

YOU & the LAW



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Thinking of filing a 'frivolous' lawsuit? Don't call a trial lawyer

Special interest groups representing big business work hard to promote the false impression that America's courts are clogged with "frivolous" lawsuits filed by greedy citizens and their lawyers.

The reality is that most trial lawyers refuse lawsuits considered to have little or no merit or to be "frivolous." Why? Among other reasons, doing so would likely cost them money and earn a judge's reprimand.

Most trial lawyers represent clients who have suffered a physical injury or economic loss based on a contingency fee arrangement under which they are paid a percentage of the money they obtain for their client through a court award or settlement. If the attorney does not win the case for the client, then he or she is not paid.

Handling such cases is a risk for an attorney, one that few other professionals are willing to take. Doctors, architects, dentists and accountants charge patients and clients a fee based on the work performed — regardless of the outcome of their services.

Lawyers also face potential fines and reprimands if a court determines



Jim Arbogast/Digital Vision/Gettyimages.com

that they filed a frivolous lawsuit or engaged in a frivolous defense.

So, just what is a frivolous lawsuit? Definitions generally involve a lawsuit or defense that has no legal merit or chance of winning. Federal court rules require attorneys to carefully review lawsuits, pleadings and other written motions filed in civil cases to ensure they are not frivolous.

Pleadings work both ways

While special interest groups have created a distorted image of courts beset by frivolous lawsuits filed by victims, frivolous pleadings work both ways. Defendants sometimes file numerous pleadings in order to stall the legal process. For example, an insurance company might find it

more profitable to file numerous documents to delay a case it expects to lose.

Organizations representing big business prepare ads and send press releases focusing on lawsuits that are out of the ordinary. They seek to convince Americans that these occasional, oddball lawsuits are the norm rather than exceptions to the serious business taking place in the courts.

One Washington group representing big business created slick public relations campaigns around a lawsuit filed by a disgruntled customer whose pants were ruined by a dry cleaner. Acting as his own attorney, the customer claimed a ridiculous \$67 million in damages.

The special interest group never told the public that the customer lost his case and collected nothing. Upon winning, the business owners had the option of recovering legal costs, but decided against it.

Some "frivolous" cases will find their way into the system, but they are truly exceptions. Reputable attorneys do not have the inclination nor the time to waste on lawsuits that will only be thrown out of court.



A stolen wallet can lead to a stolen identity

After exercising in the gym, you return to your vehicle to find your wallet missing. The stolen cash may only be a temporary setback, but other missing items containing private information could lead to long-term financial damage.

Every year more than 9 million Americans become victims of identity theft. Many identity thieves specialize in stealing wallets and often target public places such as daycare centers, shopping malls and gyms.

The Federal Trade Commission offers the following tips if your wallet is stolen:

File a police report immediately and get a copy of the report or report number. If house or car keys were stolen, change the locks.

Cancel credit, debit and ATM cards. Contact your bank and credit card companies immediately to halt unauthorized activity and to inform them you could be a victim of identity theft.



Andreas Schlegel/fStop/gettyimages.com

Credit bureaus

Experian (888) 397-3742

TransUnion (800) 680-7289

Equifax (800) 525-6285

Call the fraud departments of the major credit reporting agencies. File an “Initial Security Alert” with the three major credit bureaus. This alert will inform those who check your credit history that your identity could have been stolen. The alert remains active for at least 90 days, but it can be extended for seven years.

Review your credit reports. Request a copy of your credit reports regularly

to check on fraudulent credit card use or new accounts opened in your name. A free credit report is available online at the FTC website at www.ftc.gov/freereports.

Report a missing driver's license to your department of motor vehicles.

Notify the local DMV that your driver's license has been stolen and ask for the procedures to replace your license. The DMV can “flag” your old license and issue you a new license and number.

A stolen wallet can be less traumatic if you are prepared. Make copies of all credit cards, identification cards and licenses. List account numbers and the phone numbers you need to contact, and keep the photocopy in a safe place.

If you have been a victim of identity theft call the FTC's Identity Theft Hotline at (877) 438-4338. For more information about identity theft and what to do if your wallet is stolen, visit the FTC website at www.ftc.gov.

Scam artists take advantage of recession woes to bilk consumers

Con artists are using numerous schemes to take advantage of millions of Americans who have lost their jobs or dipped into their retirement savings during this economic recession, the worst since the Great Depression.

The Federal Trade Commission is cracking down on these con artists and is warning consumers to be wary of offers they read, see or hear in the media and on the Internet promising easy money or great jobs. One of the tip-offs to these schemes is the requirement to pay an upfront fee or purchase “start-up” materials. Once paid, there's often little, if anything, of real value to follow, according to the FTC.

Since stepped-up enforcement began last year, authorities nationwide have filed more than 70 criminal and civil cases against scammers. One such action was brought against a company that posted ads on websites claiming to help job seekers land government positions.

This company sought payment of \$119 for study materials to prepare for exams. Those who paid the fee discovered that no exams were required for the jobs they sought.

Because of the growing problem of unscrupulous activities, job seekers should be on alert to three common signs of a scam: a job is promised, a fee for services or materials must



Dimitri Vervitsiotis/Photodisc/gettyimages.com

be prepaid, and the offer is for “information” about a job or employment.

Those signals of a potential scam are explained in a video that can be viewed online at www.ftc.gov/job-scams. The FTC site also provides detailed information to help consumers recognize and avoid being victimized by scammers.

Hidden signals: Body language is critical part of job interview

While the unemployment rate for most types of workers remains persistently high, millions of Americans are doing something they had not done in years — looking for a job. Having the right qualifications for a job is but one of the qualities a successful applicant must have, especially in today's competitive job market.

Most job seekers know that they must have the proper education and experience for a particular job, have a good résumé and be prompt and prepared for the job interview. However, some fall short when it comes to the nonverbal signals they send during an interview.

Known as body language, the signals include everything from dressing properly to shaking hands.

The U.S. Department of Labor offers a long list of general tips for job seekers at its website (www.bls.gov), but professionals who help others find jobs emphasize the importance of the interview.

They explain that, in addition to saying the right things, using the right body language can sway an interviewer for or against you.

Some experts say an interviewer forms an impression of you in the first few seconds. That first impression can play a major role in the impact you have on the person who is making an important decision about your future.

Avoiding common mistakes that turn off the interviewer can help ensure that you will be taken seriously and be judged on your experience and qualifications.



Ryan McVey/Photodisc/gettyimages.com

Tips for using positive body language during an interview include:

- ◆ Be well groomed and dress appropriately.
- ◆ Do not chew gum or smoke.
- ◆ Shake hands with a firm grip and smile.
- ◆ Look the interviewer in the eye as you speak.
- ◆ Don't slouch; sit up straight.
- ◆ Use eye contact.
- ◆ Avoid folding your arms across your chest, putting your hands in your pocket and wiggling or shaking a foot. These can send negative signals.



'What should I do if I'm in an automobile accident?'

According to the National Highway Traffic Safety Administration, there were more than 5.8 million traffic crashes reported to police in 2008. Odds are that some day you could be involved in a crash, so be prepared. Keep an "emergency kit" in your car that includes a pen, paper and first-aid supplies.

Here are some steps you can follow if you're involved in a crash:

- ✓ Get safely off the road and call the police.
- ✓ Get medical attention if someone is hurt.
- ✓ Provide police with requested information and ask how to get a copy of the accident report.
- ✓ Take photographs or video of the crash scene and damage to vehicles.
- ✓ Write down details of how the crash occurred and get names of witnesses.



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- ✓ Do not discuss who was at fault.
- ✓ Contact an attorney if the crash involved injuries or substantial damage.
- ✓ Notify your insurance company.

If you are involved in a minor crash, it is probable that you will deal directly with insurance companies and the other driver. But a wreck that involves a death, injury

or major property damage will likely require the help of an attorney.

If you are a victim, it is important to consult with an attorney who is experienced with such cases. It is usually best to initially contact an attorney with whom you have a relationship.

If you have never consulted with an attorney, ask friends and family members for recommendations.

When death, injury or major property damage is involved, dealing with an insurance company without the assistance of an experienced attorney is risky.

An insurance adjuster may contact you and offer a quick settlement. Remember not to sign any document until you have consulted with your attorney. If you sign an agreement, you can forfeit your right to be compensated for damages and injuries that are discovered later.

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