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GETTING THE WORD OUT

Part of my commitment to protect the rights of individuals against those who do them harm involves participating in various organizations on a local, state and national level to help protect those rights.

One of those organizations on a national level is called the American Association For Justice (AAJ), to which I have recently been appointed a member of the National Finance Committee. This organization fights to educate the public about important issues in the legal system and to prevent the passage of dangerous legislation throughout the country that threatens individuals' rights under the law.

This is often an uphill battle, though. For example, I am constantly amazed at what a great job the big-business lobby has done in promoting its "tort reform" agenda in the minds of the public. Perhaps the best example of this is a story we've all heard about: Stella Liebeck, the elderly lady who was seriously burned by McDonald's coffee.

Big Business has done an excellent job of hiding the facts of

what McDonald's did and instead making Ms. Liebeck out to be some "greedy old lady" who burned herself and then wanted money out of it. The actual facts show that Ms. Liebeck was not "greedy" and that McDonald's was by no means innocent in disregarding the safety of its customers by serving scalding hot coffee it knew was unsafe.

For example, you probably never heard these facts:

-Ms. Liebeck suffered 3rd degree burns to 6% of her body, was hospitalized for 8 days, and needed skin grafts.

-Ms. Liebeck only sued after McDonald's refused to pay for her medical bills.

-McDonald's own quality assurance manager stated that a burn hazard exists for any food served above 140 degrees, yet they served the coffee at 185 degrees (home coffee is usually served at only 135 to 140 degrees). That same manager also admitted that the coffee was not fit for consumption at that temperature because it would burn the mouth and throat. Despite knowing that burns



would occur, the manager said McDonald's had no intention of reducing the "holding temperature" of its coffee.

-McDonald's was forced to turn over documents showing that more than 700 people had been burned by McDonald's coffee between 1982 and 1993.

-Contrary to what most people think, the jury *did* consider Ms. Liebeck's own fault in dropping the coffee on herself, and they *did* reduce the award to her proportionally—so McDonald's was only liable for it's own wrongdoing.

This shows the type of misinformation put out by Big Business that the AAJ attempts to correct. I hope that my involvement in this organization will help spread the truth and further the cause of justice.

—B. Keith Williams

PRACTICE AREAS

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

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RECALLS—DANGER TO CHILDREN

There have been a number of recalls in the last few months involving items that can cause serious injuries to young children. Among those recalls, there were several products that posed the risk of strangulation, impalement, or choking.

While this is not a complete list, here are a number of the most recent items that have been recalled for various reasons.

STRANGULATION RISK

Insulated Black-Out Roller Shades and Insulated Roman Shades, manufactured by Green

Mountain Vista Inc. and sold between June 2005 and September 2008 by various sellers, including Country Curtains, Plow & Hearth, The Linen Source, Sturbridge Yankee Workshop, Ann & Hope, The Sportsman's Guide, Target.com, The Curtain Shop of Maine, and Solutions Catalog.

IRIS and ALVINE Roman Blinds, sold exclusively at IKEA stores nationwide between July 2005 and June 2008.

Young Colors Children's Hooded Jackets, sold at Specialty children's stores nationwide from April 2004 through September 2007.

IMPALEMENT RISK

Dive Sticks, sold exclusively at Target from April 2008 through August 2008, due to danger of impalement to young children.

CORAL Swim 'N Score Pool Stix, sold at Modell's Sporting Goods stores nationwide between August 1999 and October 2008, due to danger of impalement to children.

CHOKING RISK

Arizona Newborn and Infant Denim Pants, JCPenney stores nationwide and at www.jcp.com from July 2008 through October 2008, due to metal snap that can detach.

My Little Train Classics Toy Trains, sold nationwide March 2007 through October 2008.

Toddler Girl's Hat and Mitten Sets, sold at Meijer stores in various states including Kentucky between August 2008 and October 2008.

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

AUTO INSURANCE: UNINSURED MOTORIST COVERAGE

In the last issue of the *People's Voice*, I wrote about how much basic automotive coverage you need. That article dealt with the basics of an automobile insurance policy and how much protection you will have if you hit someone and face liability as a result.

This article deals with a different consideration: will you be protected in the event that someone else hits you?

Except for lawyers and persons in the insurance industry, most people do not understand what "uninsured motorist coverage" (also called "UM" coverage) is. If you are like me when I was young, I certainly did not understand it.

When I first started driv-

ing, I remember the insurance salesman going through the various types of coverage and asking if I wanted "uninsured motorist" coverage. My first question was "How much is it" and my second question was "do I have to have it?"

At the time I did not realize the significance of UM coverage, and because I was still a student trying to save money wherever I could, I wanted the cheapest policy I could get. I thought my basic liability policy would at least cover me up to the small limits I had purchased. I was wrong!

What I did not realize was that the basic liability policy would *not* protect me if someone else without insurance hit me and couldn't pay

for the damage themselves.

That's where UM insurance comes into play. In Tennessee, "UM" coverage applies both when you are hit by an "uninsured" or an "under-insured" motorist. Let's use a short example to demonstrate this.

Let's pretend that your insurance policy includes \$100,000 of UM coverage. While driving to Nashville one day, you are hit by another driver and suffer injuries, medical bills and other damages that total \$200,000.

If the other driver has no insurance, your own insurance policy would then kick in to cover up to \$100,000 of *your* damages that were caused by the other driver. If the other driver was under-insured, with say a minimum-limit policy of \$25,000, your UM policy would then kick in to pay you up to an extra \$75,000 on top



of the \$25,000 from the other driver for a total of \$100,000. If your UM policy limits had been \$200,000 or more, it would have covered up to the full amount of your damages.

As you can see, it is very important not only to have UM coverage, but also to have *enough* UM coverage. If you do not, you run the risk of not being protected in the event you are injured by someone without insurance to cover your damages.

—Jim Stocks

WORKERS' COMPENSATION ISSUES

If one word sums up the theme of the recent November '08 elections, it is probably "change." Most people think of this in terms of the national-level change in the White House.

Here in Tennessee, though, our state legislature saw change of a different sort. Bucking the national trend, Tennessee saw a Republican majority elected in both houses of the state legislature.

What does all this "change" mean for normal folks in their everyday lives? Well, I guess we'll have to wait and see to be sure. In terms of the rights of injured workers, though, the changes might not be the ones most injured parties will welcome.

As I've discussed in prior issues of this newsletter, it has become increasingly difficult for injured workers to obtain the medical care they need. Similarly, the Workers' Compensation laws have been increasingly limited in the compensation they allow employees to recover for their injuries.

So what does this mean for workers in this post-election atmosphere? Well, consider that the changes that have already oc-

curred over the past few years occurred under a former legislature that was philosophically more protective of workers' rights than the new legislature. The new legislature might, therefore, take far more drastic measures to limit Workers' Compensation rights for workers.

What are some of the possible changes and how would they affect you if you are injured? Again, the new legislature has not yet begun and I cannot, therefore, say anything for certain, but here are some of the changes that have been rumored as potential changes that will be put before the new legislature:

—**Further Limit Fees for Employee's Attorneys.** It has been rumored that there may be a proposal to cut employee attorneys' fees in half. The real effect this would have is driving most good employee attorneys—*not* the *employer's* attorneys, whose fees are not limited—out of workers' compensation cases. After all, could you afford to take a 50% cut in *your* salary? Well, neither can most attorneys. Further, this won't monetarily benefit the employee in most cases. In many cases, employees will end up settling for far less than they would have received even with a higher attorney fee because they will not be able to get an attorney to represent them, and instead end up settling without legal counsel for a substantially lower amount.

—**Take the Workers' Compensation System Out Of The Courts.**

The legislature has already taken a partial step in this direction by requiring parties to go to a "Benefit Review Conference" at the Department of Labor before being able to file suit. Some have suggested the legislature may make the entire process an "administrative" one where the employee doesn't have the right to go to court and be heard by a judge. This would take the rights of employees out of the hands of judges elected by the people and instead put them in the hands of government bureaucrats. Again, we believe this would harm the rights of workers.

What can you do to protect the rights of injured workers? At this point, the best thing you can do is to keep informed of developments and proposed legislation affecting workers' rights. If this or other harmful legislation should come forward, you can contact your state legislators and let them know how you feel about the subject. To find out who your state legislators are and how to contact them, you can go online to www.tennesseeanytime.org/government/elected.html.

—Jason Denton



A LITTLE LOCAL HISTORY: NEW DEAL LOOK AT TENNESSEE

When most people think of the "New Deal" and its impact on Tennessee, the most obvious program that comes to mind is the Tennessee Valley Authority (TVA).

Thanks to a much lesser known New Deal program, however, Tennesseans can take a step back in time and look at Tennessee, its history and its culture as recorded in the early 20th Century.

Under the New Deal's Work Projects Administration, researchers and writers in the Federal Writers' Project wrote "Tennessee: A Guide to the State." This work is important not only in providing a source for historical facts about Tennessee, but also because it allows the reader to compare and contrast Tennessee now with how it once was.

For example, in describing sports and recreation in Tennessee, the writers

noted that: "Collegiate and high school football is popular; the annual games played by Vanderbilt, Tennessee, and Sewanee University teams draw enthusiastic crowds."

This quote could easily come from a new guide written today. Still other parts of the Guide, however, highlight the tremendous changes that have occurred in Tennessee and throughout our nation over the nearly 70 years since it was written.

—Jim Stocks

