

**WINTER
2008/09**

Brought to you by
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Referrals

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and neighbors. We
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well as we care for you.
Our firm relies on your
kind referrals!*

**RICHARD P.
CONSOLE JR.**
PC
ATTORNEYS - AT - LAW

Season's Greetings!

*Celebrate the peace and beauty of the holiday season!
We wish you and yours happiness and good health in the coming year.
We would also like to say thank you for choosing our legal services
and for referring your family, neighbors, and colleagues to us.*

Richard P. Console, Jr., PC

How to protect yourself and your family from uninsured and underinsured drivers

With the winter season approaching, weather and road conditions are bound to turn more hazardous. This will increase the rate of road accidents—driving carefully and safely is of the utmost importance. If you are involved in an auto accident, having a policy that provides you with the best liability coverage is essential. To protect yourself, family members under your roof, and your assets, you should have two essential coverage options: uninsured motorist coverage and underinsured motorist coverage.

Uninsured motorist coverage covers you as well as anyone riding with you for bodily injury and property damage from an accident that is the other driver's fault—a driver who does not carry the minimum level of automobile insurance required by law. It will cover your medical expenses and property damage, up to your limit, so you don't have to pay out of your own pocket.

Underinsured motorist coverage protects you as well as any injured passengers for bodily injury and property damage caused by the other driver—a driver who is legally insured, but whose coverage is inadequate. You can collect on damages that exceed the responsible driver's liability limit up to your chosen limit.

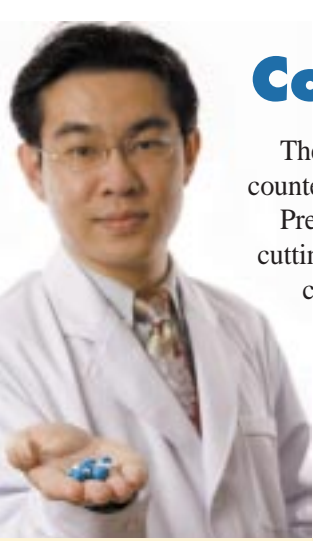
Unfortunately, today more and more accidents are being caused by drivers without insurance or with limited insurance; as a result, we are seeing more "tragedies of insurance." For instance, there is a new type of policy out there called a "dollar-a-day" policy. While technically "legal," this coverage is little more than a piece of paper that provides no compensation to people injured by drivers with these policies. Several of our clients have been the victims of at-fault drivers who had "dollar-a-day" policies. As a result, our clients were left high and dry, with mounting bills resulting through no fault of their own. This is what we mean when we say "tragedies of insurance."

Uninsured and underinsured motorist coverage is incredibly important for any driver; we need the proper coverage to protect ourselves and our families—and it doesn't have to break the bank. These are generally the least expensive aspects of your coverage, so for as little as a few extra dollars a month, you can greatly enhance your protection. I would strongly advise that each of you call your insurance agent to look into raising your underinsured and uninsured motorist coverage limits to \$250,000 to avoid becoming the next "tragedy of insurance."

Happy Holidays,



We take your family's safety and security personally.



Counterfeit medications

There's a "perfect storm" of conditions for makers of counterfeit medications to do their harmful work.

Prescription-drug costs keep rising. Employers are cutting back on medication plans as employee-benefit costs increase. Drug wholesalers are seeking alternative drug suppliers to maintain profit margins. As a result, counterfeit medications are appearing on the market.

For genuine medications, purchase only from trusted pharmacies or online retailers. Patients should also be aware of caution signs of fake

prescriptions or over-the-counter medications:

1. Change in a drug's normal color, size, texture, or taste.
2. Alteration in packaging or labeling color, size, or style.
3. Broken or tampered-with seals or packaging.
4. Onset of unexpected allergic reactions or unusual symptoms and side effects after taking medications.

A patient should contact the pharmacist immediately upon suspicion they have taken a questionable medication. Seek medical help if conditions become serious. Consult with an attorney.

Nursing home injuries

Residential care for elderly nursing home residents is not always delivered as promised, and accidents sometimes occur.

To be sure that staff will safeguard their loved ones' safety and health, adults who help parents enter assisted-living or nursing homes should investigate residences carefully.

Should a safety or injury problem arise, it may not always be easy to determine causes of safety or health problems. Staffs are reticent to talk, and the elderly may be unwilling or unable to explain problems.

Responsible adults who suspect that nursing home care is insufficient or has resulted in an injury should take three steps:

1. Get medical care for the loved one.

2. Notify residence management of concerns.
3. Seek legal counsel. Attorneys familiar with nursing homes can help elderly loved ones receive a high level of care or determine the bases of injuries and hold the responsible parties accountable.

Common concerns

- Decubitus ulcers
- Dehydration
- Falls, dislocations, and broken bones
- Inappropriate physical-restraint use
- Infections
- Physical, emotional, or psychological abuse
- Malnutrition
- Pressure sores



American juries

Fair and effective

American juries are doing an excellent job. Although the right to a jury trial is a cornerstone of our democracy, some critics claim civil juries are irrational, unreliable, and biased against business.

American Juries: The Verdict (Prometheus Books 2007), a new work by two leading jury-research experts, Neil Vidmar of Duke University School of Law and Valerie Hans of Cornell University Law School, reveals that American juries are alive and doing very well indeed.

Book highlights

- Legislation and computer technology have improved juror selection, which more fairly and closely reflects the broader range of our communities' populations.
- Once citizen-jurors get into the facts and data of a trial—no matter what their personal views were prior to empanelment—the jurors' focal point in decision-making and reaching their verdict is the evidence presented by both sides in a dispute.
- Jurors generally believe that corporations should be held to a higher standard of care than individuals because businesses have the potential to hurt more people than any one individual can.





How to complain EFFECTIVELY

Many of us who are dissatisfied with a product or a service may not get the best results from our complaints because we don't complain well enough.

Here are negotiating tips to get better results from your efforts:

1. Register your complaint as soon as possible.
2. Be sure you are talking to the right person—the customer service representative who has the authority to resolve your problem.
3. Get ready to negotiate by preparing several alternative solutions to suggest to the customer service rep.
4. Know which solution you will accept.
5. Be polite but assertive.
6. Use the customer service person's name to establish rapport.
7. Avoid becoming angry.
8. Inquire about the business's customary procedure for resolving complaints, then use it to your advantage.
9. Get the customer service representative to commit to a solution with you.
10. Keep records of your phone calls and letters.
11. Ask for a supervisor only if you feel you will not succeed with the rep.
12. If you do not succeed, file a complaint with authorities such as your state's consumer protection agency or a Better Business Bureau.

FOR YOUR SAFETY

Recalled product roundup

Here are some recently recalled products you may have in your home or at work:

- ✓ **TWIE, also known as Tradewinds International Enterprises, Inc.,** has recalled 152,000 "Sky Champion" Wireless Indoor Helicopters. Onboard rechargeable batteries can catch fire and burn consumers.
- ✓ **Provo Craft & Novelty, Inc.,** has asked buyers to return 730,000 Candsense Warmers, which have internal candle heating elements that can detach, melt their plastic casings, ignite, and burn consumers.
- ✓ **Hearth & Home Technologies, Inc.,** recalled 22,000 IntelliSwitch Fireplace Wall Controls with faulty wall control systems, which can cause the fireplace to turn on by itself and damage property and harm users.
- ✓ **Specialty Lamp International, Inc.,** has recalled 371,000 counterfeit circuit breakers labeled "Square D," which can fail to trip when they are overloaded, posing a fire hazard to consumers. Counterfeit circuit breakers are black and are labeled Square D QO-series models 115, 120, 130, 215, 220, 230, 240, 250, 260, and 2020, and Square D QOB-series models 115, 120, 130, 220, 230, 250, 260, and 1515.



Auto accident repairs

Parts and labor

If you are in an accident and your car is towed to a repair shop, there are two things you should know about parts and labor:

Parts charges

Parts manufactured by a vehicle's original equipment manufacturer (OEM) are best because they fit properly and are installed by authorized and trained mechanics. However, insurance companies urge repair shops to use generic or even salvage-yard parts to save money. Check your insurance policy. Although you can demand that a repair shop use OEM materials, you may have to pay more for OEM parts. Your family's safety is well worth the added cost.

Labor charges

Insurance companies recommend some repair shops because these shops have signed a contract with the insurer to "cap" their charges for specific kinds of work. That also saves money for insurers, but may result in repairs that meet a bare minimum in quality and safety. Select a repair shop you know or people you trust have recommended.

ADDRESS SERVICE REQUESTED

The information included in this newsletter is not intended as a substitute for professional legal advice. For your specific situation, please consult the appropriate legal professional.

Premises liability

People who are injured through the negligence of commercial business owners, property managers, or property owners who fail to protect visitors and passersby from physical harm can call on attorneys for help.

Businesses have a legal duty to provide sensibly safe passage for those who enter their grounds.

Hotel negligence

A motorcycle passenger suffered traumatic brain injury when road flooding caused the vehicle on which she was riding to lose traction and flip. The victim, who incurred just under \$1 million in medical expenses and will require millions in future care costs, sued a hotel employee and trust beneficiaries who owned the hotel for negligence. Her attorney alleged that the hotel's swimming pool water had been illegally pumped onto the road, and responsible parties never warned drivers of the danger. The parties reached a significant settlement.



BANKRUPTCY IN A RECESSION Nothing to be ashamed of

At any point in a person's life, difficult times may occur. These difficulties often involve significant financial debt due to circumstances beyond our control—illness, changes at work, job loss, loss of health insurance, separation, or divorce. Many of us try to get ourselves out of this financial debt and away from high-interest credit cards and personal loans without the use of bankruptcy. This often only worsens the situation by digging us deeper into debt.

Are you only able to pay the minimum monthly payments on your credit cards? Do your credit-card balances keep growing? Are your wages being garnished, or is there a threat of garnishment? Is your home near foreclosure, or is your car about to be repossessed? Do you have medical bills that have piled up and put you deep in debt?

If you answered "yes" to any of the above questions, declaring bankruptcy may be the relief you have been looking for.

Call our office today to be put in touch with an attorney who focuses on bankruptcy and credit-repair issues. Call today, toll-free, at...

866-778-5500

- Chapter 7 bankruptcy
- Chapter 11 bankruptcy
- Chapter 13 bankruptcy
- Debt collection
- Debt consolidation
- Credit problems
- Credit repair and restoration
- Creditor harassment
- Refinancing
- Foreclosure
- Sheriff's sale
- Repossession and eviction
- Utility shutoffs
- Garnishment

Keeping you informed

To enable us to better stay in touch with you, our valued clients, we would like to start sending our newsletters and other informative communications to you electronically. We ask that you please take a minute to send your name and correct e-mail address to us at ktesta@richardconsole.com so you can be added to our e-mail list. We would ask that you also send us the names and e-mail addresses of any friends or family members whom you feel may benefit from this information.