

Jeffrey Meldon

MELDON

LAW TALK

NEWSLETTER BY THE LAW OFFICE OF JEFFREY MELDON & ASSOCIATES

Highlights of This Issue:

- Insurance coverage-Are you protected? **Part 4 Jeffrey's final tips.**
- Florida car rental companies let off the hook.
- Strict Liability explained
- **To "Blow" or not to "Blow"?**
- Homeowner's insurance pays for motor vehicle accident.

Highlights of The Next Issue:

- **Part 1, What to do and not do if you have been in an accident.**
- Seat Belt question answered.
- **Mediation** explained
- The next Interesting Case of the Month
- **We don't have to wait for it to be the law to turn off our cell phones.**
- Jeffrey and Tom head to Miami to teach other Lawyers.
- **10 Things you probably didn't know about March**

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Welcome to Our February Newsletter! Happy Valentine's Month

Saint Valentine's Day is celebrated on February 14. But who is this mysterious saint and why do we celebrate this holiday? Apparently, the history of Valentine's Day and its patron saint is shrouded in mystery. According to one legend, the holiday has its roots in an ancient Roman fertility festival. As Christianity came to dominance in Europe, such pagan holidays were frequently renamed for early



Christian martyrs. In 496 AD, the Pope recast this celebration declaring February 14 to be the feast day of the Roman martyr Saint Valentine, who lived in the 3rd century. Most believe that the St. Valentine of the holiday was a priest who attracted the disfavor of the Roman Emperor around 270 AD and was executed. Before Valentine's execution, he signed a farewell message to his love, "From Your Valentine," a phrase that lived ever after. It was not until the 14th century that this day became definitively associated with love. **We hope you have a warm, healthy and love filled month!**

Office News: Abbie Knight is honored for her 30th year with Jeffrey

Abbie Knight has been working for Jeffrey Meldon as a legal assistant since 1979, this is her 30th year. Currently she is the lead legal assistant for the DUI/Criminal Department Team and is the Office Manager. If you are charged with drunk driving, DUI, drugs or other criminal offenses, in Gainesville or Alachua County, Abbie is the one you want working with you and your lawyer. She gets things done the right way and her unparalleled knowledge of the in's and out's of the Courthouse and the DMV is invaluable to winning a Criminal case. Abbie has worked on more DUI/Criminal cases than any other legal assistant in Gainesville. Abbie was born and raised in Vero Beach, FL and moved to Gainesville in 1971. Her paternal grandparents were one of the first settlers of Vero Beach. She is an avid Gator fan and served for four years as the President of the Gator Dug-out Club, a private booster club for Gator Baseball.



Abbie Knight



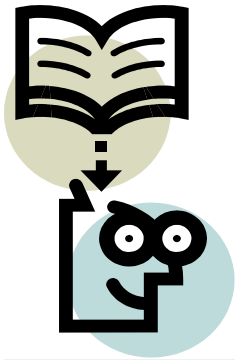
Jeffrey Meldon & Abbie Knight

"Abbie has a strong dedication to the office and to clients, she is a perfectionist and cares about everyone in the office. For 30 years, Abbie and her invaluable experience and her vast knowledge of the legal system has been an integral part of my success over the years. Abbie and I have been great friends for many years and is like part of my family." **Jeffrey Meldon.**

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BEWARE! Chances are, neither the State of FL nor the other driver will protect you in the event of an accident. Only you can plan ahead and protect yourself and family.

“When you have been in an accident it is too late to plan ahead for all the problems you may be facing because of poor or inadequate insurance protection!”

Commonly Seen Situation: Inadequate Insurance Coverage (part 4)

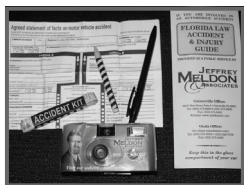
Beware, even if you are completely innocent in an accident, you can get stuck with thousands or even hundreds of thousands worth of medical bills, loss of income, and a permanent injury that can devastate your life! This is part 4 of a 4 part series on insurance coverage. If you have missed any issues, you can call the office for back issues. This last segment discusses other insurance factors that you need to know about. ► If you have health insurance it will kick in after PIP has been used up or “exhausted” to pay your medical bills and it may also pay the other 20% of medical bills not paid by PIP. **Beware of 2 things:** **1.** When your health insurance takes over you may be stuck with a large co pay depending on your policy **2.** After your case is settled, your health insurance company may want part of your settlement to cover what they have spent on your medical bills. ***Only an experienced lawyer knows what the health insurance company is entitled to and how to negotiate with them.** (Personally I could write a whole book about this one topic; this is one of the more complex areas of the law, so make sure to get experienced help!) ► Just because you planned ahead and purchased Uninsured Motorist (UM) coverage, this does not mean your insurance company will easily part with their money. You will probably need an attorney in a serious injury case just to get a fair shake from your own insurance company. However, at least with UM coverage you have an Ins. Co. with lots of money to go after rather than a driver with little or no insurance, so it is worth buying UM!

Meldon’s Suggestions: Purchase Adequate Insurance Coverage! Today!

Here are my Final Tips: **1.** All of these insurance recommendations may sound expensive, but you may be surprised to find out it costs a lot less than you think, especially if you have a good driving record. **2.** Avoid the so called “low cost”, “we insure everyone” insurance companies, and get competitive pricing from the major companies **3.** UM insurance is the best deal going considering that 50% of drivers on the road have little or no insurance. **I have personally seen many serious injury cases where there is no available insurance and the person is just out of luck.** **4.** BI (Bodily Injury Liability) insurance protects others (strangers) who are injured, while UM insurance protects you, your family and anyone else who was injured while in your vehicle. I get upset when I see an insurance policy with \$100,000 worth of BI and no UM protection. In my opinion this borders on negligence by the insurance agent or company. Why would anyone protect strangers and not protect themselves and their family?! **Biggest Jeffrey Meldon Insurance Tip of All Time:** Buy the proper insurance before you are in an accident and protect yourself and your family. **The consequences of not being adequately insured can be devastating.**

Law Office of Jeffrey Meldon’s Accident Kit Revealed

The Law Office of Jeffrey Meldon and Associates have put together a **Glove Compartment Accident Kit**, to help people be prepared in the event of an accident. This compact kit includes Accident Guides, pen, measuring tape, crayon and a disposable camera. It is very important to document the accident scene, facts, and take pictures of the scene, vehicles and any injuries. This information is best collected at the time of the accident, as evidence can get cold and witnesses leave the scene.



We recently had a case where the police officer lost an important witness’s phone number, and could not be located. **It is very important to be prepared.** I suggest you request your **complimentary** accident kit today, look it over, and then put it in the glove compartment of your vehicle so you will be prepared to document the facts if you are in an accident. **Call us at 1 800 373 8000 or visit our website @ meldonlaw.com to get your free accident kit today!**



Being prepared is a great way to start the new year! Order your kit today!

Be Safe. Be Prepared. Be Protected. Be Educated!

The Office Blogs: Car rental companies let off the hook.

A recent Florida court decision in a case out of Palm Beach County lets the car rental agencies in Florida avoid legal liability for accidents caused by renters negligently driving their cars. **Florida law states that the owner of any motor vehicle is primarily responsible for any accidents and injuries caused by anyone driving their car.**

But Washington decided to let the rental car companies who rent cars to people for one year or less, off the hook. The federal legislation, passed in 2005, is called the Graves Amendment, takes precedence over any state law to the contrary.

The real victim of this change is every person in Florida that has been or will be injured by the careless driver of a rental car.

There is no rational basis to exempt car rental agencies from their legal responsibility especially since they have the right to determine who they will rent cars to. They can easily access driving records and decide if they want to rent a car to the applicant. The people of the state of Florida deserve to be protected from negligent drivers no matter who owns the car.

In the long run we will all have to pay for the medical expenses incurred by innocent victims who have no health insurance and must turn to the State Medicaid system to pay their medical bills.

Let's hope that the Florida Supreme Court reverses the lower court and reinstates the existing law in Florida and provides much needed protection to everyone on the road.



Law Talk 101: "Strict Liability" explained

- ▶ **Strict Liability** is a legal doctrine referring to absolute legal responsibility for an injury that can be imposed on the "wrongdoer" without proof of carelessness or fault.
- ▶ What is unique about Strict Liability is **that a person does not have to be found careless, or at-fault, or negligent for something that happened that caused harm to another.**
- ▶ In short it means that in certain types of cases, **you can be held liable or responsible for something even if you did nothing wrong**, there does not need to be proof of negligence when strict liability is applied in the case.
 - ▶ The bottom line is that in most cases there are defenses available to the claim of negligence as in accident or slip and fall cases. **However, where there is strict liability, there are no defenses.**
 - ▶ Strict Liability most commonly is seen in dog bite cases, and product liability lawsuits for defectively manufactured products.
 - ▶ **In dog bites** the owner of the dog is responsible or liable even if it was the first bite and the bite was provoked by the bitten person and the dog is restrained in a yard or home.
 - ▶ **With defective products**, the injured person has to prove that the product caused the injury, but does not have to prove how the manufacturer was careless.

"In certain types of cases you do not have to do anything wrong or be careless and you can still be held responsible for an injury to another"

Interesting Case of the Month: Homeowner's policy pays for motor vehicle accident.

Many people and even some lawyers do not fully understand the full extent of the liability portion of a Homeowner's insurance policy, which may provide coverage if a household member is careless and causes an accident on or about the property. Recently we represented a lady that was seriously injured while riding on the back of an ATV when it crashed into another ATV. **While off-road vehicles are not required to carry auto insurance, we were able to recover a \$600,000 settlement for her.** We did this by first showing that both drivers were careless and caused the crash that injured our client. We were then able to use the liability portion of both of the driver's Homeowner's policies; we collected \$300,000 from each policy by proving carelessness and proximity to the property. Another interesting thing about this case is that one of the drivers was 12 a year old boy, and was riding an ATV owned by his grandparents. We were able to prove the grandparents' liability as owners and therefore were able to collect on their policy to help the injured woman get the help she needed. **Moral of the story:** ▶ **Review your Homeowner's policy**, make sure you have at least \$100,000 of liability coverage, ▶ **If you own an ATV**; make sure that they are not excluded. ▶ **Hire a lawyer with experience and determination.** Disclaimer: Just because we obtained these results in this case, does not necessarily mean we can get them on every case. Every case is unique!

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Look Inside This Issue

- ▲ Jeffrey talks about Insurance; His final thoughts
- ▲ Ask Jeffrey: To Blow or Not To Blow?
- ▲ Florida car rental companies, let off the hook.
- ▲ Homeowners Ins. pays for motor vehicle accident

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Ask Jeffrey: To "Blow" or not to "Blow", that is my question.

This is probably the most commonly asked question of any DUI lawyer; whether to take the Breath Test (BT) or not. Here are my suggestions:
Yes, Blow if: you have had nothing or very little to drink. Beware, your judgment may be impaired, and you may feel sober and still be over the limit.
Don't Blow if: you have been drinking. **Other Information:** ► Florida law does not make it illegal to refuse to take the breath test. ► Fl law does not allow for a police officer to request that you take the BT unless you are under arrest for DUI. ► Which means, even if you pass the BT, you are still under arrest and going to jail, the officer cannot un-arrest you. ► BT machines are not always reliable and have problems, why would anyone want to risk a DUI conviction based on a faulty machine and unreliable evidence. ► There is a better chance of getting the case dismissed if there is no BT result and a person looks sober on the video. **Why would you want to take a BT if you are already under arrest?** ► If you have not been drinking, or have only had 1 or 2 oz's of alcohol, the BT results may be in your favor for getting the charges dismissed or pled to a lesser offense. ► There are additional DMV and Criminal penalties for refusing to take the BT, especially if you have previously refused. **Remember, once you are under arrest you have the right to speak with your attorney!** For more information, read our book, [How to Avoid or Survive a DUI Arrest](#), get your free copy today @ [meldonlaw.com](#) or call my office, 373 8000.

"A DUI conviction in Florida is serious. It is a permanent lifelong record that can never be erased and can affect many aspects of your life and cost as much as \$20,000 in increased insurance premiums alone.

The best way to avoid a DUI arrest is to not drink and then drive!"

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