

# 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)

## Supreme Court decisions impact everyday lives of Americans

The nomination, confirmation and swearing in of Sonia Sotomayor as the first Hispanic associate justice of the U.S. Supreme Court focused much attention on the nation's highest court, perhaps the least understood of our three branches of government.

Sotomayor, like all U.S. Supreme Court justices, was nominated for appointment by the president and confirmed by majority vote of the U.S. Senate. She replaced Associate Justice David Souter, who retired after 19 years of service. At the high court, Sotomayor joined seven other justices and the chief justice, John G. Roberts Jr.

Members of the Supreme Court are appointed for life but many retire voluntarily. Presidents make appointments to the court when a vacancy occurs because of retirement, death or impeachment. Presidents also nominate the chief justice.

The U.S. Supreme Court is the highest court of our government. Below it are U.S. courts of appeals, district courts and a number of special federal courts.

A case before the Supreme Court is unlike those in district courts, which may involve a jury and witness testimony. Attorneys representing opposing sides of an issue submit



documents in support of their cases to the high court and in some cases the justices will hold a public session in which attorneys are given the opportunity to make oral arguments directly to them.

Every year thousands of civil and criminal cases are submitted to the Supreme Court but the court accepts only a relative handful of them for review. Cases are resolved by a majority vote of the eight associate justices and the chief justice. Recently it has not been unusual for the high court to split by a vote of 5-4 on cases.

The Supreme Court meets for what is called "terms," with each term beginning on the first Monday in October and ending in June or early July of the following year.

When they are not within a term, the justices analyze petitions,

consider legal motions and prepare for cases for the next term.

Here are other interesting facts about the Supreme Court:

- ◆ The chief justice has a number of additional administrative and other duties, but his or her vote on a case counts as a single vote.
- ◆ The U.S. Constitution created the Supreme Court, but Congress determines the number of justices on the court.
- ◆ Congress sets the salaries of Supreme Court justices, which presently are \$217,400 for the chief justice and \$208,100 for associate justices.
- ◆ John Jay was the first chief justice and John G. Roberts Jr. presently serves in that position. There have been 17 chief justices since 1789.
- ◆ Until less than 50 years ago, the Supreme Court was comprised solely of white men. Thurgood Marshall became the first African-American associate justice in 1967, and Sandra Day O'Connor became the first woman to serve on the high court in 1981.



## National Do Not Call Registry stops unwanted telemarketing calls

Congress made even more solid the popular consumer privacy law that allows you to block telemarketers from calling you at home to sell their products. As originally passed, the national Do Not Call Registry required consumers to periodically re-register with the Federal Trade Commission for the service. However, registering for “do not call” became permanent in 2008.

More than 70 percent of phone users in the United States have signed up for the National Do Not Call Registry since 2003.

Some states have their own “do not call registry.” If your phone number is already listed on a state “do not call” list, you can still sign up for the national list. Consumers can also place their personal mobile phone numbers on the National Do Not Call Registry.

You can register by phone by calling toll-free (888) 382-1222 or online at [www.donotcall.gov](http://www.donotcall.gov). If registering by phone, you must call from the number you wish to register.

If you use the Web site to register, you will be sent an e-mail that will provide you with a Web link to use to complete the registration process. If the Web registration is not completed within 72 hours, your phone number will not be added to the database.

After your registration is completed, your phone number will show up on the registry by the next day.

Telephone numbers placed on the National Do Not Call Registry will remain on it permanently thanks to the Do Not Call Improvement Act of 2007, which became law in February 2008. Registration with the National

More than 70 percent of phone users in the United States have signed up for the National Do Not Call Registry since 2003.



You can sign up for the National Do Not Call Registry by calling toll-free (888) 382-1222 or online at [www.donotcall.gov](http://www.donotcall.gov).

Do Not Call Registry should stop most telemarketing sales calls but some organizations like charities or telephone survey companies are not always blocked from calling you.

Most telemarketers should not call your number once it has been on the registry for 31 days. If they do, you can file a complaint online at [www.donotcall.gov](http://www.donotcall.gov) or by calling (888) 382-1222.

The National Do Not Call Registry is enforced by the FTC and the Federal Communications Commission. Businesses and companies that continue to call consumers after they have signed up for the National Do Not Call Registry can be fined for each sales call.

# Watch out for dangerous children's products in resale stores

Garage sales, auction Web sites and resale stores often offer unbeatable prices on children's items. Although these used items may look like a great deal, the U.S. Consumer Product Safety Commission warns consumers to make sure the child's product that looks like such a good bargain hasn't been recalled.

A CPSC study found that nearly 70 percent of resale stores sold at least one recalled or otherwise hazardous product. CPSC states that the selling of recalled products is unlawful, and it has placed strict limitations on the amount of toxic chemicals used in children's products.

CPSC alerts re-sellers and consumers about recalled products such as cribs that do not meet current safety standards and clothes with drawstrings. It also monitors online retailers and auction sites for sales of recalled and hazardous products.

Re-sellers must comply with the federal law, which will be enforced for in-store and online sales.

Before purchasing resale products, the CPSC encourages consumers to check its Web site at [www.cpsc.gov](http://www.cpsc.gov) to determine if the product has been recalled. The CPSC also released its "Top Ten List of Recalled Children's



Products" that can be found online at [www.cpsc.gov](http://www.cpsc.gov).

## Mandatory arbitration can block your rights

We have all seen the small print on the bottom of a credit card bill, a health insurance contract and a variety of other legal documents. This small print can have a big effect on consumers because it often contains the company's mandatory arbitration clause.

Mandatory arbitration can restrict your access to the courtroom and can help some companies avoid liability for dangerous products or unfair services.

Referred to as mandatory, binding or pre-dispute arbitration, this process was originally intended for arguments between corporations, but is now being forced onto consumers. Typically, contracts for credit cards, mobile phone service, home building and health insurance now often include mandatory arbitration clauses.



Arbitration is an alternative method of resolving disputes where two parties present their individual sides of a complaint to an arbitrator or panel of arbitrators. The arbitrator who evaluates these disputes is supposed to be neutral; however, companies are able to choose the arbitration firms and can reward them with repeat business for favorable results. This arrangement is an obvious disadvantage to consumers.

According to the National Consumer Law Center, arbitration is not necessarily a bad thing if both parties agree to it after a dispute arises. It is the pre-dispute arbitration clauses that are the problem because they can be hard to find in agreements and difficult to understand. Federal legislation is being proposed to ban mandatory binding arbitration in consumer, employment and franchise contracts.

The National Association of Consumer Advocates recommends not dealing with any companies that require a mandatory binding arbitration clause. If the seller does require a clause, tell the seller you will not buy from it.

The NACA also suggests asking about an "opt-out" clause, which allows you to send a letter refusing the binding arbitration clause.



## Consumer rebates can save big bucks—but only if you redeem them

So, you bought that new digital camera you've been dying to have because it was on sale. And all you needed to do to save a pile of money was mail in the rebate form. Well, chances are about 50/50 that the big savings you were expecting never made it to your wallet.

Rebates have become one of the most popular promotions used by retailers and manufacturers to increase consumer sales of their wares, and they're especially popular for such electronic products as cameras, mobile phones, computers, televisions and MP3 players. The problem with such offers is that many consumers don't complete the paperwork required to collect their rebate, or if they do, they fail to comply with the often-complicated required procedures.

Consumer organizations say that \$500 million worth of rebates are never redeemed each year, and the consumers who are least likely to collect their rebates are those with lower incomes. Part of the reason is that many consumers simply don't apply for the rebates, but unethical practices by some companies also account for non-

collections, which result in huge windfalls for retailers or manufacturers.



While most rebate offers by reputable retailers are legitimate, some companies take advantage of consumers by simply not sending a check or by making the rebate application process so complex that consumers fail to fulfill all requirements. When retailers or manufacturers offer rebates, they count on a large percentage of the potential rebates never being redeemed.

Consumers should also be aware that third-party companies often

process rebates for retailers or manufacturers. Some of these processing companies promote themselves to potential customers by citing high rejection rates of rebate applications.

Here are a few tips to help you actually realize the savings that come with a rebate offer.

- ✓ Many rebates have expiration dates, so make sure you apply soon after you make the purchase.
- ✓ Carefully read the rebate requirements. Many require you to send several documents such as your sales receipt and the UPC bar code on the product packaging.
- ✓ Keep copies of everything you send with your rebate application and make a note of the time period in which you should be paid. If your rebate doesn't arrive within that period, contact the company.
- ✓ Watch your mail carefully for your rebate. Some companies send a check while others send a debit card.

*This newsletter is intended solely for current and former clients of our law firm. If you received this newsletter in error, we apologize for any inconvenience. You may contact our office to have your name removed from the mailing list.*

*You & the Law © 2009, LAJ*

W & T  
LAW  
at the  
YOU

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