

Jeffrey Meldon

MELDON LAW TALK

NEWSLETTER BY THE LAW OFFICE OF JEFFREY MELDON & ASSOCIATES

July 2009 Volume I, Issue IX

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Bob Rose's Inspired Lawyer Jokes Of The Month!

Tell The Whole Truth

"You seem to be in some distress" said the kindly judge to the witness, "Is anything the matter?"

"Well, your Honor", said the witness, "I swore to tell the truth, the whole truth, and nothing but the truth, but every time I try, some lawyer objects."

Q: What do lawyers use for birth control?

A: Their personalities

What Type of Tracks?

Two lawyers were out hunting when they came upon a couple of tracks. After close examination, the first lawyer declared them to be deer tracks. The second lawyer disagreed, insisting they must be elk tracks.

They were still arguing when the train hit them.

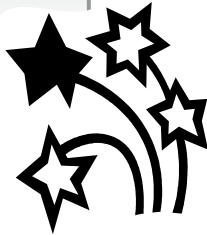
Welcome to our July Newsletter! *Happy Birthday America!*

Happy July and Happy Birthday America! We celebrate the birth of our nation this month. On Independence Day (commonly known as the Fourth of July) we celebrate the unanimous signing of the Declaration of Independence on July 4th, 1776 by the Second Continental Congress. Actually, the legal separation of the American colonies from Great Britain occurred on July 2, 1776 when the Congress voted to approve a resolution of independence that had



been proposed in June by Richard Henry. After voting for independence, the Congress turned its attention to the Declaration of Independence, a statement explaining this decision, which had been prepared by a committee but with Thomas Jefferson as its principal author. The biggest myth about Independence Day is that Congress signed the Declaration on the 4th, when in fact, the majority had signed on July 2nd.

Interestingly, both John Adams and Thomas Jefferson, two of the founding fathers of the US, and the only two men who signed the Declaration of Independence to become president died on the same day: July 4, 1826, which was the United State's 50th anniversary. **Happy Birthday!**

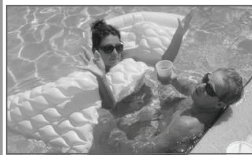


Meldon Office News: *June Was A Busy Month!*

June was a busy month at the Office and for Jeffrey: ► June 3rd to the 6th, Jeffrey, and his fiancée and Marketing Director, Nancy Hunter, attended the annual Injury Board Conference, held this year in St. Petersburg, Fl., where they attended 2 full days of cutting edge and informative legal seminars from speakers around the country, and also took in a Rays baseball game and a dinner cruise. **Injury Board, which Jeffrey is a proud member of, is a group of select like-minded attorneys, experts and advocates who are re-discovering the original mission of the Civil Justice System:** promoting personal safety and accident prevention as well as protecting rights and recovering damages related to injury. ► June 11th to the 14th was the



Jeffrey and Nancy



Carolyn and hubby, Eric

Annual Meldon Office Party, held this year at The Daytona Beach Resort.



Kristin, Barbara, & Lisa

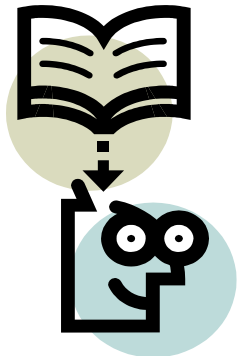
Welcome and Thank You! *A note from Jeffrey:*

My Staff, Associates and I would like to **welcome our new clients** that joined the Meldon Law Family this past month and to send **our personal thanks to all** that referred friends and family. **The Law Office of Jeffrey Meldon is proud to represent people in the "Heart of Florida" for accidents and personal injury.**

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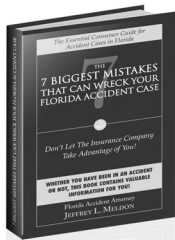
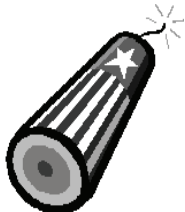
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BEWARE! The day you were injured you entered a war zone and the insurance company is not on your side of the battle.

Insurance adjusters may act like your friend, but beware, their one and only goal is to save their employer, the insurance company, money!

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.”



Commonly Seen Situation: Clever Insurance Adjuster Tactics. Part IV

This series of articles focuses on some of the ways that the Insurance Company’s adjuster may try to take advantage of you if you have been injured in an accident.

Beware: You are not on an even playing field with the Insurance Company. Insurance claims adjusters receive extensive training in tactics about how to save their employer, the Insurance Company, money. **Remember, they are the professionals in this field, you are not.**

► **Tactic #5: The insurance adjuster may have you placed under surveillance.** Insurance companies are notorious for trying to make a legitimately injured person appear healthy. Just because you can drag your garbage can to the curb, do some light housework, and maybe a little yard work, does not mean that you are not going to “pay” for it later by having more pain or worsening of your injuries. Many injured people also have to “work hurt” to put food on the table for their families.

Meldon’s Suggestions: How to avoid being taken advantage of.

► **What to do:** Look for any suspicious persons around your home or at work (particularly if you have been released to work with light duty restrictions by your doctor). **Follow your doctor’s orders and prescribed activity limitations, even if that means getting some help from family and friends.** Also, do not exaggerate your injuries, as it will only hurt your case. I also suggest that you contact my office to receive your free copy of my accident guide book, [The Seven Biggest Mistakes That Can Wreck Your Florida Accident Case.](#)

Meldon & Friends’, “Trivial Pursuit” for July Trivia

- Q:** The Fourth of July became a legal holiday when?
- Q:** In what Midwest city is the largest fireworks display held, called the “Red, White & Boom”, which happens on the last weekday before Independence Day, with an estimated crowd of 500,000 to 750,000 in attendance?
- Q:** A salute of one gun for each state in the United States is called a _____, and which is only fired on Independence Day at noon.
- Q:** The stars in our flag represent the 50 states of the U.S.; what do the stripes represent?
- Q:** July 27th, 1858 was the first use of _____ as a means of identification?

Answers: 1941 Columbus, Ohio Salute to The Union The Original 13 Colonies Fingerprints

Special thanks to Barry Sides and Greg Wagner for their inspirations on this new section of our Newsletter.

Start Your Summer off Right!

The Law Office of Jeffrey Meldon and Associates wishes you all a wonderful summer full of safe and fun times. On this note, we would like to suggest that you take a moment and make sure that you have your **Glove Compartment Accident Kit**, actually in your glove compartment, and that you have reviewed the information in Jeffrey’s Consumer Accident Guide book, [The 7 Biggest Mistakes That Can Wreck Your Florida Accident Case](#), (especially Chapter 12 on insurance tips and recommendations and your auto insurance policy).



Glove Compartment Accident Kit

If you have not yet requested your book or kit, please let us know. Just give us a call and we would be glad to send them to you right away.

1 800 373 8000, or go on our website, [MeldonLaw.com](#) and make a request ... Its free and easy.

Being prepared is a great way to start the summer!

Be Safe. Be Prepared. Be Protected. Be Educated. Have a great summer!

The Office Blogs: *Teach bicycle safety to your children....*

Summer is here and school is out!...A good time for parents and children to learn about the laws regarding “driving” your bicycles, (yes, “driving”, as a bike is considered a vehicle under Florida law, bicyclists are accountable for traffic laws just like cars and trucks are!). Did you know that Florida outranks all other states in bicycle deaths nationwide, and children are especially vulnerable? I would like to suggest that parents take this time to discuss simple safety tips with their children and review the traffic laws regarding bikes. **It just may save you or your child’s life.** Here is a brief summary of some of them.

- It is recommended that a child under 10 ride on the sidewalk, others may ride on the sidewalk or on the street going in the direction of traffic and following all traffic laws.
- Children under 16 are required to wear a properly fitted helmet when driving a bike or as a passenger. (This is the law, and may also reduce the risk of severe head and brain injuries by 85% to 88%!)
- One hand must be kept on the handlebar at all times.
- A bike must have functioning breaks and be equipped with a bell.
- The number of passengers is restricted to the amount that the bike was designed for.
- If riding at night, a bike must have a front lamp with white light and a rear reflector.
- Cyclists may not wear headphones, headsets or other listening devices while riding except for hands-free cell phones...iPods are illegal while biking!

For more information, our website, MeldonLaw.com, has a whole section related solely to bicycle safety and rules.



Law Talk 101: *Medical Malpractice explained.*

Basically, medical malpractice occurs, when a doctor, medical professional, or health care institution, is negligent and causes harm or damage to their patient.

- ▶ **Medical negligence** can arise from something that was done (a negligent act) or something that was not done (an omission).
- ▶ **There are many types** of medical malpractice such as: cancer misdiagnosis, failure to diagnose, wrong diagnosis, missed diagnosis, laboratory mistakes, prescription errors, surgical mistakes, birth injuries, etc.
- ▶ **Medical malpractice laws are designed to protect patients’ rights** to seek compensation if they are injured as a result of medical malpractice.
- ▶ **Under the law**, you can seek compensation for any injury caused by medical malpractice. However, these cases generally take a lot of time and money to litigate and try, so it is usually unrealistic to seek damages, or sue for an injury or damage that is minor or heals quickly.
- ▶ **If you believe you have a medical malpractice claim**, it is important to consult with an experienced medical malpractice lawyer who can help you determine if you have a claim that is worth pursuing ASAP.
- ▶ **Generally in Florida**, you have 2 yrs to make a med mal claim from the time the act/injury occurred or should have been noticed; there are many variables with this particular Statute of Limitations.

Each year 80,000 to 90,000 people die in the U.S. because of medical malpractice, (a figure published by the AMA). Yet, instead of addressing the problem, the medical community wants to limit your rights to full justice, by putting caps on compensation. (AKA, Tort Reform... heads up!)

Interesting Case of the Month: *The “Undertakers Doctrine”*

In January 2009, the Florida Supreme Court reaffirmed a common principle known as the **Undertakers Doctrine**, that has been recognized in FL since 1932. Despite its name, it has nothing to do funerals or dealing with dead bodies. It is a legal principle that says, **“where a man or woman undertakes to act, he or she is under an implied legal obligation or “duty” to act with reasonable care”**. This is important because one of the basic elements of proving negligence is whether there was a “duty” owed to the victim. If there was no “duty”, there is no responsibility for a person’s action, or inaction, in a situation. **Here is an example:** The Sheriffs Office (which has no duty to do wellness checks) responded to a call to check on a woman whose neighbors were concerned about her. The officer, despite pleas from her neighbors, and despite being unable to wake her up, did not call an ambulance and left the woman unresponsive and alone in her home. The woman died several hours later due to diabetes complications. The Court decided that when the officer voluntarily undertook to check on the woman, he assumed a legal “duty”, had to carry out that duty in a non-negligent manner, and it was for a jury to decide whether failure to call for medical help was negligent under the circumstances. **Due to the Undertaker’s Doctrine, some people have refused to “come to the rescue” of those in danger for fear of being held responsible. As a result, FL enacted an exception to the doctrine, the “Good Samaritan Act”, which we will discuss next month.**

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MELDON LAW TALK NEWSLETTER



Check Out Our New Section: **“Trivial Pursuit”** (page 2)

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**Look Inside
This Issue**

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Ask Jeffrey: *Does posting a “BAD DOG” sign keep me from being liable?*

Q: If I post a “Bad Dog” sign on my property or window will it keep me from being liable if my dog bites someone?

A: This is a very good question, and yes, posting a “Bad Dog” sign is actually one of the easiest and least expensive ways a dog owner can protect themselves from dog-bite strict liability. Here is the information:

▶ According to the Florida Statutes, the owner of any dog that bites a person in a public place, including the owner’s residence, is responsible for any damages caused, even if the dog had never bitten anyone before.

▶ However, the owner may not be liable, if at the time of the bite, the owner had displayed, in a visible, prominent place on his or her property,—such as the front door, front yard, or gate entrances— a sign easily readable including the words “Bad Dog”.

▶ This is, unless, the victim is under the age of 6 or the bite was caused by a negligent act or omission of the owner.

▶ Another Tip: Do Not hide your dog, or your dog’s breed, from your Home-owners or Renters Insurance company. Make sure your policy covers you if your particular dog bites someone.



“Dog bites are on the rise locally. In fact, Florida was one of the top five deadliest states for dog bite related fatalities in 2007.”

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