



The Law Office of **JASON R. SCHULTZ, P.C.**

FALL 2007

Brought to you by
Jason R. Schultz, P.C.
Attorney At Law

34 Peachtree Street NW
Suite 2570

Atlanta, GA 30303

404-584-6668

FAX: 404-577-0564

email:

jrslaw1@bellsouth.net

Web site:

www.jasonschultzpc.com

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ABOUT THINGS.



Report says few vehicles tested protect the neck 54 SUVs, pickups, and minivans get lowest ranks

Head restraints in dozens of sport utility vehicles, pickups, and minivans provided only poor or marginal protection from neck injuries in simulated crashes done by the insurance industry. The test results, released in July 2007, found several SUVs had improved protections against whiplash injuries, but gave poor marks to vehicles made by several leading automakers. The Insurance Institute for Highway Safety said the simulated rear crashes at 20 mph showed that many large vehicles fall short in protecting against neck injuries, which lead to 2 million insurance claims a year, costing at least \$8.5 billion.

The Institute evaluated 87 current vehicle models based on measurements of the head restraints and their performance in a crash simulation sled. Fifty-four of the vehicles were rated marginal or poor, the two lowest rankings, while 21 received the best rating of good. The best performers among 2007 SUVs: Acura MDX and RDX; Lincoln MKX, Ford Edge, and Ford Freestyle; Honda CR-V, Element, and Pilot; Hyundai Santa Fe; Jeep Grand Cherokee; Kia Sorento; Land Rover LR3; Mercedes M Class; Mitsubishi Outlander; Subaru B9 Tribeca and Forester; and Volvo XC90. In other vehicle categories, the 2007 Toyota Tundra was the only pickup to receive the top score. Three minivans received the highest marks: Ford Freestar, Hyundai Entourage, and the Kia Sedona. A complete listing is available on the Institute's Web site, www.iihs.org/ratings/.

Beware of mortgage scams— EQUITY STRIPPING



With the housing market in decline, financial predators are finding yet another way to take advantage of people who fall behind on their payments. The schemes take various forms and often involve promises to distressed homeowners of cash up front, free monthly rent, and a chance to retain their houses in the long run. But in the process, someone else takes over the deed, borrows as much as possible against the value of the house, and pockets the cash. And, almost always, the homeowners still end up losing their homes. There are no nationwide numbers on this common fraud, known as equity stripping, but it has turned up in almost every state.

Seven states have passed laws to try to stop it. Still, with foreclosure rates rising rapidly, it will be a growing problem, consumer advocates say. "Conditions now are perfect for these scams," said Lauren K. Saunders, managing attorney at the National Consumer Law Center in Washington. "We are at the end of a period of rising real estate prices, so a lot of people have equity in their homes. But we also have a foreclosure crisis." Victims are becoming more plentiful as homeowners fall behind on payments and find that they cannot refinance, with mortgage rates rising. The Mortgage Bankers Association recently disclosed that nearly 19 percent of all loans to less-creditworthy consumers, or 1.1 million mortgages, were either delinquent by more than 30 days or in foreclosure. At the end of 2006, the figure among these loans was 17.9 percent. When a property enters foreclosure, it appears on a list at the county clerk's office. Individuals and companies in equity-stripping schemes monitor the lists closely, contacting troubled homeowners either by phone, by mail, or by knocking on their doors. Empty promises are then made that if the troubled homeowners signed over their property deeds to them and they made monthly loan payments as usual, in five years they would get their homes back, free of any mortgage. Within months, the homeowner will receive notice that they are in danger of losing their home after the defrauding company stops making their mortgage payments. They then discover that the defrauding company had refinanced their house and taken out all of the case that represented their equity in the home. The house then goes into foreclosure and is lost.

Foreclosure rescue deals vary in execution, but they capitalize on two things: borrower desperation and mind-bogglingly complex mortgage loan documents. A study published last month by the Federal Trade Commission found that the documents were so confusing that 9 of 10 borrowers could not identify up-front fees on mortgage loans, and half could not specify the amount they were borrowing.

Legal news from your safety and security lawyer.

FOR YOUR SAFETY

Recalled product roundup

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

- ✓ **Maytag Corporation** recalled 2.3 million Maytag® and Jenn-Air®-brand dishwashers in which liquid can leak from a dispenser, short-circuit wiring, and catch fire.
- ✓ **Old Williamsburgh Candle Corporation** has voluntarily recalled 3.7 million 3.5–5.0-ounce Old Williamsburgh Mason Jar Candles. Wicks can shift and crack glass, which can cut or burn users.
- ✓ **Arcraft and Foremost, Inc.**, has asked buyers to return 43,500 Sippy/Tumbler Cups, which can break when dropped and cut children.
- ✓ **American Honda Motor Corporation** recalled 11,000 Honda Model Year 2006 TRX450ER/R ATVs. Contaminated front-suspension-arm ball joints may wear and separate prematurely, injuring riders.
- ✓ **Detour Corp., doing business as Version-X**, has recalled 18,000 Travel’N Baby Mini Hair Dryers unequipped with industry-required immersion protection to prevent electric shock or electrocution if dropped into water.

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Wrongful death

The death of a beloved is heart-breaking. Relatives will no longer share the deceased’s companionship, encouragement, or love.

Although compensation never truly makes up for the loss, our civil justice system permits next of kin and relatives to request fair monetary damages when the death of a loved one is caused by another’s negligence.

A student’s death

While climbing cliffs on a required field trip to a national seashore, a student fell, suffering fatal head injuries. His family sued the university for wrongful death, claiming it failed in its duty of care to monitor their son’s climbing. The case went to mediation, and the parties settled.

Hospital medication errors



The Institute of Medicine (IOM) of the National Academy of Science recently reported that 1.5 million Americans are injured or killed by medication errors annually. Studies indicate that approximately 400,000 preventable drug-related injuries occur each year in hospitals. Another 800,000 occur in long-term-care settings, and roughly 530,000 occur among Medicare recipients in outpatient clinics.

In 2005, a 16-year-old died during induced labor when a nurse infused her IV with an epidural anesthetic instead of penicillin at a Wisconsin hospital.

Although bar-code technology and other tracking and monitoring strategies are being put into place, poor handwriting, human error, and carelessness cause many medication mistakes to continue to occur.

What can patients do to protect themselves?

- Know that you have a right to question anyone who is involved with your care.
- Make yourself or family members a part of your care team.
- Learn about your condition.
- Make sure your doctor knows all the medications you are given.
- Be sure to tell of allergies or reactions.
- Ask hospital staff to wash their hands before giving medications to you.
- Ask staff to confirm that they’re providing you the right drug, the correct dosage, at the right time.

Some patients actually hire private nurses to monitor hospital staff. If you feel you or a relative has been injured as a result of improper hospital medication or hospital staff negligence, talk to your doctor and seek legal counsel.

You can count on a trial lawyer for help if...

1. You're injured in an auto accident by a drunk driver.
2. A son is harmed by a dangerous over-the-counter medication.
3. A cousin slips on a piece of crushed fruit at a supermarket and breaks a wrist.
4. A neighbor becomes ill after taking a misfilled prescription.
5. Your family's key wage earner is injured on the job.
6. A radiologist misses a spot on a mammogram.
7. A child is injured at an amusement or water park.
8. Your insurer denies a claim for wind damage to your home.
9. A teen daughter is sexually harassed at school or work.
10. A coworker or supervisor discriminates against you at work.
11. An aging father is mistreated at a nursing home.
12. Your community's water supply is poisoned by a local manufacturer.
13. Your child is bitten by a vicious dog.



Premises liability

Texas apartment-complex residents lived in fear after complaining for months to unresponsive management about broken entrance drive gates.

First-grade teacher Bridget Kelly felt particularly endangered because management refused to install a chain lock on her door, even though it installed locks for others.



Bridget Kelly

In June 2002, an armed assailant kicked in Bridget's door, forced her to her car, demanded she withdraw money from her ATM, drove to a vacant field, and raped and shot her in the back three times. Seriously wounded, she pretended to be dead. When the attacker left, she stumbled to a nearby home and collapsed. The owner called EMTs, and surgeons repaired extensive internal damage, saving Bridget's life.

Her attacker was sentenced to life plus 40 years, but Bridget's apartment complex remained unsafe. Two years following her attack, management had still not responded to safety complaints, so Bridget filed a negligence lawsuit against the apartment complex and management company for failure to maintain security. With owners refusing to act responsibly, the civil justice system was Bridget's only resort to hold them accountable for resident safety and her terrible experience.

AUTO LEMON LAWS

All states and the District of Columbia have consumer-protection lemon laws that establish guidelines for manufacturers to repurchase or replace defective automobiles.

Auto buyers should read eligibility and notice requirements and be aware of available remedies if a dealer cannot meet the warranty after repeated repair attempts. Those who feel they have been unfairly treated by a car dealer should seek the counsel of an attorney familiar with consumer-protection claims involving defective vehicles and auto sales fraud.

A \$150,000 lemon

A dealership refused to make warranty repairs, blaming the owner for abuse after a high-performance sports-car part assembly broke down for a sixth time. When the owner's attorney sued, a jury found that the vehicle should have handled aggressive driving and awarded double the car's value to the plaintiff. The parties settled during appeal for the full amount of the verdict.



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Attorney At Law
34 Peachtree Street NW, Suite 2570
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This year, **Jason R. Schultz** was named a **Super Lawyer** in the state of Georgia. This honor was given to him by his peers and through the independent research of *Law & Politics*. Mr. Schultz was chosen from a list of over 23,000 attorneys in the state. His excellent work ethic and overall passion for his job led to this esteemed honor.

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The information included in this newsletter is not intended as a substitute for consultation with an attorney. Specific conditions always require consultation with appropriate legal professionals.

Free car insurance REVIEW

Jason R. Schultz, P.C., offers free review of your car insurance policy (before you have an accident). With so many uninsured and underinsured drivers taking to the roads here in Georgia, it is vitally important that you have the right type and amount of insurance to protect your family should you be hit by an uninsured or underinsured driver.



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As much as I preach on the importance of buying enough car insurance, not a month goes by when we do not meet a new client, only to find that we cannot help because the person who hit them was uninsured and the victim did not know to buy the right type and amount of car insurance. This is something the car insurance agents do not do a good job of explaining.

To get a free review of your policy, all we need to see is the "declarations page" of the policy. That is the part that has the pricing on it which is sent to you every six months. You can mail or fax it to our office.



Please visit my "New and Improved!" Web site.

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"With your type of injury,
you are entitled to
six weeks of
treatment."
Is he/she right?**

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