

# Law and Life Newsletter

## Legal Lead Story: Common Mistakes to Avoid

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#### Do Not Call List for Cell Phone Numbers

Soon all cell phone numbers will be released to telemarketing companies and you will begin to receive sales calls.

**To prevent this, call the National DO NOT CALL list from your cell phone: 888-382-1222.**

It blocks your number for five (5) years. You must call from the cell phone number you want to have blocked. Spread the word.

As an attorney for the past 13+ years, I have talked with many clients and prospective clients about various legal matters. On quite a few occasions I speak with people who have damaged their case or their legal position with things they have done (or failed to do). Here are a few of the more common mistakes that I have seen. I share these with you in the hope that you will not fall into these traps.

- Signing documents that you have not read and/or do not understand. The law assumes you understand and agree to whatever you sign so read and understand before signing. ALSO: try to get or keep copies of all important documents you sign.
- Failing to get medical treatment soon after sustaining injuries in an accident.
- Giving a recorded statement to an insurance company from whom you are making a claim.
- Buying a used vehicle without getting a vehicle history report (ex: CarFax, Autocheck) or having the vehicle inspected by *your* mechanic. Feeling lucky?
- Failing to keep copies of vehicle maintenance records, repair records, and receipts showing payments for repairs and maintenance. A related problem: keeping these documents inside a vehicle especially a vehicle for which you are still making payments. What happens if the vehicle is stolen, damaged, or wrongfully repossessed and your documents disappear or are destroyed?
- Paying a traffic ticket without fully understanding the effect upon your driver's license and insurance.
- Making agreements and handling important business transactions without having some type of written documentation.
- Setting an appointment with a doctor or attorney and no-showing for your appointment. Even worse---failing to reschedule your appointment.
- Failing to keep receipts, letters, or other written confirmation of your payoff of a balance on a credit card, loan, or other account.
- Responding to a lawsuit by merely calling or writing a letter to the other party or his/her attorney. Whenever you are served with a summons and lawsuit, you should contact an attorney immediately to discuss your rights and options and how to proceed.
- Failing to appear in court for a traffic ticket or criminal matter. Now the State of North Carolina tacks on a \$200.00 failure to appear fee to whatever money you may otherwise owe to dispose of your traffic ticket. Even worse a judge may issue a warrant for your arrest. An expensive mistake indeed!
- Failing to file an appeal in the proper manner and/or within the proper time frame.

Feel free to share this info with your family and friends. Make note of these mistakes and avoid them as you handle your important life and legal matters. -OLO

## Mediation

In the American legal system, a trial is just one manner in which a dispute can be decided. Many cases, however, are resolved before they are called to trial. One very effective means of bringing cases to resolution is mediation. Not to be confused with arbitration (to be covered in a future Law and Life Newsletter), mediation is a settlement conference in which the parties have the final word as to whether and how the case is resolved.

In North Carolina, many civil cases are ordered to mediation which means the parties. Even without a court order, parties can voluntarily agree to participate in mediation. In either event the parties will need to select a mediator (or have the Court appoint one) and set a time, date, and place for a mediated settlement conference. The mediator

is paid an administrative fee and an hourly fee for time spent at the mediation. Unless otherwise agreed to by the parties, each party pays an equal share of the total mediation cost. Most mediators are practicing attorneys or retired judges which means they often have an understanding of the substantive areas of law covered by the dispute(s) between the parties. The mediator can use this background to help the parties think through the strengths and weaknesses of their respective positions and demands in the case. This analysis should result in each party performing an honest evaluation of the advisability of a settlement.

When preparing for mediation it is important that you and/or your attorney take a hard look at the facts, witnesses, potential testimony, and evidence and determine if settlement is a good

option. It is vital to have all records, bills, invoices, and other documents that help establish any damages or defenses you may have. Mediation is often conducted after substantial discovery (see September 2009 Law and Life Newsletter) has occurred. This allows the parties to better assess whether to settle the case or proceed to trial.

Mediation is usually the only formal chance for all parties to gather to discuss the case and explore settlement options. If a case cannot be settled at mediation, the case is most likely headed to trial. Usually the parties leave the mediation entrenched in their respective positions and dig in their proverbial heels to begin the preparation for trial. If your case is headed to mediation be prepared and make your best efforts to get a favorable resolution. -OLO

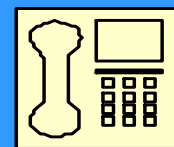
### FREE CONSULTATION!

Have a legal problem or issue and need some help? Call the O'Neal Law Office to schedule your appointment to discuss the following:

- Unemployment Hearing
- Traffic Tickets
- Motor Vehicle Wrecks and Personal Injury
- Auto Dealer Fraud (new and used vehicles)
- Motor Vehicle Repair Issues
- Wrongful Death
- Professional Negligence
- Contract Drafting
- Civil Litigation
- Debt Collection Defense

And much more!

Call 336-510-7904 to schedule your consultation today!



### Spartan Baseball is Coming!



Have you ever been to a baseball game at UNCG? If not, you are missing out on a great time. Beautiful ballpark, convenient parking, great seating, reasonable prices, good fun, and you support the Spartans. Bring a friend or the family. Season begins on February 19<sup>th</sup> and all Friday games this season are free! For a schedule and ticket information click the "Baseball" link at [www.uncgspartans.com](http://www.uncgspartans.com). Go Spartans! See you at the ballpark!

Question & Answer

**Q: What is “med pay” or medical payments?**

A: Medical payments is a type of coverage available on most automobile, homeowner's, and commercial general liability insurance policies. It will result in payments to you and any other insured and covered persons for medical and funeral expenses incurred as the result of a loss or incident covered by the policy. Generally, the insurance company will pay for services rendered within 3 years of the date of the accident but read your policy for all time limits applicable to your med pay coverage.



Med pay is among the least expensive insurance coverage you can obtain and it can pay real dividends. It often comes in handy to reimburse you for the out-of-pocket expenses you incur when you are involved in an accident in which you sustain personal injury. Prescriptions, co-payments, deductibles, and other costs can add up quickly and using your med pay can help put some of this money back in your pocket before your personal injury claim is resolved. Another benefit of medical payments coverage is the apparent “double recovery” concept: you can recover med pay benefits for the same medical bills for which you are seeking reimbursement by the insurance company of the at-fault party. If you have medical payments on your policy yet fail to use it you are essentially throwing your money (premiums paid) away. If you need assistance with medical payments or some other aspect of a personal injury claim, contact the O'Neal Law Office for results. -OLO

Spartan Spotlight----UNCG Alumni Clubs

In the continuing effort to connect Spartans to each other and our alma mater, the UNCG Alumni Office has organized UNCG Alumni Clubs. There are clubs in Asheville, Charlotte, Raleigh, the Piedmont Triad, the Sandhills Region, and Wilmington. Surveys have been sent to gauge alumni interest for clubs in Atlanta, Chicago, Richmond, New York, and Washington D.C. If you received a survey please respond.

If you are interested in an Alumni Club or know someone who may be interested, contact Mary Swantek with the UNCG Alumni Office at 336-256-2010 for more details. Stay posted on UNCG Alumni Club events in your area by visiting the UNCG Alumni webpage (<http://www.uncg.edu/ala>)--view the “Alumni Events” calendar. The Alumni Clubs rely on you for support, promotion, and energy so get involved and show your Spartan Spirit. You are the alumni that make the club. Go Spartans! -OLO

Check This Out! Websites for you...

<http://www.data.gov> In keeping with President Obama's policy of open government this website contains official reports from agencies of the U.S. government. Reports on crime statistics, spending within the Veterans' Administration, list of websites for city and county governments, a list of all failed banks in the U.S. since 2000, and many other topics.

<http://www.driverside.com> Great site for vehicle owners has information on vehicle maintenance and reviews on new and used vehicles. You can even diagnose some frequent vehicle problems and determine the nature and approximate price range of repairs that may be needed.

<http://www.wakerupper.com> Visit this website to set a reminder phone call for things such as taking that medicine, making that meeting, or escaping that awkward social engagement. -OLO

## Healthful Hints---Counting Calories

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Okay. You have decided to make a change this year. It is time to lose or gain weight. You realize that food is important and calories fit somewhere in the equation. So what do you do next? One thing is for sure. The traditional method of counting calories in every morsel of food or drop of drink is not the way to go. In addition to being quite "unfun", mere calorie-counting is largely ineffective in helping you meet your fitness goals. Instead you should determine your desired daily range of calories you will consume to gain, maintain, or lose weight. For help with this calculation visit websites such as [www.nutritiondata.com/tools/calories-burned](http://www.nutritiondata.com/tools/calories-burned) or [caloriecount.about.com/cc/calories-goal.php](http://caloriecount.about.com/cc/calories-goal.php).

A pound of body fat contains approximately 3,500 calories. By reducing calorie intake (what you eat every day) by 500 calories per day, you will lose one pound per week. If you work out and burn an additional 500 calories each day, you will lose two pounds each week. But if you are trying to lose weight the "eat much less" or "deprive the body" theory does not work. The less you eat the more you slow your body's metabolism. This reduced metabolism leads to your body hoarding the calories you consume which can result in weight gain. Also, from a pure personal health standpoint there is a minimum number of calories that the human body requires on a daily basis. Studies and literature suggest that this minimum daily requirement is around 1,200 calories.

For purposes of body weight, a calorie is a calorie but all calories are not equal from a health standpoint. Foods with fiber (ex: whole-grain bread, oatmeal) keep you feeling fuller longer than foods without fiber. High fat foods such as bacon and cheese can quickly spike your calorie count for the day which reduces the calories you have left to consume to stay within your daily range. Opt for quality carbohydrates and protein at every meal and load up on fruit, veggies, low-fat dairy, and lean meats to stretch out your calories in a meaningful and fulfilling way. Drink plenty of water and have soft drinks, alcoholic beverages, and fruit juices much less often.

While some people believe that you can eat and drink almost anything you want I suggest you opt for a daily caloric game plan. You should start by keeping a three-day food and beverage diary. To track the calories in foods and beverages visit websites such as [www.foodanddiet.com/NewFiles/calorietables.html](http://www.foodanddiet.com/NewFiles/calorietables.html) or [www.fitwatch.com/caloriecounter.html](http://www.fitwatch.com/caloriecounter.html). At the end of the three-day period, use your calorie counter tool to assess the "value" of what you have consumed. At this point you can begin to modify your daily eating and drinking habits to replace less healthy foods with healthier choices. Ironically, healthy stuff tends to cost more than unhealthy stuff but in the long run you pay a far greater health and wellness cost by trending toward the low value, unhealthy food and beverage choices. As you increase your exercise and activity level and begin eating better quality food over time your desire for empty calories should be reduced. Stick with your game plan and treat yourself every so often.

When thinking calories don't just count them. Make them count for you. Enjoy your next meal and workout and welcome to the road to the new you. You can do it! -OLO



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