

# YOU & the LAW



THE  
GLENN ARMENTOR  
LAW CORPORATION

(337) 233-1471 (800) 960-5551

Internet: [www.glennarmentor.com](http://www.glennarmentor.com)

Email: [accidenthotline@glennarmentor.com](mailto:accidenthotline@glennarmentor.com)

## Jurors are key to success of America's justice system

President Obama received one and so did some of his recent predecessors: Presidents Reagan, Clinton and George W. Bush. According to published reports, they all received notices to serve on a jury.

Chances are that as a citizen of the United States and a resident of a state, you will be summoned to serve as a potential juror for a trial in federal or state court. Some people initially view jury service as a chore that takes them away from work, family and other things they'd prefer to do. However, after serving as jurors, many citizens call it a positive experience that heightened their appreciation of the U.S. court systems.

In years past some people were dismissed from jury service for a variety of reasons, such as their occupation or parental responsibilities, but many of those automatic dismissals no longer exist. However, being summoned for jury duty does not necessarily mean you will be selected to serve. Cases often are settled without the need to seat a jury and many jurors are dismissed after they are interviewed by attorneys involved in a case.

So what should you expect if summoned?



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You must show up at the designated place, day and time if you receive a jury summons. You could be fined or even jailed if you fail to show up when summoned.

Jury duty usually lasts for a specified period, often ranging from a few days to two weeks. Trials rarely last longer than a few days, although some can continue for a week or longer. The lengthy trials often featured on television and in movies are the exception rather than the rule.

If a trial lasts more than a day, jurors are usually sent home at the end of each day and instructed not to discuss with anyone the testimony they heard or to follow news coverage of the trial. On very rare occasions, usually involving a high-profile trial, jurors may be "sequestered" to

ensure they are not exposed to outside influences such as news coverage of the trial. A sequestered jury will usually sleep in a hotel, and members will eat together and be escorted back and forth to the courthouse.

The concept of having citizens serve as jurors in civil and criminal trials is deeply ingrained in our American system. Trial by jury has been a cornerstone of the American judicial system since the Founding Fathers established

it in the U.S. Constitution more than 200 years ago.

Trial by "a jury of one's peers" is what makes the American system so powerful and fair. It means that juries should be made up of citizens who are a general reflection of the community in which the trial is held. It wasn't always that way. For a time, juries were made up only of white males who owned property. Over decades the system evolved, and now juries are usually comprised of citizens from all walks of life.

Serving as a juror is one of the most important responsibilities we perform as American citizens. Our system of justice is respected worldwide because it is so fair, and a large part of that fairness is the result of average citizens serving as jurors.



## Deciphering the new health-care reform law

### How new law affects you now

With all the news coverage and political wrangling over the health-care reform legislation that became law earlier this year, determining how the new rules affect you can be challenging.

While some of the provisions of the Patient Protection and Affordable Care Act won't become law for several years, a number of them take effect much sooner. Below are some key changes that took effect this year, according to the U.S. Department of Health and Human Services. A complete list is available at [www.healthreform.gov](http://www.healthreform.gov).

- **Children with pre-existing conditions must be covered—**

New health plans and some existing group health plans are prohibited from denying coverage to children with pre-existing conditions. Starting in 2014, the ban will apply to everyone.

- **No more rescissions—**

Insurance companies are banned from dropping people from coverage when they get sick.

- **Extended coverage for young people—**New health plans and some existing plans must allow young people up to age 26 to remain on their parents' insurance policy.
- **Lifetime limits on coverage banned—**Health insurance companies are prohibited from placing lifetime caps on coverage.
- **Free preventive care—**New private plans must cover preventive

services with no co-payments, and preventive services are exempt from deductibles. Similar changes will take effect for Medicare participants starting in 2011.

- **Small business tax credits—**Small businesses that choose to offer health-care coverage earn tax credits of up to 35 percent of premiums. The credit is available for the 2010 tax year. Starting in 2014, the small business tax credits will cover 50 percent of premiums.
- **Medicare Part D doughnut hole—**Medicare beneficiaries who hit the "doughnut hole" coverage gap for prescription drugs in 2010 get a \$250 rebate. Starting in 2011, the discount increases to 50 percent on drugs in the gap.
- **Independent appeals process—**Consumers in new plans can appeal decisions about their health coverage (such as denials) to an independent panel appointed by the state insurance commissioner.



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## Free Consumer Action Handbook full of useful information

Do you want to learn how to file a complaint about a scam, a faulty product or a dishonest business? Or do you need tips on how to be a smarter consumer? Then order or download the federal government's free *Consumer Action Handbook*.

Published by the Federal Citizen Information Center, the 172-page handbook includes listings for state insurance regulators, federal

consumer agencies and private consumer groups nationwide. It also features a sample complaint letter and articles on such consumer topics as buying a car or home, preventing identity theft, understanding credit and filing a complaint.

The handbook can be downloaded for free at [www.consumeraction.gov](http://www.consumeraction.gov). Free print copies of the hand-

book are also available from the same website.



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# Having a dispute? A demand letter might help

Whether you send or receive one, a “demand letter” is a handy legal tool commonly used to resolve a dispute without going to court. While it’s often best to consult with an attorney on a complex case, some disputes involving modest sums of money sometimes can be resolved by a demand letter.

A demand letter basically explains your position to your opponent in a dispute. For example, you could send a demand letter to someone who hasn’t repaid the \$100 you loaned him, to a landlord who won’t return your security deposit, to a driver who dented your car in a parking lot, to an insurance company or even to a business that did not perform a service according to expectations.

Demand letters do not need to be lengthy and complicated. Use clear

language to explain your side of the dispute. Stick to the facts and provide any materials you have to support your case.

The letter should not contain threats, and it should not be sarcastic or insulting. Your letter could be used in court, if your dispute reaches that level, and what you say in anger

could work against you later. The intent of a demand letter should be to resolve a dispute, not to escalate it.

If the demand letter does not help to resolve the dispute, the next step could be filing a lawsuit in small claims court or contacting an attorney to represent you.

## **Demand letters can include:**

- ✓ The facts and a brief history of the dispute
- ✓ What you have done already to try to resolve the issue
- ✓ What you expect: payment of a certain amount, repair of a product, etc.
- ✓ A date when you expect to receive a response
- ✓ Your contact information and signature



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# Lawsuits lead to vehicle safety improvements

From safer power windows to smarter seat belts and stronger frames, lawsuits have prompted a wide range of safety improvements in automobiles, a new report by the American Association for Justice says.



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The report—entitled “Driven to Safety”—makes the case that the free market and government regulation alone cannot protect consumers by highlighting a number of key cases that led to major improvements in automobile safety.

“Up until the 1960s, car manufacturers were only held liable for defects in construction that resulted in accidents and had largely avoided responsibility for defects in design,” the report states. Court cases played a key role in holding manufacturers responsible for their vehicle design flaws.

For example, in 1974, a court ruled that Chrysler was liable for a defective design after a New Jersey police officer was seriously injured in a low-speed side-impact crash. The decision prompted manufacturers to build cars with solid one-piece frames rather than the old two-piece

construction that could buckle under side impacts.

A 1981 lawsuit over the Ford Pinto’s dangerous gas tanks, which could ignite even during minor rear impacts, led to major changes in vehicle design. The \$125 million settlement (which was later reduced) prompted auto manufacturers to design cars with gas tanks protected within the vehicles’ frames.

Litigation helped eliminate the rocker-style power window switches that led to injuries or the strangulation of a number of children. Lawsuits also forced the design of seatbelts that do not detach during rollovers and prompted the industry-wide adoption of airbags despite industry concerns over the costs of installing the life-saving devices.

The full report is available at [www.justice.org](http://www.justice.org).



## Need money for college? Be cautious of scholarship scams

The price tag on attending college increases almost every year, making it more difficult for students across America to afford the cost of earning a degree. In 2009, the cost of attending a private four-year college increased 4.4 percent while public four-year college costs rose 6.5 percent, according to the College Board.

Due to these increasing costs, parents and students are turning more



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and more to financial aid programs for help. Unfortunately, in their search for financial assistance, some parents and students are falling victim to scholarship scams.

Those who operate scholarship scams often mimic legitimate government agencies by using official-sounding names such as “Federal,” “Administration,” “National” or “Foundation.”

Scam artists also often impersonate grant-giving foundations, scholarship-matching services or education lenders.

Consumers should proceed with caution when an organization offering scholarships uses words or phrases such as:

- ◆ **Your scholarship is “guaranteed.”**
- ◆ **You’ve been selected by a “national foundation” for the scholarship.**
- ◆ **We’ll do all the work.**



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- ◆ **You can’t get this scholarship information anywhere else.**
- ◆ **Your scholarship will cost some money.**
- ◆ **Your credit card or bank account number is needed to hold this scholarship.**

Parents should never give out personal information unless they’ve initiated contact and know the contact is legitimate.

For more information about scholarship scams, visit [www.ftc.gov/scholarshipscams](http://www.ftc.gov/scholarshipscams). To file a complaint, visit [www.ftc.gov](http://www.ftc.gov) or call toll free, 877-382-4357.

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**WATSON**  
**LAW**  
*of the*  
**YOU**

**THE GLENN ARMENTOR**  
**LAW CORPORATION**  
*A Professional Law Corporation*  
300 STEWART STREET  
LAFAYETTE, LA 70501