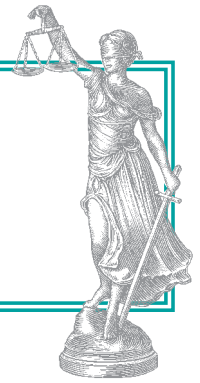




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SUMMER 2007



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**WARNING—
CHAOS WITHOUT “NO-FAULT”**

By Steven W. Halvorson

For over 35 years, Florida has had in effect a no-fault automobile insurance law. Unless a special legislative session is held in the next two months, the “no-fault” laws will cease to exist as of October 1, 2007.

The current law requires drivers to carry \$10,000 of coverage for personal injury protection and \$10,000 for property damage. This is the extent of “full coverage” in Florida. A person does not need bodily injury liability (coverage to protect people hurt by your negligence) or uninsured motorist coverage (coverage to protect you for your injuries and damages if someone else is negligent and is uninsured or is underinsured). Personal injury protection (PIP) is for the benefit of you, your family members, and, perhaps, passengers in your car. Whether you may have caused an accident or whether the accident was the fault of someone else, your PIP benefits pay 80 percent of your reasonable medical bills and 60 percent of your lost wages up to the \$10,000 limits. Thus, if you have an accident, you can receive lost wages and have your medical bills paid, in theory, without any delay.

The insurance industry wants to get rid of no-fault because they claim the system is full of “fraud” and, in addition, because people will have reduced premiums without the “no-fault” PIP benefits.

In my opinion, the real motive behind the movement by the insurance industry to eliminate “no-fault” is to keep people from receiving necessary medical care and treatment and to force people into quick settlements for lower amounts.

As way of example, consider the following situation:

You have no health insurance and live from paycheck to paycheck, and someone else causes an accident but denies they are the

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**...contact
your local
representative
and ask him or
her to push for
renewal of the
no-fault law!**

We believe no one deserves to have insult added to injury.

Racial discrimination

America's civil justice system is often the last recourse for those seeking to protect their civil rights and stop discrimination.

Throughout the 1990s, San Francisco's Interstate Brands Corporation (IBC) bakery, makers of Wonder® Bread and Hostess® snack pastries, discriminated against its African-American employees. Management refused to promote African-Americans to supervisory positions, gave poorly maintained vehicles to African-American drivers, and set aside restrooms and lunchrooms meant only for whites. IBC also denied or refused to investigate racial bias and harassment claims.

When two dozen African-American employees filed a lawsuit in 2000, IBC filed 21 motions to dismiss their case as frivolous. A judge and jury awarded a \$121 million verdict, the largest in the history of racial-discrimination cases, sending a message to corporate America that racism in the workplace would not be tolerated.

Workplace discrimination

Over 26,700 workplace racial-discrimination complaints were filed with the Equal Employment Opportunity Commission in 2005. Twenty-six percent of African-Americans report being subjected to workplace discrimination.

®Registered trademark
Interstate Brands Corporation



Warring neighbors

Most minor disagreements about noise or trespass between neighbors can be handled with a face-to-face negotiation, a handshake, and a smile. Sometimes, though, a community's mediation center can help if neighbors seriously dispute trespass or property damage. However, when clashes become rancorous, our civil justice system can provide remedy.

A very angry neighbor

A California resident filed suit against a neighbor whose crusade was to intimidate the plaintiff into fleeing from the neighborhood. The resident's

attorney showed that the angry neighbor poisoned landscape planting, chain-sawed shrubs and trees, and sabotaged door and window locks to keep the plaintiff from getting into his own home. The angry neighbor's behavior further escalated to painting graffiti on a garage and even attempting arson. At trial, the judge awarded damages to the plaintiff, but the parties agreed to a higher settlement during the punitive-damages portion of the trial.



Client service Guiding values

Our pledge to each client is always to do our best every time you call on us for legal assistance.

Here are several guiding values that our firm holds dear:

Client interest—

Whether we are representing someone injured in an auto accident or managing complicated commercial matters, we always focus on the best interests of our clients.

Flexibility—

Our years of counsel and trial experience tell us when it may be best for a client to litigate or to settle.

Forward thinking—

Anticipating what may happen next in each phase of a case and constantly foreseeing the final step—a trial—help us stay ahead of the curve.

Hard work—

Diligence, to us, means committing all of our experience, creativity, and energy to each client's case

Hope—

Clients often ask for our assistance after they have tried several other approaches that failed to deliver results.

Passion—

We will struggle on behalf of the little guy facing powerful adversaries.

We hope that the quality of our service always pleases you.

Caution!

Online resume scams

Identity thieves are at it again. This time, they're defrauding online job seekers.

Wrongdoers troll services such as GettingHired.com, Jobs.AOL.com, Monster.com, and others, looking for information such as names, addresses, phones, and more to build false identities. They even post fake job ads in the hope of getting applicants to return Social Security, credit card, and even banking account numbers.

Protect yourself

- Use the "hide information" option on job-site postings, if possible.
- Never provide your SSN.
- Even information such as eye or hair color or marital status can be used to establish a false driver's-license identity.

Anticipate outcomes

- Your current employer may locate your posted resume.
- Employment recruiters may contact you.
- You may get spammed with computer viruses.



FOR YOUR SAFETY

Recalled product roundup

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

- ✓ **Scubapro®, USA**, has requested scuba divers to return 48,500 Scubapro® MK 20 First Stage Regulators. Overtightening the yoke or din retainer during annual servicing may result in regulator stress cracks and failure, posing a drowning hazard.
- ✓ **Wal-Mart Stores, Inc.**, has asked buyers to return 165,000 Home Trends Wood Footstools, which can collapse and harm consumers.
- ✓ **DeWalt Industrial Tool Company** has voluntarily recalled 97,000 framing saws and 37,000 circular saws. The lower blade guard may fail to close, leaving the blade exposed and presenting a laceration hazard.
- ✓ **Atico International USA, Inc.**, recalled 54,000 Espresso Express™ Espresso Makers with faulty heating elements that can separate from bases and burn users.
- ✓ **Black & Decker, Inc.**, is recalling 272,000 Black & Decker BV4000 Type 1 Blower/Vacs with a loose cord connection that can overheat and cause burns or a fire.
- ✓ **Weil-McLain** recalled 16,000 Weil-McLain Ultra Series Gas Boilers with incorrect installation instructions. Connecting boilers to LP gas without installing a propane conversion kit may result in carbon monoxide poisoning.

Contingency legal fees

Study refutes critics' claims

Opponents of America's civil justice system often claim that when trial attorneys represent clients on the basis of contingent fees—handling claims in exchange for a percentage of the recoveries clients receive—excessive and frivolous lawsuits result.

Critics commonly argue that contingency-fee caps will resolve their alleged problem. However, a study by two economics professors, Alexander Tabarrok and Eric Helland, has found quite the opposite. The professors analyzed completed cases in 16 states—8 states with caps and 8 states without caps—and reported that contingent fees...

- provide lawyers with strong stimulus to preview cases carefully and eliminate frivolous petitions.
- motivate attorneys to work hard to win fair cases for plaintiffs.
- enhance court access for low-income plaintiffs who can't afford lawsuits and who do not pay legal fees if they lose.
- help spread the cost of risk since contingency-fee legal counsel is a business endeavor that trial attorneys take on voluntarily.

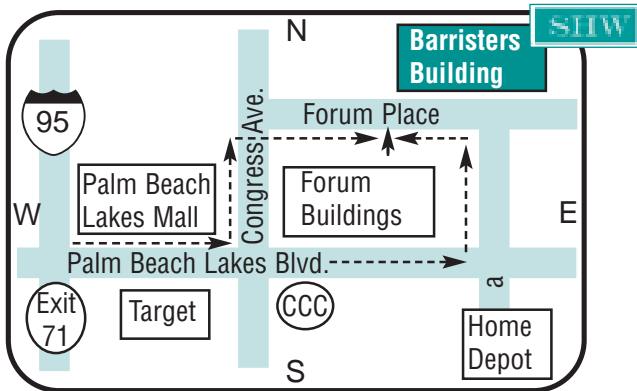


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WARNING— CHAOS WITHOUT “NO-FAULT”

(continued from front page)

cause of the accident. Without PIP to pay for your medical expenses or lost wages, what are you going to do? If you do not treat, you will not have much of a claim. Without PIP to pay for lost wages, how will you survive? Perhaps the at-fault driver has insurance but claims you were at fault. You will have to file a lawsuit. A lawsuit will probably take 10 to 15 months, which will add to the financial desperation. If a small settlement is offered, you may have no choice but to take it to survive for at least the short term.

Another issue is that without the no-fault law, there will be no requirement for people to have any insurance to drive in this state. Therefore, to protect yourself, you must purchase uninsured motorist coverage and medical payment coverage. Of course, there is no coverage for your lost wages unless you have a disability policy.

Finally, emergency rooms financially depend on the PIP payments. The insurance industry claims people should use their health insurance. Unfortunately, a large percentage of people do not have health insurance. Of course, if health insurance is used more, then any savings on your car insurance will go to increased health-insurance premiums.

Our suggestion is to contact your local representative and ask him or her to push for renewal of the no-fault law. If it is not renewed, then make sure you protect yourself by purchasing medical payment coverage, uninsured motorist coverage, and have health insurance in place and a disability policy. All these coverages will probably cost much more than the reduction in premiums promised by the automobile insurance industry.

Property-owner negligence

When innocent persons suffer any kind of serious injuries because of property owners' negligence, an attorney familiar with premises liability can help victims obtain compensation for medical bills, lost wages, pain and suffering, and other damages.

An experienced personal injury lawyer can evaluate an incident, communicate with property owners, negotiate with insurers, locate experts to testify on a plaintiff's behalf, if necessary, and present the case at trial.



An elevator attack

A city apartment-building tenant entering an elevator was shot by a mugger four times. He sustained one wound to his head. When he sued, his attorney claimed the building's owner was aware that locks on doors were constantly broken. Although the owner claimed broken locks were irrelevant since the assailant followed the plaintiff into the building, parties settled on the trial's third day.