

Mark A. Anderson's

LAW TALK



MAY 2009

INSIDE THIS ISSUE:

Look Out for Facebook...2

Bizzare Case of the Month.....2

Check Out Our Blogs.....2

Mark Publishes Book.....3

Guest Attorney Clemente DeLaCruz.....3

Welcome Back Sarah.....3

Q & A with Mark.....4

RECESSION: INCREASE YOUR UNINSURED MOTORIST INSURANCE COVERAGE

We all know we're experiencing one of the worst recessions in decades. But what you might not know is that Texas is one of the highest-ranked states in terms of uninsured drivers. We also live in a state where there's an extremely high number of drivers who *only* carry the minimum limits of liability insurance, which is only \$25,000. This is bad news for everyone on the roads.



Texas ranks 9th in the U.S. for uninsured motorists!

When the economy slows down like it has, it is my belief, as well as the belief of economists, that people will cut back in every way they can—including canceling their car insurance policy or reducing the coverage that they already have. It's one easy way to save money.

But the consequences of everyone else saving money on car insurance can be catastrophic to your own finances if you are in a car accident. The cost of medical care increases each year. Even if a party who causes a wreck has the minimum limits of insurance, a trip to the hospital after an accident can easily consume that entire policy.

So what's a responsible Texan supposed to do? I strongly suggest you buy as much uninsured motorist coverage as you can afford. I hate seeing the financial hardships caused to my clients who fail to carry Uninsured/Underinsured Motorist Coverage (UM/UIM). UM/UIM provides you with compensation to cover your medical bills and lost wages if you find yourself in an accident and the at-fault person either doesn't have any insurance at all or doesn't have enough insurance to compensate you for your injuries. Basically, you are buying protection to cover other people's mistakes.

I sincerely believe that dollar for dollar,

UM/UIM coverage is the best value of any insurance coverage. It's typically cheaper than your normal liability coverage and covers the most important people: you and your family. UM/UIM coverage also covers you if you're the victim of a hit-and-run driver.

Since most insurance companies use credit scores and other things to help determine what rates they will charge you for their insurance, it's impossible for me to tell you how much UM/UIM coverage will cost you. But I do know that it's worth the money to safeguard you and your family in case of an accident.

Also, you can carry minimum liability insurance for \$25,000 and carry UM/UIM coverage in a higher amount. I don't think that's being selfish—you're just buying additional insurance for yourself and your family.

Car accidents are the No. 1 cause of injuries and deaths in the United States. In Texas, there are more than half a million accidents each year which cause injuries to more than 200,000 people and approximately 500 annual deaths. Statistics show that there's a 90 percent chance of getting into a car accident sometime in your lifetime, so covering yourself with the right kind of insurance is a necessity.



7625 Bellaire Drive South, Suite 130

Fort Worth, TX 76132

817-294-1900

877-294-1115

www.maafirm.com

ACCIDENT & INJURY LAW

Bizarre Case of the Month

In the injury law business, we get to see all kinds of crazy things that cause accidents and personal injuries. Mark resolved a case last month where a lady was driving down the freeway while pumping breast milk. She ended up rear-ending our clients' stopped car at 60 miles per hour—which resulted in major damage to the couples' Jetta (in the photo, it's hard to even tell what kind of car it is). Our clients' injuries included broken ribs and fractured vertebrae, which eventually healed. The breast pumper's insurance company didn't even try to offer up an excuse for her actions! Mark likes to multi-task, but being a male, he's never had the opportunity to try that trick.



As Facebook Flourishes, Take Precaution

The online social-networking site Facebook is a rather recent internet phenomenon, having only started in 2004 by a student working out of his Harvard dorm room. In just five short years, the site has grown to have over 200 million users (including myself).

The premise for this social network was to create an online version of the relationships people have in real life, and with its alarming growth rate of 5 million new users each week, Facebook may soon be the No. 1 way people choose to communicate over long-distances.

The way the site works is each user has a profile page where he or she can post pictures and information about themselves and their interests. Facebook users can become "friends" with other users and this enables them to see those friends' profile pages. Also, groups are formed which allow people with similar interests or something in common (such as a high school graduating class) to communicate with each other.

Popularity aside, Facebook user profiles unfortunately sometimes reveal *too much* about people which can interfere with important things like finding a job, keeping a job or, you guessed it, legal matters.

A lot of people know by now that if you are interviewing for a job, you need to have a "clean" Facebook profile. This obviously means no inappropriate photographs, crude language on wall posts or really anything that might be offensive to a potential employer who's looking to hire you. College graduates are now strongly encouraged to get their Facebook pages in order before they start job-hunting.

But now, *keeping* your job may be threatened by the use of the site. In late April, a Swiss insurance worker was fired after she called in sick to work and her boss noticed activity on her Facebook profile while she was supposedly resting at home. The breach of her boss' trust caused her to lose her job.

Not surprisingly, Facebook is now creeping into the legal world. If you're involved in any legal matter that is or might turn out to be adversarial, then you must be extremely careful with what you (or others) post on your Facebook profile. For instance, divorce lawyers are fast to capture the Facebook page of the other spouse before he or she gets wise and removes incriminating content. Any mention of, let's say, a new girlfriend, can be very detrimental to a divorce proceeding.

Injury claims are no different. If you are pursuing an injury claim, you must be careful of the accessibility of Facebook. If an injured party posts pictures or writes about a wild weekend, it could easily give an appearance which might be inconsistent with that person's claimed injuries.

Facebook can be a great tool for communication—I have a profile page and enjoy reconnecting with folks from high school and college. If you are on Facebook, feel free to invite me to be your friend. However, whatever you do just don't forget that *everyone* has access to it. If you're making a personal injury claim, going through a divorce or applying for a job, keep in mind that what you choose to put on your profile can quite easily affect your life. Future employers (and lawyers like me) are watching!



Facebook reached 200 million accounts in April

Check out our blogs:

www.FortWorthInjuryLawyerBlog.com

and

www.DallasFortWorthCarAccidentLawyer.com



MARK'S BOOK IS NOW AVAILABLE

Mark is happy to announce that his book, *15 Mistakes That Will Wreck Your Texas Accident Case*, is available this month.

The book covers how to avoid the costly mistakes people make after an accident which will affect the success or value of their injury claims.

It also explains the legal claims process for those who aren't familiar with what goes on, as well as important topics like

why you can't trust insurance companies, how to determine the value of your injury claim and what to look for in an injury attorney.

Mark hopes the book will help out innocent injury victims, as he has seen firsthand the damage some people do to their own cases without even knowing it.

15 Mistakes is available for sale on amazon.com. While ordering it there would help with Mark's daughter's college fund, if you call the Anderson Law Firm and ask for a copy, we'll be happy to send you one for free. (That is, if you're a Texas resident.) Just call our office at 817-294-1900 and ask for Morgan Blunk.

WELCOME BACK!

The Anderson Law Firm welcomes back the newest member of our staff—Sarah Newbaker. Sarah has worked with us before, from 1999 to 2006, assisting Mark with his injury cases. We're very pleased to have her back on our team.



When you call the Anderson Law Firm, Sarah will be taking your calls. Welcome back Sarah!

GUEST ATTORNEY: CLEMENTE DE LA CRUZ ON DWIS

In Texas, there are approximately 100,000 DWI arrests a year. Drinking and driving is dangerous and no one should do it. But if you're unfortunate and get pulled over after a social drink or two, here are some helpful tips which can increase your chances of vindicating yourself in the event you are wrongfully accused of driving while intoxicated.

• **Respectfully decline the breathalyzer test.** These machines are not always accurate. Many factors can affect their accuracy. Although most citizens are informed that refusing to give a specimen of your breath will result in a 180-day driver's license suspension, you're entitled to a civil hearing in front of an Administrative Law Judge who determines whether the State can suspend your license. Your attorney will argue your case and you don't even have to attend this hearing. While your license can be suspended temporarily, giving a specimen of your breath or blood can often strengthen the State's case. You have a right to refuse to give a specimen except under a few circumstances. Without a specimen, your arrest is based on nothing more than the officer's opinion and everyone has an opinion—including jurors. An officer's opinion doesn't necessarily meet the highest burden of proof in our country—Beyond a Reasonable Doubt!

• **When asked to take a Standardized Field Sobriety Test (SFST), it's important to inform the officer of any medical condi-**

tions you have. These can affect a person's ability to perform SFST's. The SFST is made up of 3 separate tests. First, in the "Horizontal Gaze Nystagmus," an officer examines a citizen's eyes and tries to detect nystagmus (an involuntary jerking of the eye as the eyes gaze toward the side). Some people are born with natural nystagmus. Other causes are brain tumors, brain damage, diseases to inner ear and more.

The second test is the "Walk and Turn" and many factors can affect a person's performance on this test. The test was designed in a controlled environment where the floor was level, the lighting was good, the temperature was comfortable, and there was no wind. A SFST can occur on a street designed to shed water, in the night with uncomfortable surroundings, like 18-wheelers passing by. Also, let the officer know about medical conditions that might affect your ability to perform the test, for instance, back problems, bad knees or other injuries.

The third test is the "One Leg Stand." The Standardized Field Sobriety Manual states that persons over the age of 65, people with back, leg or middle ear problems, or people who are overweight by 50 or more pounds have difficulty performing this test.

SFST's are almost always filmed and recorded. Most lawyers don't put their DWI clients on the stand at trial, so the recorded test is usually your only chance to explain anything which might have affected your ability to perform the test correctly, or why you refused to perform. Make sure to inform an

officer of any medical conditions and remember, you still **HAVE THE RIGHT TO REFUSE ANY OF THESE EXAMS** and in my opinion, should.

• **If arrested, remember you're being recorded the entire time—even when you're in the backseat of the police officer's car.** Exercise your 5th Amendment right. Our country does not require you to incriminate yourself. In fact, you have a right not to. Consult with a criminal attorney—preferably one who's been through the certification process to administer the SFST. The only way for an attorney to effectively cross-examine an officer on the SFST is to understand the administration of the test.

• **Most of all: BE RESPONSIBLE.** It's not a criminal act to have a cocktail at dinner and drive. To be intoxicated to the point that a person has lost the use of their mental and physical faculties is a criminal act and no one wants that on our streets!

Being arrested for a DWI is very unpleasant. So please, be responsible and remember these tips in the event you are wrongfully accused.

Clemente De La Cruz is a criminal defense attorney. He can be reached at 817-335-5050 or at 601 University Dr, Ste. 109, Fort Worth, TX 76107.





7625 Bellaire Drive South
Suite 130
Fort Worth, TX 76132

Phone: 817-294-1900
Toll Free: 877-294-1115
Fax: 817-294-3113

Check us out at:
www.maafirm.com

ACCIDENT & INJURY LAW

The Anderson Law Firm handles all types of personal injury cases including every kind of motor-vehicle accident (car crashes, truck and bus wrecks, motorcycle collisions), pedestrian-crosswalk and bicycle accidents, drunk-driving accidents, dog attacks, dangerous drug cases, injuries to children and wrongful death claims. If we're unable to help you with a particular legal matter, we're happy to refer you to an attorney who can.

WE GET QUESTIONS...

Q: I WAS IN AN ACCIDENT BUT THE POLICE OFFICER DIDN'T WRITE ANY TICKETS OR MAKE AN ACCIDENT REPORT. CAN I STILL MAKE A CLAIM AGAINST THE OTHER DRIVER TO GET MY CAR FIXED AND COMPENSATE ME FOR MY INJURIES?



A: Yes, you sure can. If the accident was indeed the other driver's fault, you can pursue a claim against the other driver's liability insurance company to pay for your car's damages and your injuries.

The fact there were no tickets issued and no accident report made does not prevent you from making a claim—it just makes it a little more difficult to prove.

Police officers have great discretion on issuing tickets and we routinely see accident reports completed with an assignment of fault but with no ticket issued (even when one could have been written). Also, if the cars are able to be driven from the scene and no one has to go to the hospital in an ambulance, then the investigating police officer often doesn't write up a report and merely facilitates the exchange of insurance information.

So don't let the lack of a ticket or a report deter you: If the accident was not your fault, you should not be penalized.

A Texas Peace Officer's Crash Report is not filled out for every accident.

If you have questions, feel free to submit them to:

info@maafirm.com