



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

WINTER 2008

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

34 Peachtree Street NW

Suite 2570

Atlanta, GA 30303

404-474-0804

FAX: 404-577-0564

email:

[Jason@JasonSchultzPC.com](mailto:Jason@JasonSchultzPC.com)

Web site:

[www.JasonSchultzPC.com](http://www.JasonSchultzPC.com)

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ABOUT THINGS.



Hope your 2008

*We hope you and yours enjoy happiness and good health in the new year.*

*We would also like to take this time to thank you for choosing our legal services and for referring your family, neighbors, and colleagues to us.*

*Jason R. Schultz, P.C.*

is really **GREAT!**

## Insurers play rough game with auto crash victims

For years, insurance companies have been portraying people in auto accidents as greedy cheaters if they hire personal injury attorneys. It's the same story whether you live in Atlanta, Georgia, or anywhere else in the country.

That's why it is encouraging when reporters produce stories that reveal how brutal insurance companies can be when handling legitimate claims from people who have been injured in crashes.

CNN recently broadcast a story after a lengthy investigation that showed just how rough it is for the little guy—which is most of us—to take on insurance companies. The story speaks to how hard some insurance companies push people who have sustained personal injuries in a wreck to settle their cases for far less than they are worth.

While the story was illuminating, the insurance companies will continue to put profits over people as long as legislators are willing to put business interests ahead of consumers. That is why it is so important to consult with a lawyer if you or a loved one has been injured in a car wreck.



*Legal news from your safety and security lawyer.*

# LEGAL DICTIONARY

Many clients find legal terms mystifying. From time to time, we provide easy-to-understand definitions to help clear things up. This time, you'll learn the meanings of several important terms used at court to help you better understand legal concepts.

## **Expert witness**

Someone with special skills or expertise who can give accurate testimony at a trial, even though he or she did not see the event in question.

## **Jury**

Citizens who listen to evidence and swear to pronounce a verdict on matters of fact.

## **Peremptory challenge**

Prosecution and defense attorneys can eliminate a limited number of juror candidates without providing a reason. Judges oversee peremptory challenges to prevent keeping members of a certain race or sex off the jury.

## **Sequester**

To insulate juries from improper influences or pressures during deliberations, judges may place jurors in secure locations.

## **Voir dire**

Interviewing jurors to be sure they understand the basics of a case and will tell the truth. From the French "to tell the truth."

## **Defamation**

An individual suffers the harm of defamation when someone makes an untrue remark about them that assails their reputation or good name, or opens them to public derision, hate, or censure.

Damaging false statements that appear in print or broadcast media are called libel. Spoken defamation is slander.

Defamatory comments may refer to the subject's business practices, health, honesty, morals, sexual life, and more.

First Amendment rights make defamation cases difficult to prove. Those believing they have been harmed by defamation should contact an attorney experienced in libel and slander.

### **Employer defamation**



A jury awarded significant damages to a sales engineer who sued when a former employer defamed him by communicating false information. The jury came to its decision after

learning the previous employer, pretending he represented a debt-collection agency, sent false accusatory letters warning the plaintiff's current boss that the employee had sued a number of previous employers.

## **FOR YOUR SAFETY**

### **Recalled product roundup**

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

✓ **Mega Brands America, Inc. (formerly Rose Art Industries, Inc.)** has voluntarily recalled 4 million Magnetix Magnetic Building Sets. Children who swallow tiny, powerful magnets detached from plastic building pieces can suffer serious perforations and blockages if several magnets or metal pieces attach to each other in a child's intestines.

✓ **The Holmes Group** has recalled 300,000 Holmes® Oil-Filled Electric Heaters with poor electrical connections that can overheat and burn users.

✓ **Lamson & Sessions** asks buyers to return 100,000 Carlon® Drop-In Floor Boxes that are incorrectly wired and can shock or electrocute consumers.

✓ **Sears** warns consumers to remove the "Craftsman" logo labels from the outside of the upper blade guards of 308,000 Craftsman Circular Saws. This label can detach, expose the saw's blade, and injure operators.

✓ **Oeuf LLC** recalled 1,400 Infant Bouncer Seats with tubular metal frames that can break and cause infants to fall from the seat.



# Premises **LIABILITY**

Property owners are legally responsible for maintaining their buildings' entrances, common areas, stairways, escalators, and elevators in reasonably safe condition so that visitors will not suffer injuries. Owners must also keep buildings' surrounding walks and parking lots in reasonably good care as well.

Anyone injured in an unsafe building or its surroundings may deserve compensation for harm done to them.

## **An elevator accident**

A building visitor riding in an elevator was injured when the elevator's handrail came loose and caused the man to fall to the floor. His attorney sued after the man required lumbar fusion surgery and suffered continuing chronic back pain. A petty officer in the military, the victim was medically discharged from the U.S. Navy and can now perform only light work. The parties settled prior to trial.



## Made in China



American consumers are alarmed about the growing list of defective and dangerous products being imported from China. More than 60 percent of all U.S. products recalled were made in China, with the number of recalled Chinese products doubling in the past five years.

In late summer 2007, Mattel's Fisher-Price unit, in cooperation with the U.S. Consumer Product Safety Commission (CPSC), recalled millions of children's toys because toxic lead-contaminated paint had been applied by Chinese suppliers on about 80 different toys, including Dora the Explorer®, Elmo®, and other Sesame Street® character toys.

Previous Chinese products presenting dangers to U.S. and international consumers were vehicle tires, contaminated pet food components, medication ingredients, farm-raised seafood, and many others.

**Anyone who has suffered serious harm from imported products should contact an attorney experienced in products liability.**

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## **Jury duty and blogs**

Every American can cast two votes to participate in our democracy. We encourage everyone to do both.

The first is casting ballots on Election Day for candidates, laws, government spending, and public questions. The second is equally important—voting as a juror. Jurors safeguard everyone's legal rights and protect us all.

Recently, some jurors have run afoul of Internet "blogs." Short for "Web log," a blog is a user-generated Web site where participants enter journal-style comments on topics anyone can read. In a recent New Hampshire case, a jury foreperson wrote a blog entry—four days prior to his being named to a jury in a sexual-assault case—stating that he would have to "listen to the local riffraff try and convince me of their innocence," among other comments. Learning of the

blog, the defendant's attorney entered it into evidence to show juror bias after the jury reached a guilty verdict. The judge refused to throw the case out.

**Legal experts are debating jury duty, blogs, free speech, and related legal issues. It is probably best to avoid blogging while on jury duty.**



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34 Peachtree Street NW, Suite 2570  
Atlanta, GA 30303

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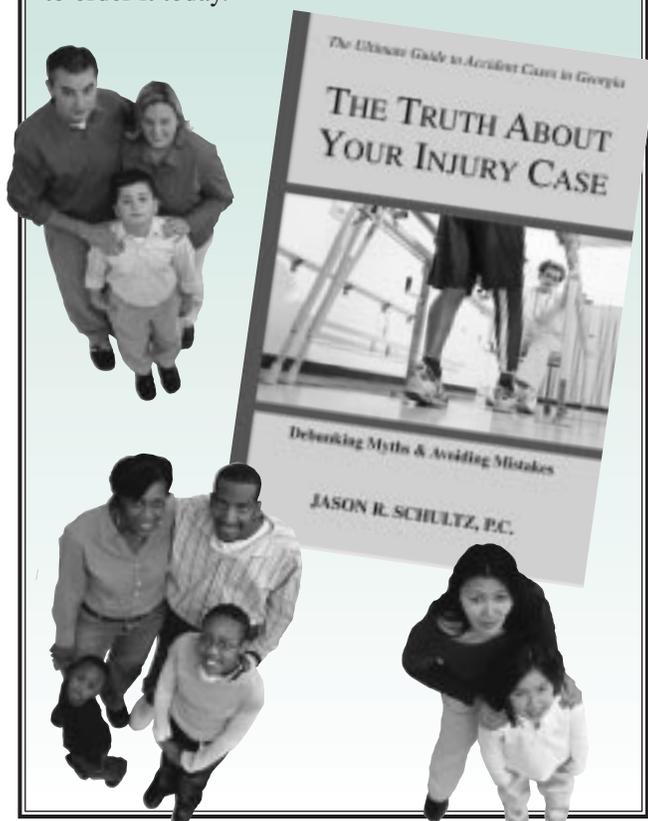
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## Frivolous lawsuits

**By Jason R. Schultz**

When I go to dinner parties, nonprofit organization meetings, or am on the golf course, folks often ask me why trial lawyers file frivolous medical malpractice lawsuits. "Don't insurance companies raise our rates when they have to pay for those suits?" they ask.

Here's my answer. Frivolous-lawsuit claims are overblown. They're circulated by powerful corporate interests that want to escape accountability for the dangerous products they market to the public. Government agencies that track civil suits report declining numbers.

The real problem is the insurance industry gouging physicians. Annual statements of the 15 largest companies handling malpractice insurance show that premium collections increased by 120 percent between 2000 and 2004, while claims rose by only 5.7 percent.

The rate of premium increase was 21 times greater than the rate of increase in claims payments during the same period. None of that has anything to do with lawsuits and everything to do with the insurance industry stuffing its pockets at the expense of the American public.