



137 Public Square
Lebanon, TN 37087

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CONTACT INFORMATION

LEBANON OFFICE	NASHVILLE OFFICE
137 Public Square Lebanon, TN 37087 (615) 444-2900	Nashville City Center 511 Union St., Suite 1850 Nashville, TN 37219 (615) 313-3999

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CHARITY SPOTLIGHT: A PRICELESS GIFT IN DIFFICULT TIMES

I am sure many people reading this article wonder why we continue to include a column highlighting various charities needing support. Indeed, for many of us, "charity" seems like a difficult thing to give right now. The economy continues to struggle, many people are out of work or are making less than they used to make, and many are just managing to get by day to day. On top of that, we've recently gone through the Christmas holiday and the long list of bills that seem to pile up during that time.

However, even in these difficult economic times, it is essential to remember the importance of giving charity, and the beneficial effects it has not only on the recipient, but most especially on the *giver*. I am often reminded of language from 1st Corinthians in the Bible (King James version): "And now

abideth faith, hope, charity, these three; but the greatest of these is charity." (1st Corinthians, 13:13). We tend to look to our faith and hope during difficult times, but this passage reminds us that charity—love of our fellow man—is not to be forgotten and is, in fact, even more important.

Still, it is difficult to give "charity" in the modern context when money is tight or nonexistent. It is therefore important to remember that giving charity does not always require giving money. Sometimes, the most important of charitable giving requires no money at all.

One such example is giving blood through the Red Cross at a donation center or blood drive event. According to the Red Cross, every two seconds someone in the United States needs blood. This includes all types of people,

many of whom would not survive without donated blood—from those undergoing cancer treatment, to accident victims, to those in routine surgery experiencing unexpected bleeding. To meet the need for blood, more than 38,000 blood donations are needed every single day, and a single donation can save the lives of up to three people. Those who have received donated blood know what a special gift it is.

For more information about donating blood (or your time or money) through the Red Cross, or for the location of the nearest donation center or blood drive in Middle Tennessee, go to www.nashvilleredcross.org or call (615) 250-4300.

MAY THE SUN ALWAYS SHINE ON YOUR WINDOWPANE, MAY A RAINBOW BE CERTAIN TO FOLLOW EACH RAIN; MAY THE HAND OF A FRIEND ALWAYS BE NEAR YOU; MAY GOD FILL YOUR HEART WITH GLADNESS TO CHEER YOU

— IRISH BLESSING



ATTORNEYS:

- G. Frank Lannom
- B. Keith Williams
- Melanie Bean
- James R. Stocks
- Alex Byrd

THE PEOPLE'S VOICE

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TRUE CONSERVATIVE VALUES

It's early 2011, and our new legislature and governor are at work in Nashville. The November 2010 election saw a dramatic shift of power, with Republicans taking control of the Governorship and both the houses of the legislature. Many of the newly elected members rode a "conservative tidal wave" that spread across the country.

I only hope that those now in power understand and commit to what it truly means to be a "conservative." As I have always understood it, Conservatism is about respecting the Constitution and our system of justice, about keeping govern-

ment out of our lives as much as possible, about allowing a free and just environment for all individuals to prosper without special rules for one group over another, and most importantly about taking responsibility for ourselves and our actions.

The new "Conservatives" have only been in office a short time, but unfortunately, if recently proposed legislation is any indication, they do not understand what it means to be a conservative.

Instead, a bill was recently submitted by members of the Republican majority seeking to impose "tort reform" rules in Tennessee that do exactly the opposite of what conservative values require.

SB 249/HB183 seeks, among other things, to put a "cap" on the amount a person can receive for the damages they have suffered when injured.

Tort reform advocates call this a "cap on damages." It is important to understand that that term is wrong—it does *not* limit the amount of an

injured person's damages...a person left in a wheelchair is still in the wheelchair regardless of the "cap." The only thing it caps is the amount you can recover for your injuries—it in no way limits the damages you actually suffered, it only limits the amount of those damages you get to recover from those who injured you and their insurance companies.

And, the "cap" does not take into account how the person was hurt, how it has impacted their life, whether it is something that is "life altering" to the injured person...in short, none of the things that a jury is allowed to consider when awarding injured persons compensation for how they have been harmed.

Instead, the government would simply set a maximum amount a person could recover, no matter how bad the injury or harm, even where someone is killed. The proposed bill would set a limit of \$250,000 per person, with a maximum of \$500,000 per occurrence, regardless of how many people were hurt.



Think about that for a second.

Instead of letting a jury of 12 good, common sense people take a hard look at the facts of each case and determine just how bad someone is injured,

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PRACTICE AREAS

- Auto Accidents
- Aviation Accidents
- Construction Accidents
- Dangerous Products
- Medical Malpractice
- Motorcycle Accidents
- Nursing Home Abuse
- Personal Injury
- Trucking Accidents
- Vehicle Rollovers
- Workers' Compensation

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RECALLS—RECENT ITEMS RECALLED

While this is not a complete list, here are a number of the most recent items that have been recalled in the last several months for various reasons. There have been a number of Fisher-Price and other children's toy items, some of which are listed below.

Char-Broil Vertical Gas Smokers, model number 07701413, sold at Walmart and various other retailers nationwide between March 2008 and June 2010.

Kawasaki 2010 KLX110 Off-Road Motorcycles, sold at Kawasaki dealers nationwide between August 2009 and Febru-

ary 2010.

Fisher-Price Little People Play 'n Go Campsite, sold nationwide from October 2009 through August 2010.

Fisher-Price Little People Wheelies Stand 'n Play Rampway, sold nationwide between April 2010 and September 2010.

You can visit www.cpsc.gov for more specific information about these and other recalled items.

Fisher-Price Trikes and Tough Trikes, sold nationwide between January 1997 and September 2010.

TRUE CONSERVATIVE VALUES—CONT'D FROM PAGE 1

the government would step in and set an arbitrary limit—a limit that only harms the individual who has been hurt. It certainly doesn't harm the person who caused the injury, or that person's insurance company...those folks will be thanking their lucky stars they can't be held fully responsible for the harms they caused.

And put yourself in the shoes of someone injured—pretend you were left paralyzed, blinded, or had a child killed because of someone else's negligent or reckless act. Would \$250,000 come even close to making up for all the pain you would go through and the permanent impact such a tragic event would have on your life? In essence, the government is stepping in to tell individuals how much they can receive as compensation for their injuries, no matter how bad they have been harmed, no matter what the actual evidence demonstrates, and no matter what a jury of their peers believes to be a reasonable and just amount to make up for how they have been harmed.

Just think about it...is your

child's life worth only \$250,000? How about your ability to walk? If someone offered you \$250,000 to become a quadriplegic unable to move or control your bodily functions, would you take that deal? Well, the government is trying to step in and say you *have* to take that deal, regardless of whether you want to or not, when someone else is negligent and injures you.

Not only will this limit the amount you can recover for such devastating harms...it will in reality make it many times more difficult to even find an attorney to take your case to help you recover that limited amount.

Take California, for example, where they passed a similar \$250,000 "cap" for medical malpractice all the way back in 1975. That cap—like the proposed Tennessee cap—does not provide for increases for inflation, and many individuals now find it difficult to find an attorney who will take their case. Why? Because while the limit stays low, an attorney's costs continue to go up, and an attorney who only gets a percentage of the recovery if successful cannot afford to take cases like that. The only other option is to hire an attorney on an hourly ba-

sis, which is very expensive and most people cannot afford to pay that up front.

As a result, the danger is that the only people who will be able to afford attorneys are defendants and their insurance companies, and very wealthy injured people who can afford to pay up-front for an attorney.

It is vital that we all understand the dangers of tort reform and contact our state legislators to let them know we do *not* approve of these tort reform measures. Our legislators need to be reminded of the true conservative values behind their election, and that they represent us, the people, not the big businesses and insurance companies behind the tort reform propaganda.

Attorney Gerry Spence recently wrote the following:

"It's time we lay naked the myth, expose it like ripping the shirt off a fat man's belly. We are not a democracy. Americans are not free. Our politicians do not represent us. We have not been taught or told the truth. None. We are the new slaves."

Slaves must have a master. Yes. The master is the corporate glob that controls us, speaks for us, that provides us with our only voice, the corporate media, that uses us up for its profit, that engorges itself while masses of our people remain jobless and hungry and that uses our resources and children to extend its aggression across the world for more profit....Is there hope? Stay tuned."

We need to take these words to heart, have hope, and do everything in our power to force our politicians to tell us the truth, represent "we the people," and stop giving away our rights to, and making us the slaves of, big business and the insurance companies in this nation. Tort reform and the "caps" here in Tennessee are just the latest way that our politicians are taking away our rights and giving it to the "corporate glob" in its never ending pursuit of profit.

Don't let this happen! Call your state representative and senator today, and force them to follow the true conservative values of individual freedom and responsibility.

—**B. Keith Williams**

WORKERS' COMPENSATION ISSUES: DO YOU NEED A LAWYER?

There are many times when I am in court and see an injured employee meeting alone with an employer/insurance company's attorney before going in front of the judge for approval of a workers' compensation settlement agreement. Those employees do not have their own attorneys, and I shake my head at the employer-friendly agreements that usually result in those situations.

In some cases, it's undoubtedly true that the employee has been treated fairly by the employer and did not need his or her own attorney to reach a fair settlement agreement. However, that is by far the exception to the rule. More often

the employee is taken advantage of because he or she does not know enough about the law and how to protect his or her rights.

For example, I have spoken with workers who settled for a certain amount because the insurance adjusters said that the amount the company offered was all the employees were entitled to, and that hiring an attorney would just eat into that amount. In fact, however, the amount the insurance adjusters proposed was *less* than the maximum the employees could have gotten, even if based on the medical impairment rating given by the employers' doctors. And if the employees had

gotten an independent medical examination, it's likely their cases would have been worth even more. The employees, however, never knew this and just thought the adjusters seemed nice and were trying to help them save a little money in attorneys fees.

I guess the moral of the story is that if you are ever hurt at work, it is usually in your best interest to contact legal counsel to determine whether it would likely benefit you to hire an attorney. Respectable and ethical attorneys should tell you at the start—as we do—if they think you already have an offer from the insurance company worth taking without involving an attorney. Unfortunately, such offers are exceedingly rare.

—**Jim Stocks**



A LITTLE LOCAL HISTORY: EXAMPLES OF A HOUSE DIVIDED

We were recently in Franklin County, Tennessee, along the Alabama border for a trial. I continue to be amazed by the wealth of history that surrounds us every day here in Tennessee, and Franklin County is no exception.

The history of Franklin County is yet another example that serves as a microcosm of the great internal struggle that struck our nation during the Civil War, literally splitting the country from the national level on down to individual families, pitting brother against brother on opposite sides in the war.

During the early days of the Civil War, Franklin County was one of the most ardently pro-secession counties in Tennessee. Tennessee, however, was one of the last states to secede from the Union, only doing so after the start of hostilities at Ft. Sumter,

President Lincoln's resulting blockade of all Southern ports, and his call for tens of thousands of additional volunteers from the states, including Tennessee, to put down the rebellion.

While Tennessee initially balked at leaving the Union, Franklin County had been ardent about secession from the beginning, and petitions were circulated to secede from Tennessee if it did not leave the Union. In the statewide vote held before fighting began—in which the voters statewide rejected secession—Franklin County overwhelmingly supported secession.

While Franklin County demonstrates strongly pro-Confederate sentiment in the midst of a state slow to join the Confederacy, it's nearby

cousin south of the State line in Alabama was the opposite—again demonstrating the internal struggle so emblematic of the Civil War.

Whereas the State of Tennessee was slow to join the Confederacy, Alabama was one of the original states to secede from the Union, and those originally seceding states actually met in Montgomery Alabama in February 1861 to form the Confederate States of America.

Winston County Alabama, like its cousin Franklin County over the border in Tennessee, took on the decision its state made about leaving the Union. Unlike Franklin County, however, Winston County Alabama supported Unionism, actually attempted to declare itself the Free State of Winston, and made plans to secede from the Confederacy. As a result, Winston County continues to be referred to as the "Free State of Winston" even today.

One of the reasons I love history so much is that I truly believe that "those who don't know history are destined to repeat it." With that in mind, there is much to learn from the history around us every day in Middle Tennessee.

Hopefully the history of Franklin County, and the broader history it represents, will help remind us of the dangers inherent in a house divided and motivate us to stand together to face the many dangers and challenges our nation faces today.

—**Jim Stocks**