

# LEGALLY SPEAKING<sup>©</sup>

A quarterly newsletter for friends and clients of  
*Moore & Wolfe, Attorneys at Law*

WINTER 2007

Alabama Bar Association rules require the following disclaimer: No representation is made that the quality of legal services to be provided is greater than the quality of legal services to be performed by other attorneys.

## LEGALLY SPEAKING ON THE AIR!



Listen for *Legally Speaking* this quarter on 1480am WABB. The show airs every other Friday from 7:30am to 8:00am and allows listeners to call in with legal questions and comments about our legal system. Mark Wolfe is the featured guest on the show hosted by Ron Frasier. Morning Talk with Ron Frasier on 1480amWABB is Mobile's number one rated morning talk radio show and is on the air Monday through Friday from 6:00am to 9:00am. This quarter Mark will be on the air January 12th and 26th, February 9th and 23rd and March 9th and 23rd.

## MOORE & WOLFE ANNOUNCE 2007 PUBLIC SERVICE INITIATIVE

For the past several years, the law firm of Moore & Wolfe has sponsored a public service initiative. In 2003 and 2004, the firm worked with and helped the Boys and Girls Clubs of South Alabama by helping to coordinate the Christmas Bicycle Campaign of the South Alabama Trial Lawyers Association, providing equipment and supplies to area clubs and providing after school snacks to one of the local clubs. In 2005, the firm initiated the Street Safe Campaign and distributed 10,000 coloring books with street safety information for area pre-K and elementary schools. In 2006, the law firm distributed brochures on car seat safety. The brochures were published by the American Academy of Pediatric Physicians and were given to area churches and healthcare providers for distribution. Also in 2006, the law firm undertook its most ambitious public service project to date by raising money to build a playground in the midtown Mobile area. Two major fund raising events were hosted by Moore & Wolfe in 2006 to raise money for the playground project. Construction of the playground is now underway and it should be complete within the next few weeks.

For 2007, the law firm has adopted the "Be Safe" campaign. "We think the Be Safe message is simple and easily adapted to operating a motor vehicle as well as many other activities," said Mark Wolfe. "Our goal is to have the campaign operate as a constant reminder to people," Wolfe said. The firm is currently working with a local graphic artist to design the Be Safe logo, which will then be put on T-shirts, plastic cups and key chains for free distribution to the public. In addition, the law firm plans to host another Charity Wine Tasting in the Fall of 2007.

"Because people in our community continue to be the main source of our new business, we feel its only right to give back to the community as a way of saying 'thank you' for the trust shown by the recommendation of our services," Wolfe added.

## WE CAN HELP YOUR FAMILY AND FRIENDS

A review of statistics from 2006 reveals that over 91% of the new claims and cases in our office came directly from recommendations of people in our community who are familiar with our firm. These recommendations were from former clients, healthcare professionals and other attorneys. 47.9% of the new claims and cases came from recommendations of former clients and 43.3% came from healthcare professionals and attorneys. At Moore & Wolfe we truly appreciate the recommendation of our services. While our main area of practice continues to focus on personal injury claims related to auto-negligence, we strive to provide assistance and guidance to all people referred to our firm even if they have legal questions outside of our primary area of practice. If you have a friend or family member with a legal question, please encourage them to call our office. There is no charge for telephone consultations. 433 -7766.

## DISTRIBUTION STEADY AT 10,000

The first edition of *Legally Speaking* was published on July 1, 1998 and the current format was adopted in the Spring of 2004. Over the past five years, the average monthly circulation is around 10,000. Since its inception, *Legally Speaking* has tried to focus on issues that are important to consumers and auto-negligence victims as well as provide information to M&W friends and clients about activities at the firm. Besides being mailed to 8000 friends and clients each quarter, numerous area businesses keep copies of *Legally Speaking* in their customer waiting areas.



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251-433-7766

*dedicated to protecting the rights of injury victims and their families*

## TV LAWYER "THROWS AWAY" POLICY LIMITS CLAIM

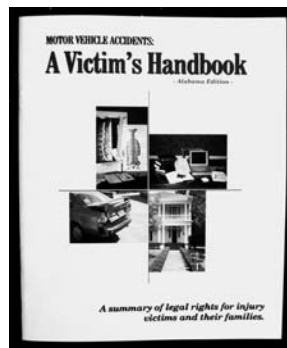
Last quarter *Legally Speaking* reported on a case that a local TV lawyer dropped just weeks before the statute of limitations ran telling the clients to find another attorney because "he did not go to Court." Recently M & W settled a claim for over \$100,000 that had been "thrown away" by a different TV lawyer.

After a severe single vehicle accident in Birmingham, a local family retained the TV lawyer to review and investigate any potential claims arising from the accident. After having the file for almost a year the TV lawyer wrote the family a letter saying there was nothing he could do for them. The family consulted another attorney who recommended that they consult with Moore & Wolfe. In their initial consultation with Mark Wolfe, they explained that they had been cut-off by another car while traveling on the Interstate in Birmingham. They were forced off the road and their car slammed into a tree. There was no impact between their car and the car that cut them off. The car that cut them off never stopped and it could not be specifically identified. Two investigators from Moore & Wolfe worked on the file and confirmed the family's account of the accident. The claim was presented as an Uninsured Motorist claim to the family's insurance carrier who paid the full limits of the available Uninsured Motorist coverage. "I guess he [the TV lawyer] didn't realize that under Alabama law a 'phantom vehicle' is considered to be uninsured thereby allowing victims to make a UM [uninsured motorist] claim under their own policy," said Wolfe. This was the third time in two years that Wolfe has favorably resolved a case discarded by this TV lawyer. "I think it's scary for consumers that lawyers can buy air time on TV or buy big ads in the phone book claiming to be personal injury specialists yet they don't know the basics of injury law or they've never even tried an injury case," added Wolfe.

The Moore & Wolfe web site ([www.moore-wolfe.com](http://www.moore-wolfe.com)) has important information for consumers who are considering hiring a personal injury lawyer. Lawyer advertising is a fact of life and there are good lawyers who advertise, but when hiring a personal injury lawyer it's important for victims to know what questions to ask the lawyer to better determine if that lawyer is right for their case.

## FREE INFORMATION FOR ACCIDENT VICTIMS

*The fourth edition of Motor Vehicle Accidents: A Victim's Handbook* has now been printed. The new edition includes updates on Alabama laws related to motor vehicle accidents and a new color scheme. "Besides updating the law, the new edition has been edited to make it more reader friendly," said Mark Wolfe. "The past editions have included a lot of legalese which we thought made it a little cumbersome to read," said Wolfe. The new color scheme incorporates the familiar green and white colors used by Moore & Wolfe on other publications and used on the law firm letterhead. Wolfe stated that, "*The important thing for injury victims to know is that the publication is still free and that it contains very important information that injury victims should know before trying to settle their injury claims.*"



## TRAFFIC SAFETY NEWS

National Highway Traffic and Safety Administration (NHTSA) Announces Policy and FAQs regarding cell phone use. In a recent press release, NHTSA announced the following policy and FAQs for cell phone use while driving:

### Policy Statement

The primary responsibility of the driver is to operate a motor vehicle safely. The task of driving requires full attention and focus. Cell phone use can distract drivers from this task, risking harm to themselves and others. Therefore, the safest course of action is to refrain from using a cell phone while driving.

### Frequently Asked Questions

**Q. Does cell phone use while driving cause traffic crashes?**

**A.** Research shows that driving while using a cell phone can pose a serious cognitive distraction and degrade driver performance. The data are insufficient to quantify crashes caused by cell phone use specifically, but NHTSA estimates that driver distraction from all sources contributes to 25 percent of all police-reported traffic crashes.

**Q. Is it safe to use hands-free (headset, speakerphone, or other device) cell phones while driving?**

**A.** The available research indicates that whether it is a hands-free or hand-held cell phone, the cognitive distraction is significant enough to degrade a driver's performance. This can cause a driver to miss key visual and audio cues needed to avoid a crash.

**Q. In an emergency should I use my cell phone while driving?**

**A.** As a general rule, drivers should make every effort to move to a safe place off of the road before using a cell phone. However, in emergency situations a driver must use their judgment regarding the urgency of the situation and the necessity to use a cell phone while driving.

**Q. Is NHTSA conducting further research to better quantify the safety impact of using cell phones while driving?**

**A.** NHTSA is conducting research projects on driver cell phone use and will continue to monitor the research of others on this subject. As we learn more about the impact of cell phone use on driver performance and crash risk, and as wireless technologies evolve and expand, NHTSA will make its findings public.

**Q. Is talking on a cell phone any worse than having a conversation with someone in the car?**

**A.** Any activity a driver engages while driving has the potential to distract the driver from the primary task of driving. Some research findings comparing cell phone use to passenger conversations while driving, show each to be equally risky, while others show cell phone use to be more risky. A significant difference between the two is the fact that a passenger can monitor the driving situation along with the driver and pause for, or alert the driver to, potential hazards, whereas a person on the other end of the phone line is unaware of the roadway situation.

**Q. What do the studies say about the relative risk of cell phone use when compared to other tasks like eating or drinking?**

**A.** The current research does not provide a definitive answer as to which behavior is riskier. In a controlled study, comparing eating and operating a voice-activated cell phone to continuously operating a CD player, it was found that the CD player operation was more distracting than the other activities. In a test track study conducted by NHTSA, the results showed that manual dialing was about as distracting as grooming/eating, but less distracting than reading or changing CDs. It is also important to keep in mind that some activities are carried out more frequently and for longer periods of time and may result in greater risk.

## LAW FIRM TO BE FEATURED IN UPCOMING BOOK

The Mobile Bar Association is one of the oldest Bar associations in the United States. To document the history of the Mobile Bar Association a book is currently being written that will chronicle its start and continued growth. Several of the areas lawyers and law firms will be featured in the book. While most of the law firms featured have been around for many years, a few newer and younger law firms will also be chronicled. Moore and Wolfe is one of those firms. "Even though we are a 'new firm' I think our commitment to public service is what got the publisher's attention," said Steve Moore. The following is an excerpt about Moore & Wolfe from the upcoming book:

When Steve Moore and Mark Wolfe established the law firm of Moore & Wolfe in January 1999, the two already had been helping victims in personal injury cases for many years. Practicing together in Mobile since 1993, including five years with a larger civil litigation firm, they shared a commitment to continue to provide excellent service to personal injury victims. The new firm, which added Knox Boteler in August 1999, was determined to reach out to the greater community as well. They decided they would let their legal work, and work within the community, serve as the basis for business development.

Moore & Wolfe, which specializes in personal injury cases related to motor vehicle accidents, chose a community outreach program of taking on various community projects and providing educational material to the public.

"We believe in being active in the community and having beneficial community projects going," Mark Wolfe said. Their business philosophy has been effective. Over eighty-five percent of the law firm's new claims and cases come from recommendations by former clients, healthcare professionals and other attorneys. The law firm has a Martindale-Hubbell AV Peer Review Rating, which is the highest rating attainable by a lawyer or law firm.

Their goal of better educating the public about legal issues began even before the partners opened the doors of the historic Burns-Sparks building on Dauphin Street in midtown Mobile. "Motor Vehicle Accidents: A Victim's Handbook," written by Mark and Steve, was first published in 1994. Since then, 45,000 copies of the publication have been published and distributed at no charge to the public. It has served as a text for law enforcement seminars and seminars for victim advocacy groups and healthcare professionals. In August 2005, Mothers Against Drunk Driving (MADD) awarded it the National Award of Merit for its continued warning on the back cover against drinking and driving. The firm also publishes "Legally Speaking", a quarterly newsletter for consumers and injury victims, and several other free informational booklets and brochures.

In 2005, the firm initiated the Street Safe Campaign by giving local schools and daycare facilities 10,000 coloring books designed to teach children in pre-kindergarten through second grade about safety when walking or playing near streets. In 2006 the firm distributed over 1500 car seat safety brochures to area businesses and daycare facilities.

Most recently, the firm has been raising money to build a new playground on property between Central Presbyterian Church and the firm's offices. The new playground will be used by the community-centered church, whose outreach efforts include an after school tutoring program and hosting homeless families as part of the Interfaith Hospitality Network. It also will be open to families in the midtown community. Besides having annual Public Service projects within the firm, the law firm also supports numerous charities. "I am very proud that our firm has helped over 200 different national and local charities as well as area youth programs with financial contributions," said Mark. "This is in addition to the fact that each of our members is very active and financially supportive

of their respective churches," he added.

By doing good work for their clients and giving back to the community, the law firm of Moore & Wolfe has become the area leader in car accident claims and litigation, and its attorneys have become leaders in our community.

## NHTSA GUIDELINES FOR AVOIDING BACKOVER INJURIES

NHTSA recently published the following article to help drivers avoid causing backover injuries: All Vehicles Have Blind Spots. In the case of a backover incident, the blind spot is the place behind your vehicle that you cannot see in the rear or side view mirrors — or even by craning your neck out the driver's side window. Generally speaking, the larger the vehicle, the larger the blind spot. Blind spots for shorter drivers tend to be significantly larger as well. In addition, the elevation of the driver's seat, the shape of a vehicle's windows and mirrors, and the slope of a driveway can affect the size of the blind spot behind a vehicle. In addition, the smaller stature of children can make them particularly difficult for a driver to see when backing up. So how do you protect a child from becoming a victim of backover?

**Safety Tips for Parents.** Keeping your children out of harm's way requires ongoing education, supervision, and vigilance: there simply is no single fail-safe solution. However, safety experts advise employing the following strategies to help reduce the risk of a backover tragedy occurring:

- Ensure your children are properly supervised at all times, especially wherever motor vehicles might be present.
- Teach children not to play in, under, or around vehicles — ever.
- Always assume children could be present and carefully check the street, driveway, and area around your vehicle before backing out.
- Avoid making your driveway a "playground." If you do allow children in this area, make sure that it's only when there are no vehicles present. To further protect children who may be outside playing, separate the driveway from the roadway with a physical barrier to prevent any cars from entering.
- To prevent curious children from ever putting a vehicle in gear, never leave vehicles running, and keep all vehicles, even those in driveways and garages, locked up tight.
- When backing up, always know where all children are and have them stay in your full view and well away from your vehicle.
- Look behind you as you back out S-L-O-W-L-Y with your windows rolled down to listen for children who may have dashed behind your vehicle suddenly — and be prepared to stop!
- If you're driving an SUV or truck, remember that the blind spot behind your vehicle can be especially large: use extreme care whenever you back up.

Finally, talk with neighborhood parents about backover incidents and ask them to teach their children not to play in or around any vehicle or driveway. By working together to promote awareness and protective home and neighborhood environments, we can help to keep all our children safe.

## AT THE FIRM

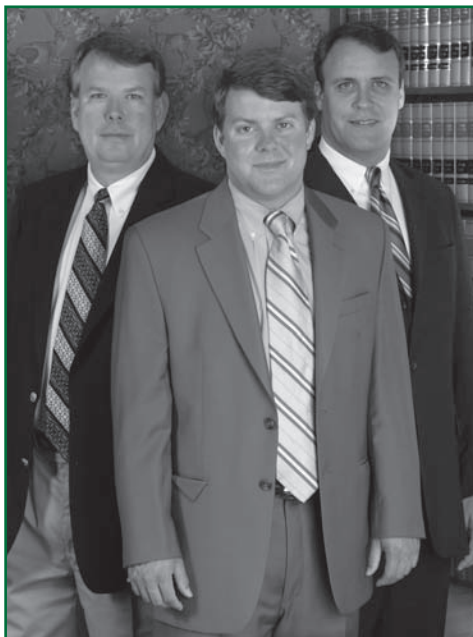
### M&W are SATLA Community Partners for 2007.

The South Alabama Trial Lawyers Association (SATLA) is a local organization of lawyers who represent consumers and injury victims. The attorneys at M&W have been members of this organization since it was founded in 1998. They have also served as officers for the organization. Besides being a professional organization, SATLA supports a wide variety of charitable and consumer awareness projects. To help fulfill this important task, SATLA asks member attorneys and law firms to become Community Partners by donating extra funds over the regular dues to the organization. These extra funds are used to support a wide variety of community projects and charitable activities. M&W has again agreed to be a SATLA Community Partner for 2007. They have held this designation ever since the Community Partner program was started in 2000. Last year SATLA donated over \$10,000 to area charities.

### Community Giving.

Charitable activities continued to be an important outreach to our community. At M&W we believe that being active in our community is an important part of our law firm's identity. At M&W doing good work for our community is just as important to us as doing good work for a client. The following programs and/or organizations received contributions from M&W last quarter:

- Alabama Watch (consumer protection organization).
- The Leukemia and Lymphoma Society.
- The Elijah House RTF Ministries.
- Mobile Bar Association – Volunteer Lawyer Program.
- National Multiple Sclerosis Society.
- Cystic Fibrosis Foundation.
- St. Jude's Children's Hospital.
- Boys and Girls Clubs of South Alabama – Christmas Bike Campaign
- Central Presbyterian Church – Playground Fund.
- Mission of Hope
- Ronald McDonald House
- Wilmer Hall Children's Home
- Daphne Volunteer Fire Department
- Salvation Army



*Leaders in car accident claims and litigation*

## LEGALLY SPEAKING®

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***...or current resident.***

***FREE TO THE PUBLIC***