

LEGAL BRIEFS

A QUARTERLY NEWSLETTER DEDICATED TO PERSONAL INJURY LAW

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FIGHTING FOR THE RIGHTS OF THE INJURED FOR 21 YEARS

Fred Thompson says that caps on damages do not follow true conservative principles

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Fred Thompson, who played a fictitious Republican district attorney on a TV show made a real-life effort to be the Republican nominee for president, is not somebody you'd ever mistake as a liberal - closet or otherwise.

And it was true conservative principles, not bought-by-insurance-lobbyists propaganda, that Thompson recently espoused in an op-ed piece he wrote for The Tennessean, a Memphis newspaper, regarding tort reform.

The Tennessee state legislature is considering a bill in its current session that would implement caps on damages in medical malpractice cases, similar to what many other states have done and similar to a bill that passed the U.S. House of Representatives earlier this year.

"Some argue that the Legislature should tell Tennessee juries that they can award only so much compensation in certain types of cases against certain types of defendant—regardless of the facts and circumstances of the case," wrote Thompson, a former U.S. Senator from Tennessee. "I don't agree with this approach, and I don't think it's 'conservative.'

"To me conservatism shows due respect for a civil justice system that is rooted in the U.S. Constitution and is the greatest form of private regulation ever created by society.

"Conservatism is individual responsibility and accountability for damages caused, even unintentionally. It's about government closest to the people and equal justice with no special rules for anybody."

Thompson recognized that "groups who benefit from such rules are well defined and very vocal." And extremely well funded.

Hopefully, Thompson's message will resonate with more true conservatives.

Things the insurance company is doing when you believe it is "working with you"

You've been injured in a car collision, and so you file a claim with the at-fault driver's insurance company. And you get the standard schmooz from the insurance adjuster, who says, "We'll work with you to resolve your claim as fast as possible."

Months later, however, you call our office out of frustration.

What was the insurance company doing all that time, besides not paying what your claim is worth? Not what you thought:

Digging Into Your Credit History - When you give the at-fault driver's insurance company your Social Security Number, it allows them to tap into many databases, including one called CLUE. CLUE has a record of all your previous insurance claims and determines your "risk." The insurer can also search your credit history. Of course, this has absolutely nothing to do with your injury claim, but if your credit history is poor because you have a large amount of debt, the insurer may offer you less to settle.

Intercompany Arbitration - Many insurance companies voluntarily participate in the

Nationwide Inter-Company Arbitration Agreement, a dispute resolution setup through which insurers resolve "subrogation" claims. If your insurer pays any of your auto accident bills - car repairs or medical care - it has a right to be reimbursed, or "subrogated," by the at-fault driver's insurance. If the companies disagree on who was at fault, they resolve the matter through inter-company arbitration. And unknown to you, the at-fault insurer may reimburse your insurance company, then turn around and claim that your injuries, and your medical bills, were not caused by the accident!

The Medical Audit - Insurance companies typically send your medical records and bills to a physician or medical group (that it hires regularly) to determine whether a) your injuries were not caused by the collision, or b) your treatment was excessive for your claimed injuries. Amazingly, the insurance doctor makes these exact determinations, and as a result, the insurer makes an offer far below what your claim should be worth.

"Mayhem" is written into Allstate's Ohio auto policies

Everyone has seen them. Actually, from an entertainment standpoint, most of them are fairly clever and kinda humorous. And that is exactly the reaction Allstate wants to its "Mayhem" advertisements.

The message is that mayhem lurks everywhere, can strike under the most common circumstances, but that an Allstate policy is your protection against mayhem.

But as drivers in Ohio are finding out, they face mayhem that is written directly into their auto insurance policies.

In Ohio, Allstate's auto insurance poli-

cies contain an exclusion that says there is no coverage for "bodily injury to any person related to an insured person by blood, marriage, or adoption and residing in that person's household."

In other words, if a driver insured by Allstate has an accident that seriously injures or kills the driver's spouse and children, all of whom are passengers in the car, there is no coverage for anyone except the driver.

No other auto insurance companies in Ohio have this exclusion in their policies.

That's mayhem.

DeSimone Law Office

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DeSimone Law Office handles a variety of injury cases

DeSimone Law Office has been serving Houston and the greater Gulf Coast area for 20 years.

The firm's primary focus has been the representation of persons who have been injured.

Along with personal injury cases, attorneys Ronald DeSimone and Donald DeSimone handle criminal defense and selected domestic cases.



Ronald DeSimone

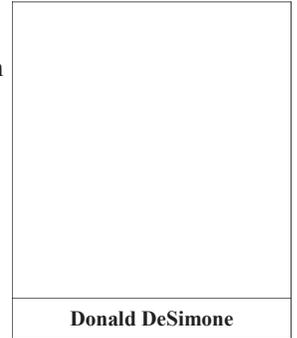
The DeSimones handle the following types of personal injury cases:

- **AUTOMOBILE AND TRUCKING ACCIDENT**
- **SHOOTINGS AND ASSAULTS AT APARTMENTS/BUSINESSES**
- **RAILROAD WORKER INJURIES**
- **BOAT ACCIDENTS/DROWNINGS**
- **OFFSHORE ACCIDENTS**

Ronald DeSimone graduated from the University of Florida with a chemistry degree in 1984. He entered the University of Houston Law Center the following fall and

received his license to practice law in 1987.

Donald DeSimone graduated from the University of Florida with a business degree in 1986, and, after enrolling at the University of Houston Law Center in the fall of that year, he was licensed to practice law in 1989.



Donald DeSimone



Houston Auto Accident Attorneys, Personal Injury & Car Accident Lawyers

For more information on auto accidents and ways to contact us, visit our website at www.houstonautoaccidentsattorney.com

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