directives for care
- Review and contest billing
- File a grievance about service or treatment
- Receive service and care without regard to gender, economic status, educational background, race, color, religion, ancestry, national origin, sexual orientation, marital status, or the source of payment for care.



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I've never filed a personal injury lawsuit

What should I know about timing?

No one really wants to file a lawsuit, but sometimes it is the only recourse if you've been injured due to someone else's negligence. However, anyone who is seriously injured and considering filing a personal injury lawsuit should understand the implications of timing.

Although an injured person may have up to two years to file an injury action, it's usually good to contact an attorney right away. Memories are fresh. Evidence and witnesses are available. A plaintiff's attorney can promptly document the extent of injury and assess insurance policy coverages.

Legal actions usually have time limits, called "statutes of limitations." These vary not only by state, but also by type of injury. Cases alleging harm suffered as a result of medical malpractice, government negligence, or premises liability may have different filing deadlines.

Finally, physical or psychological injuries may sometimes appear weeks or months after an accident or assault occurs. The earlier an attorney can document potential causes, the better the plaintiff's case may be.



Police response time

No national average or standard exists for police response times for Priority 1 calls for assistance.

Priority 1 means the caller faces a life-threatening danger, such as an armed robbery, assault, or shooting in progress.

Many cities and municipalities decline to release average police response-time data, even if it is collected. Some cities do. In 2004, Washington, D.C.'s metro police took an average of 8 minutes, 25 seconds to respond to Priority 1 calls. Boston's police took 8 minutes. San Francisco's officers arrived in 10 minutes.

Late responses

After a man was assaulted by a neighbor wielding an ax, he went to a police station to report the incident. A desk sergeant told the victim to return home and await a patrol car. Thirty minutes later, while waiting for police in his driveway, the victim's angry neighbor arrived and killed the man by repeatedly running him over. The victim's estate sued the police department for failing to protect him in a timely manner. A jury agreed and awarded the murdered man's estate significant damages.



Defin
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Asbestos may be found in older homes in attics, pipe and furnace insulation, shingles, wallboard, textured paints, and floor tiles. Exposure to silently spreading asbestos dust can cause serious harm to the lungs, colon, and other organs. Even brief exposure can lead to irreversible asbestos diseases, including cancers.

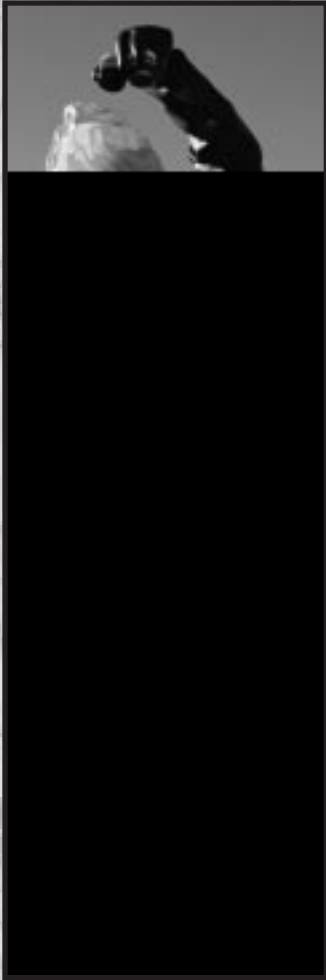
According to the Environmental Protection Agency, home owners suspecting asbestos may be present in their homes can take several precautions. **Leave** asbestos material appearing in good condition alone.

Check suspected material regularly without touching it. Inspect for signs of wear, tears, abrasions, water or other damage, or flaking that can release asbestos fibers.

Discard suspect household materials.

Check with local health, environmental, or other appropriate officials to find out proper handling procedures, and dispose of damaged or worn asbestos gloves, stove-top pads, or ironing-board covers.

Obtain professional removal assistance if asbestos material seems highly damaged or if home maintenance or improvements may disturb it.



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

- ✓ **Atico International USA, Inc.**, asked consumers to return 480,000 Surf Club™ Arm Bands. Seams can tear, causing the inflatable child flotation device to deflate, exposing young children to drowning.
- ✓ **World Wide Cycle Supply Inc.** has voluntarily recalled 25,000 Harley-Davidson 16-inch BMX bicycles with front-wheel fork welds that can separate and cause rider injuries.
- ✓ **American Greetings Corp.** called back 120,000 Sesame Street Toy Sunglasses with lenses that can separate from frames and choke young children.
- ✓ **Target Stores** recalled 494,000 Back Trails Jr. Toddler, Youth and Child Bicycle Helmets, which fail to meet U.S. Consumer Product Safety Commission standards and can cause head injuries to bicycle riders.
- ✓ **Lamplight Farms, Inc.**, wants 963,000 Tiki® bamboo torches and about 18,000 replacement fuel canisters returned. The painted surfaces can absorb fuel, ignite, and burn users and their property.

What you mean to us

Those who use our legal services mean everything to us. That's why our promise to you is to always do our best every time you need to call on us for assistance.

We hope that the quality of our service pleases you. Behind the scenes, we are always working hard to make sure that each client receives the benefits of our hard work.

Client focus

We have a genuine interest in every client's satisfaction, and we also have a very strong work ethic. We train all our employees to bring integrity and honesty to all we do to be sure clients always feel that they receive our best efforts. We empower all our employees to make decisions that foster client satisfaction and loyalty.

Professionalism

If you have questions about service, consultation, billing, or anything else, we will give you straight answers. If we don't know an answer, we'll find out and get back to you right away.

You mean everything to us.

THE ADVOCATE

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