

# THE ADVOCATE

MUNDY  
ROGERS  
& ASSOCIATES<sup>LLC</sup>

FALL 2008

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G. Marshall Mundy  
Frank W. Rogers III

## SPECIALIZING IN:

- Medical malpractice
- Family law
- Personal injury
- Wrongful death
- Nursing home litigation

1328 Third Street, SW  
Roanoke, VA 24016  
540-982-2900  
Fax: 540-982-1362  
E-mail:  
info@mundyrogers.com  
Web site:  
www.mundyrogers.com



## 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.

## Impaired drivers

We believe there is no such thing as a drunk-driving accident. Impaired driving is never unintentional. It's a bad personal choice.

When individuals impaired by alcohol, drugs, or medications get behind the wheel, they opt to put their own lives, as well as everyone else's, in jeopardy.

In 2006, for instance, the National Highway Traffic Safety Administration reported that nearly 18,000 drivers and passengers perished in alcohol-related traffic crashes in our nation. That's nearly a death every half-hour. Alcohol-, drug-, or medication-related accident fatalities make up two of every five traffic fatalities.

Our state's impaired-driving laws are strict because thoughtless drivers' reckless disregard for others' safety ruins innocent victims' lives, harms families, and endangers communities.

If you or a loved one has been injured by an impaired driver, contact our firm. We will help you recover from your injuries and see that justice is served.



*Dedicated. Respected. Results-driven.*

## Our paralegal staff

Our firm's paralegals are highly trained legal aides who perform valuable services for both lawyers and clients. Since their duties include significant and substantive legal work, they help lawyers provide legal services efficiently and economically.

*Dedicated to professionalism and high ethical standards, paralegals...*

- assume responsibility and accountability for their work
- communicate with clients
- conduct legal and other research
- coordinate with other attorneys, staff, and support services
- draft documents
- exercise good judgment
- display initiative in legal matters
- have a thorough knowledge of substantive and procedural law
- perform legal work under close attorney supervision
- prepare for and attend depositions
- and much more.



## Insurance overcharges

In early 2008, the Consumer Federation of America (CFA) charged that the nation's property/casualty insurers were wrongly overcharging consumers for home and auto coverage while at the same time reducing claims payments to insureds.

The CFA reported that insurance company overcharges totaled about \$870 per U.S. household over the past four years. The consumer watchdog agency also said that insurers' profits, surpluses, and reserves were at or close to record levels.

J. Robert Hunter, CFA insurance director and study author, said, "Profits in 2006 rose to unprecedented heights, and 2007 may set a fourth consecutive profit record. Unfortunately, a major reason why insurers have reported record-high profits and low losses in recent years is that they have been methodically overcharging consumers, cutting back on coverage, underpaying claims, and getting taxpayers to pick up some of the tab for risks the insurers should cover."

Hunter, an actuary, former state insurance commissioner, and former federal insurance administrator, is a longtime insurance-industry critic.

## High blood pressure

According to the American Heart Association, a third of all American adults have high blood pressure—hypertension.

Since hypertension has no symptoms, one in three sufferers do not know they have it.

Uncontrolled high blood pressure may lead to stroke, heart attack, and heart or kidney failure. To reduce risk:

- ✓ Get medical checkups, including blood-pressure checks.
- ✓ Take prescribed antihypertensive, diuretic, or beta-blocker medications.
- ✓ Control weight, diet, smoking, stress, sodium, and alcohol.
- ✓ Exercise.

### Fatal heart attack

A radiologist recommended high-blood-pressure treatment for a patient whose cardiac stress test revealed arterial blockage. Several months later, a treating physician discharged the patient following a second stress test, after which the patient reported nausea, chest pains, and jaw and arm pain. The patient died of a heart attack several days later. His wife sued for medical negligence in failing to treat consistently high blood pressure and cholesterol. A jury rendered a significant verdict.



# 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.



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The information included in this newsletter is not intended as a substitute for professional legal advice. For your specific situation, please consult the appropriate legal professional.

## Actor Dennis Quaid sues drug maker

Thousands of babies are injured by health-care providers every year. Sadly, however, distraught parents and families seldom ever know.

The experience of Dennis Quaid and his wife has opened the window just a crack to the harm that many infants and parents suffer.

The Quaid's sued makers of Heparin<sup>®</sup> after hospital staff injected overdoses of the anticoagulant into their newborn twins. The Quaid's suit alleges the drug manufacturer negligently packaged varying doses ranging from 10–10,000 units in similar-looking containers with identical blue backgrounds. Hospital authorities said the Quaid babies, plus several others, received several doses 2,000 times stronger than prescribed.

The infants appear to have fully recovered.

### Medical errors

One in five Americans says that a medical error has caused either themselves or a family member severe pain, serious loss of time at work, temporary disability, and/or death.

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## Wage-and-hour employment cases



The federal Fair Labor Standards Act obliges employers to pay employees properly for all time they work, including overtime. Many states have also passed wage-and-hour legislation to protect workers.

To reduce operating costs, some unscrupulous employers improperly refuse to pay employees for work they do. Typical situations include forcing employees to work without recording time, paying employees regular hourly rates for overtime, misclassifying employees as exempt from employment law coverage, and many others.

Attorneys specializing in employment law have helped many employees obtain recompense in wage-and-hour cases:

- Wal-Mart Stores, Inc., paid \$62 million in damages to employees following a class action brought because the retailer forced them to work off the clock and denied rest breaks.
- Family Dollar Stores is appealing a \$32 million court-ordered judgment for overtime claims brought by 1,400 store managers.
- A circuit court reversed a jury's judgment for Tyson Foods, Inc., and remanded a lawsuit by poultry-processing employees who were not paid for time putting on and taking off safety and sanitation clothing.

*Workers who feel their rights are being violated should obtain legal counsel.*