



# Jebaily Law Firm, P.A.

# MY

# LAWYERS<sup>SM</sup>

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## JEBAILY SPONSORS FLORENCE PHANTOMS



**Jebaily Law Firm, P.A.**, recently sponsored “Heroes in Uniform” night at the Florence Phantoms arena football game. This night honored all of those men and women who dedicate their lives to others, from firefighters to police to our military at home and overseas. During the game, money was collected from the fans to raise funds to help “Operation Gratitude” reach their goal of sending at least 50 Patriotic Care Packages to the brave men and women serving overseas. Jebaily Law Firm, P.A., proudly supports all of our men and women who are serving our country overseas and at home.

In 2007, we partnered with the Florence Phantoms and became the “Official Law Firm for the Florence Phantoms.” We are excited to announce that this will continue through their 2008 season. This team brings a lot of excitement to the Florence area, and we are proud to support them!

## OUR NEWSLETTER TO YOU!

We’re sending our newsletter to you because we care about your family’s security and well-being.

In each issue, we’ll give you information to help keep you and your family safe and healthy. Our newsletter will suggest protective steps to reduce the chances of harm or injury in your car, at home, at work, at school, or at play. We’ll also update you about legal issues and cases you’ll find helpful and which can improve everyday living. Should you or a loved one suffer personal injury—and find you need us—you’ll learn a lot here about what your legal options and remedies may be.

We hope you enjoy this newsletter. We have prepared it with the same personal and professional touches that you feel when you visit our practice. We also thank those who ask us to represent their legal needs and those who recommend us to others. We hope you’ll share this information with friends and neighbors. We are also pleased to announce another resource for our friends and clients: the new Jebaily Law Firm Web site. Please visit us at [www.jebailylaw.com](http://www.jebailylaw.com).

### SUMMER 2007

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### OFFICE HOURS

Monday-Thursday  
8:30 a.m.-5:30 p.m.  
Friday  
8:30 a.m.-5:00 p.m.

- Home and hospital appointments available
- 24-hour emergency services

“Lawyers Helping Injured People”<sup>SM</sup>

# Disability discrimination

## ...and the U.S. military

America's military personnel deserve the nation's deepest appreciation. One way we can honor our nation's military is to respect their families' rights, especially disabled family members.

Last year, several military families reached a landmark settlement in the first lawsuit in the nation which claimed that privately operated on-base housing led to systematic discrimination against disabled family members.

U.S. Army veteran Tamarra Johnson and six other families at Fort Lewis, Washington, sued, on behalf of their families, to make sidewalks, parks, playgrounds, and other community facilities accessible. The private firm operating the post's housing agreed to make ten percent of the existing residences at Fort Lewis accessible and to design and construct all future buildings in compliance with the Americans with Disabilities Act. The suit also helped establish a process for the 3,000 families stationed at Fort Lewis to request accessibility accommodations.

Before the lawsuit, soldiers say there was widespread discrimination and retaliation against them simply because they had a disabled family member.

*U.S. Army veteran Tamarra Johnson and six other families at Fort Lewis, Washington, sued, on behalf of their families, to make sidewalks, parks, playgrounds, and other community facilities accessible.*



**Tamarra Johnson**

## Alzheimer's and patient care

Families who have a member suffering from Alzheimer's disease often find their beloved may require long-term-care attention at an assisted-living residence.

### Alzheimer's symptoms

- Confusion
- Faulty judgment
- Language difficulties
- Misplacing objects
- Memory loss
- Mood swings
- Personality changes
- Everyday task performance problems
- Thinking challenges
- Wandering



Responsible family members usually select residences that provide strong clinical skills, sensitive and competent caregivers, nutritious food, adequate exercise, and interesting activities for their loved ones.

### Residence negligence

If an assisted-living facility is negligent in meeting expectations, families have recourse in our civil justice system. When a parent suffering Alzheimer's died at a care facility, her family and estate sued the residence, alleging failure to provide proper nursing care, to prevent the patient from injuring herself, and to follow a staff physician's orders to transfer the patient to a psychiatric facility. A jury's verdict resulted in a significant award.



## Client service Guiding values

Our pledge to each client is always to do our best every time you call on us for legal assistance.

Here are several guiding values that our firm holds dear:

### Client interest—

Whether we are representing someone injured in an auto accident or managing complicated commercial matters, we always focus on the best interests of our clients.

### Flexibility—

Our years of counsel and trial experience tell us when it may be best for a client to litigate or to settle.

### Forward thinking—

Anticipating what may happen next in each phase of a case and constantly foreseeing the final step—a trial—help us stay ahead of the curve.

### Hard work—

Diligence, to us, means committing all of our experience, creativity, and energy to each client's case

### Hope—

Clients often ask for our assistance after they have tried several other approaches that failed to deliver results.

### Passion—

We will struggle on behalf of the little guy facing powerful adversaries.

**We hope that the quality of our service always pleases you.**

**Caution!**

## Online resume scams

Identity thieves are at it again. This time, they're defrauding online job seekers.

Wrongdoers troll services such as GettingHired.com, Jobs.AOL.com, Monster.com, and others, looking for information such as names, addresses, phones, and more to build false identities. They even post fake job ads in the hope of getting applicants to return Social Security, credit card, and even banking account numbers.

### Protect yourself

- Use the "hide information" option on job-site postings, if possible.
- Never provide your SSN.
- Even information such as eye or hair color or marital status can be used to establish a false driver's-license identity.

### Anticipate outcomes

- Your current employer may locate your posted resume.
- Employment recruiters may contact you.
- You may get spammed with computer viruses.



## FOR YOUR SAFETY

### Recalled product roundup

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

- ✓ **Scubapro®, USA**, has requested scuba divers to return 48,500 Scubapro® MK 20 First Stage Regulators. Overtightening the yoke or din retainer during annual servicing may result in regulator stress cracks and failure, posing a drowning hazard.
- ✓ **Wal-Mart Stores, Inc.**, has asked buyers to return 165,000 Home Trends Wood Footstools, which can collapse and harm consumers.
- ✓ **DeWalt Industrial Tool Company** has voluntarily recalled 97,000 framing saws and 37,000 circular saws. The lower blade guard may fail to close, leaving the blade exposed and presenting a laceration hazard.
- ✓ **Atico International USA, Inc.**, recalled 54,000 Espresso Express™ Espresso Makers with faulty heating elements that can separate from bases and burn users.
- ✓ **Black & Decker, Inc.**, is recalling 272,000 Black & Decker BV4000 Type 1 Blower/Vacs with a loose cord connection that can overheat and cause burns or a fire.
- ✓ **Weil-McLain** recalled 16,000 Weil-McLain Ultra Series Gas Boilers with incorrect installation instructions. Connecting boilers to LP gas without installing a propane conversion kit may result in carbon monoxide poisoning.

## Contingency legal fees

### Study refutes critics' claims

Opponents of America's civil justice system often claim that when trial attorneys represent clients on the basis of contingent fees—handling claims in exchange for a percentage of the recoveries clients receive—excessive and frivolous lawsuits result.

Critics commonly argue that contingency-fee caps will resolve their alleged problem. However, a study by two economics professors, Alexander Tabarrok and Eric Helland, has found quite the opposite. The professors analyzed completed cases in 16 states—8 states with caps and 8 states without caps—and reported that contingent fees...

- provide lawyers with strong stimulus to preview cases carefully and eliminate frivolous petitions.
- motivate attorneys to work hard to win fair cases for plaintiffs.
- enhance court access for low-income plaintiffs who can't afford lawsuits and who do not pay legal fees if they lose.
- help spread the cost of risk since contingency-fee legal counsel is a business endeavor that trial attorneys take on voluntarily.



To enable us to communicate more easily with you, please send your e-mail address to us at [jebailylaw@peedeelaw.com](mailto:jebailylaw@peedeelaw.com)

*My Lawyers*<sup>SM</sup> is published for our clients and friends. This newsletter is not a substitute for legal advice. If you have any further questions or comments, seek advice from professional counsel. We encourage your comments and questions.

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## The faces of medical malpractice

Jessie Geyer was seven when she became a victim of medical malpractice.

After she awakened with a high fever and unable to walk, Jessie's mother took her to their pediatrician, who told her to rush Jessie to an emergency room.

There, an attending doctor examined Jessie and diagnosed her as having the flu, telling her family that Jessie's blood culture had come back clean. The family went home, but that night, Jessie went into septic shock and died.

Her death resulted from an easily treatable, common bacterial infection. Yet the hospital failed to perform a simple blood-culture test that would have shown what caused Jessie's illness. More disturbing, the attending doctor who treated Jessie lied about having performed the culture.

Jessie's parents searched for a year to find a lawyer who would take their case, because the California Medical Injury Compensation Reform Act (MICRA) makes pursuing and investigating medical malpractice cases prohibitively expensive.

"We didn't have a cause of death. I couldn't get an answer from the doctors. I asked them, I tried. I had to get the medical records. I called an attorney, and that's when I found out about the MICRA law. And I made it my crusade to try and change it and get the word out...."

The Geysers are now awaiting trial.



Jessie  
Geyer



## Property-owner negligence

When innocent persons suffer any kind of serious injuries because of property owners' negligence, an attorney familiar with premises liability can help victims obtain compensation for medical bills, lost wages, pain and suffering, and other damages.

An experienced personal injury lawyer can evaluate an incident, communicate with property owners, negotiate with insurers, locate experts to testify on a plaintiff's behalf, if necessary, and present the case at trial.

### An elevator attack

A city apartment-building tenant entering an elevator was shot by a mugger four times. He sustained one wound to his head. When he sued, his attorney claimed the building's owner was aware that locks on doors were constantly broken. Although the owner claimed broken locks were irrelevant since the assailant followed the plaintiff into the building, parties settled on the trial's third day.