

Law and Life Newsletter

Legal Lead Story: Use Your Head When Buying a Used Vehicle

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The cost of a new vehicle often drives people to contemplate buying a used vehicle. Saving money is fine but minimizing headaches is even better. Apply these tips in your search for a used vehicle:

- Purchase a full Autocheck vehicle history report or Carfax report for the vehicle.
- Review the Consumer Reports Buying Guide, Car and Driver magazine, or another similarly reputable source in learning about your vehicle.
- Research websites such as www.edmunds.com, www.nada.com, and www.kbb.com in negotiating the vehicle price.
- Ask the seller for all vehicle service and maintenance records.
- Avoid Internet-only sales or other transactions where you do not see the vehicle prior to purchase.
- If buying from an individual, demand to see the *original* vehicle title.
- Hire a mechanic or vehicle inspector to check the vehicle. Have the inspector provide you with a written inspection report and use it in your negotiations with the seller.
- Get all promises of repairs, warranties, and vehicle service in writing.
- Have the seller state in writing if the vehicle has ever been salvaged, flood damaged, reconstructed, or damaged in a collision.
- Obtain vehicle financing through your bank or financial institution and try to avoid seller-financing.
- If you are dealing with a vehicle dealer, ask for *at least* a 30-day warranty.



- Get a written warranty signed by the seller specifically identifying all vehicle systems that are covered.
- If you buy a vehicle "as is", strongly consider getting an extended warranty.
- Get a sales contract signed by you and the seller that lists the following: full names and addresses of you and the seller(s); vehicle year, make, model, color, VIN number, date of purchase, odometer reading, purchase price, all taxes and fees paid (and by whom), interest rate, and all financing terms.
- Read each document carefully and make sure you understand before signing.
- Do not sign documents containing blank lines.
- Request a copy of every document you sign.
- Keep your vehicle-related documents in a safe place (No, your vehicle is NOT a safe place.)

Be sure to do your homework to minimize your chances of getting ripped off. If you have a problem with a used vehicle purchase, contact me to discuss how I may be able to help you. Here's hoping you get a great deal on your used vehicle and many miles of happy returns. -OLO

Arbitration

All disputes do not go to trial. Some are settled before trial while many others go to arbitration. Arbitration is a method of dispute resolution in which a person (called an arbitrator) or a panel of persons review the facts, testimony, evidence, and arguments of the parties and render a decision. Arbitration can be a more cost-effective (i.e. cheaper) and quicker means of obtaining a final decision in a case. The traditional trial-track litigation system that results in a trial usually means the expenditure of more time and money for all parties.

Generally speaking, an arbitration hearing is a less-formal and scaled back version of a trial. Many arbitrators are lawyers but the rules of evidence and civil procedure may be relaxed or suspended altogether so as to facilitate a somewhat more "user friendly" approach to the hearing process. There is typically no court reporter present and no hearing transcript is created. The Uniform Arbitration Act sets general rules for arbitration proceedings across the United States and individual states can (and most do) have their own specific rules and arbitration procedures.

Arbitration can be binding or non-binding. In North Carolina state courts, some civil cases are ordered to non-binding arbitration. Non-binding means the arbitrator's decision is not final because the losing party can pay an appeal fee and the case will continue as if the arbitrator's decision was never made. In legal terms, an appeal from a non-binding arbitration results in the parties getting a trial *de novo* (Latin for "new trial"). This means the fact that you won the arbitration hearing is irrelevant and cannot be used at the next level. You cannot call the arbitrator as a witness and you cannot introduce statements made at the arbitration hearing. Trial *de novo* means a complete do-over.

Binding arbitration means the arbitrator decision will be final. Binding arbitration clauses are often found in credit card agreements, charge card agreements, construction contracts, and vehicle insurance policies. Binding arbitration in claims against companies and businesses can lead to bad results for the average consumer and there has been considerable litigation across the United States challenging binding arbitration clauses.

While arbitration is meant to be less formal than going to trial, it is not to be taken lightly. In some cases you may be able (and be best advised) to avoid arbitration and, instead, request a trial. Depending on the legal issues, money, and other factors present in your case you should consider consulting a lawyer before deciding whether arbitration is your best choice. -OLO



Check This Out! Websites for you...

<http://www.fairjusticenc.com> Contributory negligence is an outdated and unfair system and there is a bill (HB813) pending in the North Carolina General Assembly which could change the law for the common good. Learn about the movement to make negligence law in North Carolina a bit fairer for all involved.

<http://www.cellreception.com> This site shares customer comments and other info on cell phone reception in your zip code and beyond. Can you hear me yet?

<http://www.pressdisplay.com> A one-stop shop to links to newspapers across the world.

<http://www.bookarmy.com> Suggestions for great reading materials. -OLO

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Question & Answer

Q: Can I be denied unemployment benefits if I was terminated for an unfair reason?

A: Possibly. North Carolina is an employment at-will state meaning unless an employee has a contract stating otherwise (Ex: athlete, entertainer, or teacher) or belongs to a union, the employee can be terminated at any time for any reason so long as the termination decision does not violate a specific employment law (ex: discrimination, harassment, retaliation). When it comes to qualifying for unemployment benefits, however, the employee has a few more rights. If the employee can show that the termination was not due to employee misconduct or substantial fault she may be able to recover unemployment benefits. Misconduct is really bad conduct by the employee which includes but is not limited to drug or alcohol use or deliberate violations of an employer rule. Substantial fault is something lesser than misconduct and is often assessed on a case-by-case



basis.

If you have been terminated from your job and are filing for unemployment benefits, you should consult an attorney to discuss your claim and whether you could benefit from legal representation. The O'Neal Law Office provides free initial consultations for unemployment representation. -OLO

Spartan Spotlight---Refresh and Return

During the summer, campus breathes a sign of relative relief as summer classes continue and the pace slows just a bit. The traffic slows down a bit but nature is in full bloom and it is a great time for you to return to campus to reminisce and also see how your alma mater has changed. Take advantage of some of the down time to get reacquainted with UNCG. Here are some ways to make that reacquaintance:

Do the arts on campus. Weatherspoon Gallery, Aycock Auditorium, Elliott University Center Art Gallery, and the School of Music await you.

Stroll through campus. A leisurely walk “on the yard” can rekindle those good thoughts you had as a student. Enjoy the architecture and nature. Top off your visit with a trek to campus haunts such as Yum Yum’s or Tate Street Coffee House or newer spots such as University Laundry.

Visit <http://ure.uncg.edu/inspirechange>. Inspiring stories about Spartan students and alums. Bone up on your points of pride for your alma mater. Select some places and points of interest for your campus stroll.

REMEMBER: Bookmark the UNCG Alumni webpage (<http://www.uncg.edu/ala>) so you can stay in the loop on alumni activities in your area. Coming up:

June 17th --Richmond, VA--UNCG alums to meet at the ballpark to see the Richmond Squirrels minor league baseball team.

SAVE THE DATES--- Homecoming 2010--September 20-26, 2010. UNCG welcomes alumni, students, and friends to join in on the fun! All ages welcome! For a Homecoming slide show, go to <http://s91.photobucket.com/albums/k310/bridgette503/?action=view¤t=40bc8274.pbw>.

Reconnect with your alma mater. Go Spartans!--OLO

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Healthful Hints---Looking Back

Summertime is almost here and many people make vacation plans or otherwise try to engage in some recreational activities. As things slow down just a bit, instead of providing an article this month I will give you a sampling of Healthful Hints articles in past Law and Life Newsletters (they can be accessed at the O'Neal Law Office website):

Health during the holidays: December 2006

First meal of the day: March 2008

Sleep well: September 2008

Taking your body in for a tune-up: September 2006

Working out your workout: March 2009

Transfat alert: September 2007

Fast food, healthy foods: May 2005

To access all Law and Life Newsletters, visit <http://www.oneallawoffice.com/Articles.shtml>. A couple of quick summer tips: enjoy fresh fruits and veggies and load up on water. Keep those meals light and more frequent.

Have a great summer and make it a healthy one to boot. --OLO

Quick tip: Preventing Errant E-mails

Have you ever hit "send" on an e-mail that you wished you had not sent? Perhaps you forgot a word or you sent the wrong attachment? To minimize the chance of sending an incomplete or incorrect e-mail, save the address for last. That is, do not type any e-mail recipient's name or e-mail address in the "to" or "cc" or "bcc" boxes until after you have finished your e-mail, reviewed your e-mail, and attached all attachments. This practice gives you one last chance to think before you click. -OLO



Join the UNCG license plate campaign! Download your application now: <http://www.uncg.edu/ala/downloads/applicationforuncglicenseplate.pdf>.