



MELDON

LAW TALK

NEWSLETTER BY THE LAW OFFICE OF JEFFREY MELDON & ASSOCIATES

Lawyer Jokes (Inspired by The Sky's Bob Rose)

Anyone for a cigar?

A defendant in a lawsuit involving large sums of money was talking to his lawyer, "If I lose this case, I'll be ruined!"

"It's in the judge's hands now," said the lawyer.

"Would it help if I sent the judge a box of cigars?"

"No! The judge is a stickler on ethical behavior. A stunt like that would prejudice him against you. He might even hold you in contempt of court."

Within the course of time, the judge rendered a decision in favor of the defendant. As the defendant left the courthouse, he said to his lawyer, "Thanks for the tip about the cigars. It really worked!"

Confidently the lawyer responded, "I'm sure we would have lost the case if you'd sent them."

"But I did send them," replied the man.

"What?" shouted the lawyer.

"I sure did, that's how we won the case... good thing I remembered to enclose the plaintiff's business card."

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Welcome To Our July Newsletter: *Happy Birthday America!*

July brings our Country's Birthday. **Happy July and Happy Birthday, America!** We celebrate the birth of our nation this month. On Independence Day we celebrate the signing of the Declaration of Independence on July 4th, 1776, by the Second Continental Congress. The biggest myth about Independence Day is that Congress signed the Declaration on the 4th, when in fact, the majority signed on July 2nd.



Interestingly, John Adams and Thomas Jefferson, both founding fathers and the only two men whose signatures of the Declaration of Independence to become president, died on the same day—July 4, 1826, the United State's 50th anniversary.

Have a safe and happy month of July!

Office News: *Congratulations Carey!*

Recently, Carey Meldon attended the Florida Bar's 2010 week-long Advanced Trial Advocacy Course, held at the University of Florida Law School. The advanced seminar is a hands-on, trial skill building training. It is intended for attorneys who are involved in full-time litigation practice. The course faculty consists of trial judges and board certified trial lawyers from around the state. It is an intense and interactive program for the experienced litigator. The course involves lectures, discussions, and demonstrations. Attendees give presentations that are videotaped with one-on-one performance reviews.

This is what Carey has to say about the Seminar: *"It was an amazing experience! The faculty ranged from U.S. Federal Judges to English Barristers, who currently serve as Queen's Counsel (lawyers appointed by letters patent to be one of 'Her (or His) Majesty's Council learned in the law.')* During the week, the assorted lawyers split into small groups to test their litigation skills against one another in simulated trials. **All in all, the seminar was an excellent simulation of a real jury trial, as well as a great opportunity to meet other lawyers from all around Florida.**



ATTORNEY, CAREY MELDON

A Note From Jeffrey: *Welcome and Thank You!*

My Staff, Associates, and I welcome our new clients that joined the Meldon Law Family this past month and send our personal thanks to all that referred friends and family and have gone out of their way to send notes of appreciation. The Law Office of Jeffrey Meldon is proud to represent people in the "Heart of Florida" for accidents, personal injury, wrongful death, medical malpractice, dog bites, slip and falls, and criminal defense. **Consultations are always free.** My thank you's go out as well to those that took the time to request topics they would like to see addressed in the Newsletter. **Thank you and please, feel free to call the Office if we can be of help.**



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Tom Copeland

Tom Copeland has been a Fla. Trial lawyer Litigator since 1986. He represents ordinary people who have been hurt by the negligence of others. Born and raised in Valdosta, GA., he joined our Office in 2002. When he is not in the Courtroom or the Office, he enjoys being a Gentleman Farmer on his 15-acre Alachua farm with his family and their horses, cattle, and big garden.

Tom on “Torts:” *The value of our civil justice system.*

Last month, I said that “big business” (in contrast to many local “mom and pop” businesses), no matter what industry, is like a hog. What did I mean?

If you know anything about hogs, you know that they are generally harmless and reasonably intelligent animals. There is nothing inherently bad about the hog itself. In fact, many people say they make excellent pets, if given appropriate boundaries. However, if given unlimited access to a supply of food, a hog will ransack the pantry and eat everything it can get its mouth on, leaving a huge mess in its wake. **A hog gives no consideration to whether what it does is “right” or “wrong.” It’s just the nature of the beast—it’s what they do!**

Likewise, history has shown, and continues to show us that “big business” (national/international businesses serving millions of people) is much like a hog.

Most businesses are created and intended to provide a useful or necessary product or service, while at the same time providing a means for its owners and employees to make a living.

However, if left unrestrained, far too many business Owners, Boards of Director’s, and Industry Associations have shown that they will choose “profits” over doing what’s right for society in general. Even more specifically, for the customers they serve, and the general public who may be directly affected by the products and services that are put into our stream of commerce by the decisions made.

Don’t get me wrong, making a “profit” and doing the “right thing” are not always mutually exclusive. Often, doing the right thing is the most profitable option for a business or industry.

But, too often, when they should be asking: “What’s the right thing to do (for our customers and society)?” and then, “If we do it, can we make a profit?” Big business simply asks: “How can we make the biggest profit?”

The result of many of these decisions is injury, death, or financial loss suffered by hundreds of thousands of people every year.

How can I say that big business has a “history” of choosing profits over people? While there are much older examples, next month’s featured case will be: Owens Corning Fiberglas Corporation v. Ballard, 749 So.2d 483 (Fla 1999).

This case is an example of a company not just sticking its head in the sand to avoid a problem but actively concealing a known danger from its employees, customers, and the general public.

Meldon & Friends’ “Trivial Pursuit” for July

- Q: The Declaration of Independence begins with what words?
 Q: Who was the 1st. person to sign the Declaration of Independence?
 Q: Whose signature is the biggest on the Declaration of Independence?
 Q: What do the colors red, white, and blue stand for on the American flag?
 Q: July is named after what Roman Emperor?
 Q: Bald eagles mate for life. True/False

Answers: When in the course of human events, John Hancock, John Hancock, No one knows, Julius Caesar, True

Have you read your Consumer Guide Accident Book yet?



Now available on audio CD!

Good news! In an effort to make it more convenient to get the information in Jeffrey’s Consumer Guide Book, **Seven Mistakes That Can Wreck Your Florida Accident Case**, Storm Roberts of KTK has read it on audio CD. With the help of many others, the book on CD is now available and complimentary to our readers. To request yours, call the Office and request that a copy be sent for you @ (800) 373-8000 or (352) 373-8000. **Be safe and be prepared!**



Consumer Protection
Accident Guide Book

Thanks to Storm Roberts, the book is now available on audio CD. Request yours today!

The Office Blogs: *Is it time to put your keys up?*

Florida leads the country in elderly driver related deaths. Some of the most common accidents involving elderly drivers are failing to yield the right of way and making unsafe left turns in busy intersections. These crashes are often fatal and involve several vehicles. The good news is that getting older does not necessarily mean a person's driving days are over. Keeping physically fit, getting regular vision check-ups, being aware of medication side-effects, and paying attention to your reflexes and mental status, can help older people drive safely and longer, maintaining their independence. However, according to National Highway Traffic Safety Administration (NHTSA), despite all the precautions an older person takes, **the crash rate per mile driven begins to increase at age 65. Motor vehicle accidents are the 2nd highest cause of death for 75 to 84 year olds, second only to falls, and are the leading cause of injury-related deaths among 65 to 74 year olds.** If you are wondering if it is time for you or a loved one to put the keys up, here are some questions that may help. **NHTSA suggests answering "yes"** to any of these questions may indicate that your safety could be at risk. In that case, you may want to consider alternative transportation or limiting your driving. **Have you:**

- **Gotten lost** on familiar routes?
- **Noticed new** dents or scratches on your car?
- **Gotten overwhelmed** by road signs?
- **Found that** other drivers often honk at you?
- **Been advised** to stop or limit your driving by your physician due to health or medication reasons?
- **Noticed that** other people no longer accept rides from you?
- **Heard your** friends and family members voice concern about your driving?
- **Recently received** a ticket for failure to yield the right of way, turning improperly, running a stop sign, or other moving violation?



Law Talk 101: *Parties to a Lawsuit: Plaintiff and Defendant explained...*

Frequently, people get confused about who's who in a lawsuit. Here are the definitions:

The Plaintiff: The plaintiff is the person (or party) that brings the lawsuit against the other person (defendant). **Example:** If you are injured in a car accident, have a case, and want to sue the person that caused the accident, you would be the plaintiff, if you file suit before the other person. **The plaintiff files the first complaint with the court.** The complaint contains allegations (statements) that the plaintiff must prove in order to obtain a recovery from the defendant.

➡ **One way to remember this is that the Plaintiff has a "tiff" to settle with someone.**

The Defendant: The defendant is the person the plaintiff is suing.

➡ **Think about it this way: the Defendant is the person that has to defend their actions to the court.** The defendant is responsible for the answer (response) to the plaintiff's complaint. In the answer or response, the plaintiff will learn what the defendant is going to argue in the lawsuit. It is here that the defendant would either:

- Deny or accept fault;
- Admit or deny fact allegations; and/or
- Possibly bring a counter-claim, which would be the equivalent of a lawsuit inside of a lawsuit because the defendant would be arguing that the plaintiff is also at-fault.

Interesting Case of the Month: *It pays to not let evidence get "cold"!*

Recently, we concluded a case in which the at-fault driver (defendant) was driving drunk at the time of the accident. However, the investigating police officer did not make a DUI arrest. Our client (the plaintiff) was seriously injured when the defendant crossed into the oncoming lane, ripping apart the back of our client's pickup truck.

Upon accepting the case, we immediately started our own investigation, interviewing and videotaping five witnesses who were on the scene before the police arrived. These witnesses provided valuable testimony that clearly established that the at-fault driver was driving drunk at the time of the crash. These video testimonies allowed us to make a punitive damages claim against the defendant for his egregious behavior. (A claim that surely would have angered a jury against the drunk driver and resulted in a large verdict for our client.)

Faced with an almost airtight case against the defendant, the insurance company paid a significant settlement to avoid taking this case to trial.

The key to our success, was the timely investigation, aggressive preparation, and thorough video interviewing all witnesses—all accomplished, "**before the evidence got cold!**"

Note: This publication is intended to educate the general public. It is not intended to be legal advice. Every case is unique.

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HAPPY BIRTHDAY AMERICA!

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Look Inside This Issue

- ▲ Is it time to put up your keys? Some simple questions to ask yourself if you are an elderly driver.
- ▲ Definitions of Plaintiff and Defendant.
- ▲ Congratulations, Carey!
- ▲ Tom on "Torts."

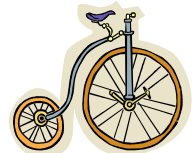
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Ask Jeffrey: *It is true that my bicycle has to have a bell on it?*

A: This is a good question for all cyclists, especially for our children out of school for the summer. The answer is YES. A bicyclist is required by Florida law to either carry a bell or equip their bike with a bell or other signaling device. The city of Gainesville also requires a bell. The bell should be sounded when overtaking a pedestrian on a roadway or sidewalk. **Here are some more bicycle safety tips and laws to keep you and your children safe on the road:**

- Any bicyclist or bike passenger who is younger than 16 must wear a properly fitted helmet that is securely fastened by a strap and complies with nationally recognized safety standards for bike helmets. Child passengers riding in a bike trailer or seat must also wear a helmet.
- Anyone riding a bike must keep at least one hand on the handlebars at all times.
- The number of passengers on a bike is restricted to the amount that the bike is intended for—no passengers on the handle bars or standing behind the seat.
- A cyclist may not wear headphones, headsets, or an ipod while riding.
- A bike must have a permanent, attached seat.
- Cyclists must use appropriate hand signals before turning
- Cyclists must yield to pedestrians.
- The safest place for a child under 10 to ride is on the sidewalk.
- Wear visible clothing when riding.



Remember: A bike is a vehicle under Florida law. Bicyclists are accountable for traffic laws just like cars and trucks. This means cyclists must: come to a complete stop at stop signs; obey traffic signals and signs; ride with the flow of traffic; and comply with DUI laws—no drinking and riding.

Jeffrey Meldon is a proud Life Member of the Million Dollar Advocates Forum, a prestigious group of trial lawyers throughout the country. Membership is limited to attorneys that have won million dollar verdicts, awards and settlements for their clients. Less than 1% of U.S. lawyers are members of this forum!



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