

# YOU & the LAW



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## Things you should know about filing a lawsuit

Few people like the idea of filing a lawsuit, but doing so can become necessary after numerous unsuccessful attempts to resolve a dispute with another party.

On the positive side, the American system of justice allows the average man or woman to be on an equal basis with even the largest and richest corporations when it comes to resolving an issue in court. A major equalizing factor is the “contingency fee” agreement, an arrangement under which many injured persons are able to be represented by top-notch attorneys.

Under the contingency fee agreement, a lawyer representing a person who has been physically hurt or damaged economically by another party is paid only if he or she wins the case in court or through a settlement. Attorneys who work under this fee structure take a risk because they won’t be compensated unless the client is awarded a sum of money. Contingency fees allow an injured person — known as a plaintiff — to be represented by an attorney without having to pay attorney’s fees out of pocket.

Contingency fees are also effective in preventing frivolous lawsuits. A lawyer who works on a contingency fee basis is not likely to accept a case unless he or she is confident that the

case has merit and the client can win. If you were injured or suffered another type of loss and need legal help, you should contact a lawyer experienced in handling such cases. These attorneys are sometimes referred to as “trial lawyers” or



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“personal injury” lawyers, and they often concentrate on representing victims and consumers who have suffered an injury or loss — usually because of another’s negligence.

### **Prepare for initial meeting**

If you find it necessary to consult with an attorney concerning a lawsuit, prepare well for your first

meeting. Take as much documentation about your case with you as possible. An attorney or paralegal will interview you, and being well prepared helps the lawyer evaluate your case.

### **Representation agreement**

If you and the attorney agree to work together, then you will be asked to sign an agreement authorizing the lawyer to represent you. The agreement includes the law firm’s fee structure and it describes what percentage of the amount awarded to you by a court or through a settlement will serve as the attorney’s fee, any expenses that may be incurred on your behalf, and how expenses will be handled.

### **Your lawyer will investigate the case**

After gathering all the relevant information from the client, an attorney will usually conduct his or her own investigation. This can involve reviewing records, consulting with experts, interviewing witnesses and many other steps. Following the initial investigation, your attorney will determine the best way to pursue your case.

Sometimes lawsuits are settled quickly but others can drag on for years and result in a trial. Lawyers work to wrap up cases in favor of clients with as few delays as possible.



## Know your rights if confronted by an abusive debt collection agency

If you've ever fallen behind on paying a credit card bill, bank loan, vehicle loan or any other type of debt, there's a good chance you've had the often unpleasant experience of dealing with a debt collector.

The financial crisis that rocked the United States in 2008 ushered in massive job layoffs, which, in turn, resulted in millions of Americans falling behind on bill payments. Merchants, banks, credit card issuers and others that lend money to consumers will usually allow several months to pass before initiating enforcement action to collect on a loan.

If the lender is not successful in collecting, it will often turn over or sell the debt to a collection agency. It is with the collection agencies that abuse often occurs.

Although federal laws are in place prohibiting collection agencies from

engaging in certain abusive practices, mistreatment of consumers who are down on their luck is a common occurrence.

In fact, the Federal Trade Commission reports that complaints about debt collection practices lead all other complaints filed with the agency. The FTC and the Consumer Financial Protection Bureau are the federal agencies with jurisdiction over debt collection agencies.

Federal law requires that bill collectors treat you fairly, which means a debt collector may contact you in person, by mail, telephone, telegram or fax, but may not contact you at inconvenient times or places. For example, they should not contact you before 8 a.m. or after 9 p.m. unless you agree.

The most common consumer complaints about debt collectors involve

repeated or continuous calls; misrepresenting the character, amount or status of the debt; and failing to send consumers legally required written notice about the debt.

If you want a debt collector to stop contacting you, you must send the agency a letter instructing it to stop. The agency can contact you only one additional time after receiving your letter. That contact should be to notify you that the collection agency or creditor intends to take a certain action regarding the debt.

Laws that regulate debt collection agencies do not necessarily apply to merchants or others from whom you borrow.

Visit [www.ftc.gov](http://www.ftc.gov) to learn more about your rights regarding debt collection agencies and/or to file a complaint about an agency's practices.



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### Debt collectors must follow these rules

- ✓ A debt collector may not contact you at work if the collector is aware that your employer prohibits it. If you are represented by a lawyer, the debt collector must contact the lawyer, not you.
- ✓ If you don't have an attorney, a collector may contact other people only to find out your address, phone number and where you work.
- ✓ A debt collector may not harass, oppress or abuse you or any third parties contacted about you.
- ✓ A debt collector may not lie or mislead anyone when collecting a debt.

# Having a living will can spare your family difficulties

Making end-of-life decisions for a critically ill loved one is difficult, especially if the person provided little guidance on what he or she wanted done in such circumstances. Adults, regardless of the status of their health or age, should consider preparing what's called an "advance directive."

There can be several parts to an advance directive, with a "living will" perhaps being the best known. An advance directive can include a living will, medical power of attorney, do-not-resuscitate order, organ donation wishes and other elements. Having an advance directive will let your doctors and family know your wishes if you are in a coma or have another condition that impairs your ability to make decisions.

While all of this may sound complex to prepare, that's not necessarily the case. Free forms for advance directives are available from a multitude of sources, including state agencies, hospitals, doctor's offices, health insurance companies, law offices and many others. Entering the name of your state and "advance directives" in your Internet search



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engine will lead you to numerous sources for these free documents.

"One-size-fits-all" doesn't always work well with advance directives, so some people may prefer to seek assistance from an attorney when preparing these documents.

A **living will** is a legal document that specifies the types of medical treatments and life-sustaining measures you wish to be taken or not taken.

A **medical or health-care power of attorney** designates an individual who can make medical decisions for you if you are not able to do so yourself.

A **do-not-resuscitate** order is a request to not have certain procedures, such as cardiopulmonary resuscitation, if your heart stops beating. It's optional to have a do-not-resuscitate order as part of your advance directive.

If you use a free document for your advance directive, make sure it applies to where you live because laws can vary from state to state.

Also make certain to follow all instructions, such as signing and dating the documents. Once you've completed the advance directive documents, you should put a copy in a safe place where it can be found by your family members, tell someone close to you where you put the document and provide a copy of the document to your doctor.

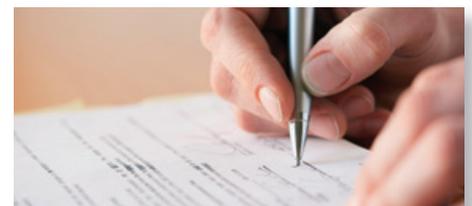
# Have a written agreement for loan to relative or friend

Most people have heard the wise proverb: "Lend your money and lose your friend." The message of this proverb is that lending money to a friend or relative often ends with sore feelings and, possibly, even legal problems.

It's difficult to say "no" when a friend, child, sibling, cousin or other relative asks to borrow money. It's in most people's nature to be helpful, especially to a friend or relative in need. However, many friendships have been lost and families torn apart because of financial transactions that have gone wrong.

One way to reduce the chances of conflicts when making a loan is to treat it like a business transaction. A bank requires you to sign a written agreement before it provides a loan, and you should follow the same practice. Doing so can help avoid misunderstandings that can result in broken relationships.

Your loan agreement should spell out the amount of the loan and the terms under which it will be repaid. Terms include the amount of the loan, rate of interest, the schedule on which the money will be repaid and



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the consequences if the borrower defaults on the loan. If the amount of money you are lending involves a significant sum, you might consider having your attorney prepare the loan document, which should be signed and dated by the lender and borrower and witnessed by a third party.



# Sticker shock: Auto insurance rates for teens

If your oldest child is approaching driving age, you could be in for a shock when you apply for auto insurance to cover him or her. Adding a teenager to your insurance policy could increase parts of the premium by 50 percent or even 100 percent.

The reason for the higher rates is simple: Teens — especially boys — are more likely to be involved in accidents. The reasons for this are varied, including less experience behind the wheel, being more susceptible to driver distractions and a tendency among some young males to engage in risky behavior.

As a parent, chances are you won't be able to avoid a rate increase when your teen gets a driver's license, but there are several things that can soften the blow.

- ◆ Some insurers offer discounts for young drivers who are students and make good grades



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in school. Ask your insurer if such a discount is available. For example, one large insurer offers savings of 15 percent to 35 percent for drivers with a B or better average.

- ◆ Completing a driver-safety and education course could qualify your teen for a lower rate.
- ◆ The value of a vehicle is an important factor in setting rates. Ask your insurer if buying an older and less expensive vehicle will lower your rate.
- ◆ Some insurers charge higher rates for certain types of vehicles. For example, a luxury sedan or sports car might come with higher premiums than a basic vehicle. Consider changing vehicles if the savings make it worthwhile.

Keep in mind that children often mimic the actions of their parents; so if you speed, drive while intoxicated, run red lights and engage in other risky behavior, your teen might be inclined to follow your example.

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