

O'Neal Law Office

Law and Life Newsletter

Number 9

September 2006

LEGAL LEAD STORY: ATTORNEY-CLIENT RELATIONSHIP—A TWO-WAY STREET

October 2006 will mark 10 years that I have been practicing law. My tagline, “personal attention, professional results” was derived from my perception that most clients seek a lawyer they can talk to and trust with their important legal matters. An attorney should not use his paralegal, secretary or other staff person as a barrier between himself and the client. While the support staff are of vital importance to a lawyer’s practice and can help clients with many of their questions, often the client wants to talk directly to her attorney. Regardless of whether a client pays an attorney an hourly fee, a retainer, a contingent fee or nothing at all, it is important that the attorney and client communicate regarding significant developments in the case.

One of the most frequent complaints from clients to the North Carolina State Bar is that their attorneys fail to return their phone calls or otherwise keep them abreast as to the status of their case. Admittedly, attorneys do become busy and it is important for clients to remember that sometimes it is just not possible to be available to take a phone call. If I am devoting two hours of my afternoon to prepare a client for his deposition, then it is not possible (or would be somewhat rude) to interrupt this time to take a phone call from another client unless the call is a dire emergency. However, it is important that I return that client’s phone as soon as practical.

Here are some things that clients can do to help their attorney in handling their case:

Keep good records. Organize financial documents, receipts, medical bills, records and other items. In many cases, the sheer number of documents to be reviewed will require a good deal of the attorney’s time but the less organized the documents are that you provide your attorney, the more time it will take him to review them. This can be especially important if you are paying your attorney an hourly fee. After hiring your lawyer, you should create a notebook, folder, envelope or other file system in which you place documents that may be needed in your case. One additional note is that clients generally should not write directly on documents that they intend to provide to their attorney or use in their case unless directed to do so by the attorney.

Listen to your lawyer. Most people hire a lawyer because they realize the need for a trained professional to review and handle their situation. While the ethical rules that govern lawyers’ conduct state that the strategic legal decisions are within the province of the lawyer, most of the decision-making power in your case rests with the client. So, for example, while the lawyer may decide whether or not it is advisable to take the deposition of a witness, you alone make the final decision on whether to settle your case and for how much. “Listen to your lawyer” is not necessarily the same as “do as your

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lawyer says to do". It is not necessary that you agree with your lawyer and follow her recommendations but understand her reasoning and the pros and cons of your decision.

Ask questions if necessary. It is okay to ask questions about your case especially when you are being called upon to make a decision. Good lawyers provide their clients with the information needed to make informed decisions pertaining to their case. The old adage of "the only dumb question is the one that you do not ask" applies here.

Do not hide information. For the most part, your conversations with your lawyer are privileged and cannot be shared with other persons. The lawyer is the last person to whom you should lie or misrepresent information. Failing to give your lawyer truthful information handicaps her ability to effectively represent you and may also have devastating results for your case. By being honest with your lawyer, you can have a frank discussion of your case, the applicable law and the prospects for your case.

Respond appropriately and on time. Any attorney-client relationship is a team effort in which the attorney will, from time-to-time, call upon the client to provide certain information or otherwise actively assist in the case. If your attorney sends you some documents and provides a deadline for you to return those documents to his office, try to complete the documents as fully as possible and meet the stated deadline. If, for some reason, this is not possible call the attorney ahead of time and let him know. Sometimes failing to respond by a deadline can negatively affect claims and defenses in your case.

By following these simple ground rules, you can greatly improve your relationship with your lawyer and often aid in the handling in your case. A client's trust is a very serious asset and a lawyer must work to earn and maintain that trust. Lawyers are people too and we just ask that clients meet us halfway so that, together, we can get the job done! -OLO

HEALTHFUL HINTS: Trade In Your Hyundai For a Lexus

Please, no Hyundai jokes. My first vehicle was a white 1989 Hyundai Excel hatchback that I purchased while I was a college student. I paid too much for the vehicle and got rid of it after 60,000 miles and several serious (and costly) problems. Since that Hyundai, I

have realized the value of spending a bit more up front to save down the road. The same principle applies to your body. It may cost a bit more on the proverbial front side to live healthy but the benefits pile up and save you money as the years go on. Many people have a Hyundai body due to their food intake, exercise habits and other

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lifestyle choices/factors.

Fortunately, it does not cost nearly as much to upgrade your body from a Hyundai to a Lexus as it does to trade in your Hyundai vehicle for a Lexus.

Lexus' slogan is "the relentless pursuit of perfection." I am not necessarily plugging the goal of perfection because, let's face it, we all have some weaknesses. A few of mine are Coca-Cola, fried okra and Vienna fingers. However, I am dedicated to taking care of myself and putting higher quality food (gas) in my body (engine). This is why I try to eat small, high quality meals or snacks every 3-4 hours and I try to exercise at least 3 days per week. Yes, I have "cheat days" or "cheat meals" which are usually on the weekends. During these "cheat meals" I am not as stringent with my nutritional requirements. Here are some tips if you are looking to upgrade your body, your state of health and your quality of life:

Check all fluids: No alcohol, more water, fewer sugary drinks and coffee in moderation (not daily). Make sure that you are drinking *at least* 64 ounces of water per day unless told otherwise by a physician,

dietician or other related professional. One other note: your "output fluid" should be clear in color. If it is dark or has a strong odor, you are likely getting too little water and too much of some other things.

Check your tires: Is the tread or sole on your shoes worn down? Do your feet hurt during and after wearing those shoes? Sure, you could buy some comfort pads for the shoes but perhaps it's your feet that need to be checked. If your feet are OK, then you may need to look at investing in some better quality shoes.

Check and change your windshield wipers: Your eyes are your window to the world. Get vision checkups every one or two years to ensure the health of your eyes and aid in early detection of diseases such as glaucoma.

Vacuum your interior: Eating oatmeal, beans, and other fiber-laden foods as well as drinking plenty of water helps your body regulate waste and maintain a healthy interior.

Recharge your battery: Your brain is one of the key parts of your body. Strengthen it and keep it sharp as if it were a

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muscle. Shut off the TV and do crossword puzzles, play Scrabble, engage in intelligent conversation, listen to talk radio and participate in other mentally-stimulating activities to keep your brain engaged.

The heart is perhaps the most valuable muscle in your body. Exercise at least four times per week and eat heart-healthy foods such as skim or low-fat dairy products, egg whites (dump the yolks), fresh fruits and veggies as well as whole grains and pastas. Limit your intake of saturated fat and transfats. Use olive oil and canola oil and dump that vegetable oil, lard or other greases and gravies.

Your car is often a major investment but your health is an even more important investment. While a new Hyundai may be under \$20,000 and a new Lexus may be over \$30,000, your quality of life is priceless! -OLO

SPARTAN SPOTLIGHT **UNCG FallFest 2006**

This year's UNCG FallFest celebration promises to be bigger and better than ever. The event runs from September 30th to October 8th and includes activities all across campus involving the arts, sciences, athletics and much more!

On Saturday afternoon, September 30th, the West Lawn area of the Elliott University Center will be transformed into Spartan Village with food, music and many more attractions. The theme will be "The Tailgate You Never Had".

A focal point of FallFest will be the kickoff of the public phase of the Students First Campaign which is aimed at raising millions of dollars for student scholarships, fellowships, faculty recruitment and retention as well as other University needs. For more information on the Campaign, visit <http://www.uncg.edu/dur/campaign/students.html>.

Another highlight of FallFest weekend is Fam Jam 2006/Black Alumni Reunion (Friday, September 30th thru Sunday, October 1st). This year's event will be dedicated to the memory of the late Pamela Wilson. Pam was the Director of UNCG's Office of Multicultural Affairs who touched many lives across campus and was a shining example of the University's motto of "service". She passed away suddenly on March 5, 2002. A scholarship fund has been created in her name. To make a donation to the scholarship fund, please make a check payable to "UNCG" and place "Pam Wilson Scholarship Fund" in the memo line of your check. Mail checks to:

Brett A. Carter
Assistant Dean of Students
Dean of Students Office, Student Affairs,
UNCG

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FallFest will have something for everyone. For my fellow UNCG alums and friends, come back to campus to see what you've been missing and, for all others, come join the Spartan bandwagon. UNCG has been ranked in several national magazines for its quality of education and its relative affordability. The campus is one of the more picturesque and perfectly located in the UNC system.

For more information on FallFest go to: <http://www.uncg.edu/ala/FallFest.html>. Register and revel in the campus celebration. I hope to see you on campus soon. Go Spartans! -OLO

Buckle Up or Pay Up!—New NC Seat Belt Law

On July 19, 2006, North Carolina Governor Mike Easley signed a new seat belt bill into law. The new law, which takes effect December 1, 2006, requires that all persons riding in a motor vehicle wear seat belts unless the vehicle lacks seat belts or is subject to a few other specified exceptions. The law is intended to save lives and reduce injuries from motor vehicle collisions.

Approximately 60 percent of passengers killed in traffic crashes were not wearing safety belts, according to the National Highway Traffic Safety Administration (NHTSA).

From December 1, 2006 to June 30, 2007, if you are stopped for a seat belt violation you will receive a warning. Beginning July 1, 2007, however, law enforcement will be authorized to write tickets for violations of the law. One important note: the law specifically states that law enforcement must stop your vehicle for some other reason before they can issue a ticket for a rear seat passenger failing to wear a seat belt. Although a seat belt ticket does not carry any driver's license points or insurance points, it could result in your payment of a fine and court costs. Keep yourself safer and your wallet/purse a bit thicker: buckle up for safety! -OLO

GUARD YOUR CELL PHONE FROM TELEMARETERS...

Cell phone numbers are now being released and sold to telemarketing companies. Call 1-888-382-1222 to add your cell phone number to the National Do Not Call List. The phone call is free (unless your cell phone provider bills airtime for your minutes), it takes less than 3 minutes and your number will be blocked for five years. -OLO

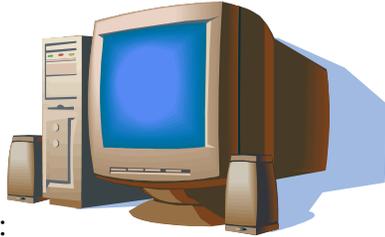
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Check out these



websites:

- www.bankrate.com Great reference source for financial information also has calculators for interest rates, loan payments, retirement savings, etc.
- www.411song.com Do you have a song playing in your head but cannot recall the name or artist?

Use this website and answer that burning question.

- www.free411.com Free directory assistance information on the Internet. If you do not have Internet access and need a listing, you can use the toll-free phone number, 800-FREE-411. The only catch is that you will sometimes hear ads while waiting for your listing. But it sure beats paying 75 cents or the standard charge to the phone company when each time you need a listing.

NOTE: The information in this newsletter is not intended to be legal advice nor is it intended as a substitute for consultation with an attorney. Specific conditions always require consultation with the appropriate legal professionals.

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