

# YOU & the LAW



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## Contingency fees help ordinary citizens get justice

People injured by a dangerous product or whose property was damaged by a company's reckless or hazardous activities usually can't afford to hire a lawyer to make a big corporation pay for the harm it caused.

The only way most people can have their day in court is to hire a lawyer who works for a contingency fee. In a contingency fee case, the attorney and client sign an agreement that the client doesn't have to pay the attorney up front. Instead the lawyer will receive a percentage of the amount of any settlement or court award paid to the client.

If the client doesn't receive a monetary award or settlement for damages, the client's lawyer receives no fee. Under a contingency contract, the lawyer only gets paid if the injured person wins; however, the client is still responsible for such expenses as court filing fees and depositions of witnesses and experts.

Being able to hold companies accountable for their bad conduct does more than compensate the injured person for the damage done. The threat of having to pay damages for injuries caused by a dangerous product is an economic incentive for industry to manufacture and sell safer products and eliminate harmful practices.



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But rather than improve their products and change their ways, some industries and big businesses spend millions of dollars to make it harder for people they harm to take them to court. They attack lawyers and contingency fees instead of correcting unsafe business practices.

Insurance companies, manufacturers of dangerous products and the tobacco industry are some of the industries that have waged media campaigns over the years to protect themselves from being sued for the harm they cause.

To support their attacks on lawyers and the contingency fee system, these corporations create groups that pretend to be formed and run by regular people trying to protect consumer interests. Then they hide behind these groups to avoid public outcry from opposing the legal rights of people they harm.

But the tax filings and other records for these "grassroots" organizations tell the real story. A closer look at who funds these groups shows that their real purpose is to protect major corporations and industries from being held accountable for causing harm.

These corporate-created special interest groups launch public relations campaigns to persuade the media and the public that too many lawsuits are being filed and that contingency lawyers are the problem. They also try to influence legislators, judges and juries to side with corporate interests.

The Civil Justice Association of California is a recent example of a front group formed to benefit the interests of Big Tobacco, Wall Street bankers, pharmaceutical companies, and the Koch Brothers and other polluters. Its goal is to limit contingency fees so that people with limited financial resources won't have a chance against the huge corporate resources of these special interests.

It is the latest in a long line of such "grassroots" groups, which first appeared in the 1990s. All of these groups have one purpose — to tilt the scales of justice in favor of their corporate funders.

# Maintaining your smoke detector can save your life

In the event of a fire, you may have as little as two minutes to escape safely. A smoke alarm can sense smoke long before you can, but only if it's working well.

Ideally, you should have a smoke alarm on every level of your home near all sleeping areas and one in each bedroom, according to the National Fire Protection Association. Bedroom alarms are especially important if you sleep with those doors closed.

On levels without bedrooms, alarms should be installed in a hallway or central area, such as a living room or den. Don't put a smoke alarm in the kitchen or bathroom since smoke and heat from cooking and steam can trigger too many false alarms.

Because smoke rises, alarms should be mounted near the ceiling. Don't install smoke alarms near windows, doors or ducts where drafts can interfere with their operation.

Choose a smoke detector certified by an independent testing laboratory, such as UL. Have it installed by an electrician. If multiple smoke alarms are installed, they should be interconnected so when one beeps, they all beep.

Once installed, it's important to properly maintain the alarm. Test your smoke detector once a month. Change batteries as needed, and install new detectors to replace old and outmoded models.

Push the test button on the device. A working smoke alarm may emit three short beeps or one long beep. To learn how your alarm test should sound, check the instruction manual



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or the directions on the back of the alarm.

Be sure everyone in the house knows what sound to expect in case of an actual fire.

If the alarm doesn't beep when tested, replace the batteries. Your device may

start chirping on its own when batteries are low. If it still chirps after replacing the batteries, you may need to replace that alarm.

Smoke detectors should last about 10 years. Don't just disable a device that doesn't seem to be working as it should. Replace it.

## Caller ID spoofing: Don't fall for it

Caller ID is a helpful tool to avoid unwanted phone calls. Unfortunately, scammers found ways around this protection. They send a fake number to your caller ID display to hide the true identity of the caller. This is called spoofing.

Often the incoming call will appear to be coming from a local number or from a company or government agency you already know.

If you answer, the scammer will be ready with a pitch to try to get you to reveal personal information. Scammers can use that to steal your money or commit other fraudulent activity.

It is best not to answer calls from an unknown number. If you do answer, hang up as soon as you realize the caller is not someone you know.

If you answer and the caller or a recording asks you to hit a button to stop getting the calls, don't do it. Just hang up. The scammer is trying to determine if you're a potential target and will likely call back using a different spoofed number.

Do not answer any questions and never give out personal information such as account numbers, Social Security number,

mother's maiden name, passwords or other identifying information. Be especially cautious if you are pressured for information immediately.

If the caller claims to be with a company or government agency, hang up. To determine if the call was legitimate, phone the number for that company or agency that is printed on your written account statement, is listed in the phone book or appears on the government agency's website.

If you have a voice-mail account with your phone service, set a password for it. Some voice-mail services allow access to your voice mail if you call from your own phone number. A hacker can spoof your home phone number and gain access to your voice mail if you have not password protected it.



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# FTC tells advertisers: No more fake product reviews



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Before you decide to spend money, especially on costly items, you may want to know what other buyers have to say about the products.

Unfortunately, endorsements used in advertising are not always truthful. Some companies post fake reviews of their own products, and some product users are paid to write a positive review.

The Federal Trade Commission put businesses, advertising agencies and leading retailers on notice that endorsements used to sell products must reflect the actual experience and opinions of real people who used that product. Companies who use deceptive practices in the future can face penalties of up to \$43,792 per violation.

Under the FTC notice, a company can face significant penalties if it:

- Misrepresents that an endorser is an actual, current or recent user of a product
- Misrepresents that endorsers' experiences represent typical experiences

- Uses an endorsement without good reason to believe the endorser still holds the views expressed
- Uses an endorsement to make deceptive claims about how a product performs
- Fails to disclose an unexpected relationship between the endorser and advertiser, like a business or family relationship or a payment for a free product.

When shopping for a product or service, evaluate reviews carefully. What do you know about the reviewer or the site where you're reading the reviews? Look at more than one source. A good place to start is with well-known websites that have credible and impartial reviews by experts.

When using online reviews to make a purchasing decision, it pays to take time to look closely at the reviews, as well as the website where they're posted.

## The Federal Trade Commission offers these tips to evaluate online reviews:

- **What is the time frame for the review?**  
A large number of reviews over a short period of time can be a sign the reviews are fake.
- **Did the reviewer write other reviews?**  
If not, this account may have been created to write one review for one product, indicating that it may be fake.
- **Fake reviews are not always positive.**  
A company may post negative product reviews to harm a competitor.



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## Wise lifestyle choices can help you manage arthritis

Arthritis is a common ailment of the joints and connective tissue that affects about one in four adults according to the U.S. Centers for Disease Control and Prevention. It occurs in the hands, hips and knees. Arthritis can lead to severe joint pain, limiting everyday activities and affecting your ability to work, as well as your mental health.

While arthritis is more common among older adults, it can occur at any age, even in children. Almost two-thirds of the adults with arthritis are of working age, between 18 and 64 years of age. Genetics, age and gender are risk factors for arthritis that are beyond your control. But there are other risk factors that can be managed with

lifestyle changes. Those include obesity, joint injury or overuse, occupation, infection and smoking.

Eating a healthier diet, becoming more physically active and quitting smoking are some things you can do to decrease your risk of getting or worsening arthritis.

To help with arthritis, choose physical activities that are easy on the joints. These include walking, gardening, dancing and swimming. These joint-friendly activities can help to decrease pain,

improve range of motion, increase energy and improve mood.

Increasing physical activity can help with weight loss, which in turn helps with arthritis. Aim for at least 150 minutes of moderate physical activity a week. But any activity is better than none. The key is to move more and sit less throughout the day.

Taking control of your health is an important step in managing arthritis. Track your symptoms, make healthy choices and get help with tasks that are challenging for you.



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