



Insurance Definitions

▼ **Liability coverage** – insures you for liability when you do something that causes injury to others; most common in auto insurance policies also in homeowners' insurance policies; automobile liability coverage is required in the State of California in the amount of at least \$15,000 per person and \$30,000 per occurrence

▼ **First party claim** – when you make a claim against your own insurance company; some examples of first party coverage:

▲ **Med pay** (medical payments) – pays medical bills for you, your family or your guests; usually a component of auto or homeowners' insurance; typically optional

▲ **Uninsured motorist coverage** – insures you when you are injured by the negligence of another driver whose vehicle is not insured: required in the State of California in the minimal amount of at least \$15,000 per person and \$30,000 per occurrence.

▲ **Underinsured motorist coverage** – insures you when you are injured by the negligence of another driver whose vehicle is insured but only in an amount less than the coverage you have; you can purchase uninsured/underinsured motorist coverage for up to the amount of your own liability coverage

▲ **Collision coverage** – insures you for damage done to your vehicle regardless of fault

Don't Skimp on Your Insurance Budget

The economy is on most people's minds a good deal of the time. Money is tight. People are re-assessing their expenses. Sticker shock on insurance premiums, whether for auto or health, causes consumers to inquire how to reduce their premiums. Sometimes, the first thought is to lower coverage limits, increase the amount of the deductible, or, in the case of auto insurance, to waive uninsured motorist coverage. We urge you to think again, and here is why.



The Insurance Research Council recently released a study that projects that the number of uninsured motorists in California may now be about 1 in 5. Our hands-on experience at Adel & Pollack is in line with this estimate. The leading causes appear to be the economic downturn and the increase in unemployment. Individuals, as well as businesses, are running the risk of operating their vehicles without coverage. The problem is worsened because their lack of concern for others increases the risk to responsible drivers.

With the advancing percentage of uninsured motorists on the road, it is more vital than ever to maintain adequate uninsured motorist coverage. This type of insurance is important, yet relatively inexpensive, making it not the place to save money. Uninsured motorist coverage [which automatically includes under-insured motorist coverage] protects

you and your family when you are the ones who get hurt. This coverage has a direct financial impact on you and your family. The coverage provides payment to you as if the other (negligent or at-fault) party had coverage.

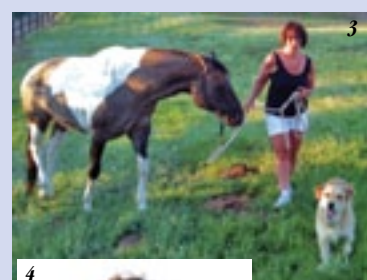
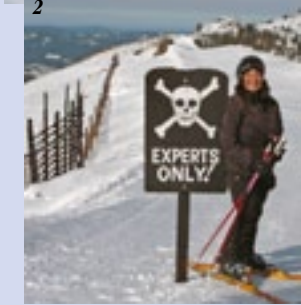
The importance of uninsured/under-insured coverage is underscored by California law. The Insurance Code mandates that such coverage be offered to drivers as an integral part of their policy and that it can only be waived if done so in writing. California law also requires drivers to have liability coverage in order to register their vehicles. Many people buy insurance on an installment plan, pay for 2 months of coverage and finance the rest with agreed monthly payments. The insurance companies do not care. They get cash up front and program their computers to send the required cancellation notices the instant the next payment is late.

Keep your uninsured coverage and ask for policy limits well above the required minimums. **Your family is worth it. This is not the place to save money.**



Family Views

When Adel & Pollack got started 33 years ago, our kids and their friends were part of our scene, and clients got to know them (and us). Currently, grandkids show up occasionally, but the kid-presence is much less than it used to be. In fact, with the preference for emails, faxing, texting, etc, even our clients aren't in the office as frequently as in the old days. We want to keep up the tradition of having you get to know our family and to see how we spend our time away from the office, so here we are:



1. Allie and Owen (great niece and nephew) enjoying the snow at Big Bear
 2. & 3. Nancy ready for the steeps at Mt. Rose and with Mocha and Stella at the ranch
 4. Zadie (Yiddish for grandpa) Barry with Eli
 5. Pilgrim Eli at Thanksgiving

Recent Successes

We cannot tell you how frequently insurance companies insist on offering the absolute minimum and wind up by paying a reasonably fair amount of compensation – after we get involved in our own special way.

There are several times when positive intervention set out in a powerful manner makes a huge difference in outcome.

It is important that such involvement take place early in presenting a claim. Folks sometimes think that they may not need a lawyer after being in a car crash and might try to deal directly with the insurance company of the other driver. After all, it is fair to reason that the carrier will do the right thing when their insured is at fault. They call the insurance company to get their car fixed only to start getting the run around. That may be when they think of calling us. They realize that if the insurance company is giving them such a hard time fixing their car, what is going to happen when they try to get their medical bills paid, not to mention getting compensation for intangibles such as pain, suffering, loss of enjoyment of life, future discomfort and disability.

In the last year, Adel & Pollack has been fortunate to help many clients get past the nay-saying of the major automobile auto insurers. For example:

▲ In a case involving a young man on a bicycle, Progressive Insurance repeatedly denied fault for the collision and tried to claim that our client was not hurt – even though his doctor was worried about permanent nerve damage. Although the initial settlement offer was \$7,300, we kept fighting until (about a month before trial) the case settled for more than 10 times that amount.

▲ A client on his scooter was struck by a delivery truck. Contrary to common expectations (perhaps due to today's economy), the truck had only minimal insurance coverage. Although the client's injury was substantial, the insurance company for the truck attempted to blame the guy on the scooter. When we were able to show that the truck driver had been drinking, a settlement for the policy limit was accomplished. In order to assure a complete

recovery by our client, we initiated a demand to our client's own insurance company under his underinsured motorist coverage. That coverage provided our client with compensation that would not have been available had he waived his uninsured motorist coverage. Please see the accompanying article on Insurance Coverage for more thoughts on this topic.

We Do All Our Homework!

▲ In another case in which our client was hurt and disabled, the police had investigated and determined, based on a so-called independent witness statement, that our client was at fault for the collision. By persevering and conducting our own investigation, Adel & Pollack was able to determine that the "witness" had actually not even seen the crash!! With physical evidence and our client's testimony—again with the aid of underinsured motorist coverage—we were able to obtain full compensation for our client.

▲ Independent investigation became vital in an automobile collision that occurred at an intersection in Lake Elsinore. The CHP determined that our client was responsible for the collision due to a high rate of speed. Our client disputed this finding. Over the next several months Adel & Pollack made several visits to the scene of the collision. The intersection and the surrounding area were photographed. We obtained copies of surveillance videos from a neighborhood convenience store. The videos were synchronized and used in conjunction with the still images. This allowed us to demonstrate not only that our client was not speeding but also that the other vehicle had failed to yield the right of way.

Not all our successes relate to automobiles.

▲ A client who fell on an uneven sidewalk wondered whether it was worthwhile to try to "fight City Hall" to recover for her fractured shoulder. While investigating the circumstances, we learned through legal discovery and public records that the adjacent landowner had replaced the sidewalk. The work was done without a permit and did not meet the require-

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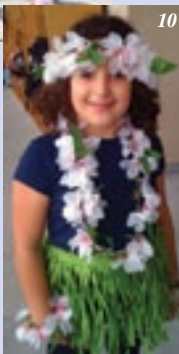
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6. Allie, Owen and Granddaughter Hannab, the Indians at our Thanksgiving dinner
7. & 8. Grandkids Adar and Carlos
9. Barry running a 1/2 Marathon with Niece Ilana in Denver CO
10. Polynesian Hannab

ments for the building code for compaction. Thus we were able to show that the uneven sidewalk was the result of a lack of support due to the improper construction techniques.

We are also winning important battles in employment rights and medical malpractice. Check our website at apinjurylaw.com for up-to-the-minute reports



The Sharks Are Everywhere



It seems like not long ago that our lives were a lot safer. Neighborhoods, driving, investing. Even as conditions got worse, at least you were safe at home. No so anymore. Scam artists are out to get you through radio waves, television and even your internet connection. *The sharks are everywhere!*

We have all heard about the scams. The get rich while working just three hours a week from home, sending out messages such as "how to eliminate your debt overnight," and so on. These days you simply cannot let down your guard. Just mistype one letter in a website address or into a search engine and you are redirected to who knows where or what.

Our office gets a lot of phone calls from people who have been scammed. People will take advantage of others on almost any front. We hear from people who have hired mortgage renegotiation outfits, paid a few thousand dollars in fees to them, only to later discover that the company was nothing more than a fancy website. Like that cardboard facade of the hotel that is really no more than a big poster. Sometimes it turns out that the services that they paid for, and thought they would

be receiving, could have been obtained for free from legitimate non-profit organizations. Then there are the international scams where millions of dollars are waved in front of your eyes, if you only send them some earnest money. These appear transparent yet we are aware of people who have responded in earnest and lost tens of thousands of dollars.

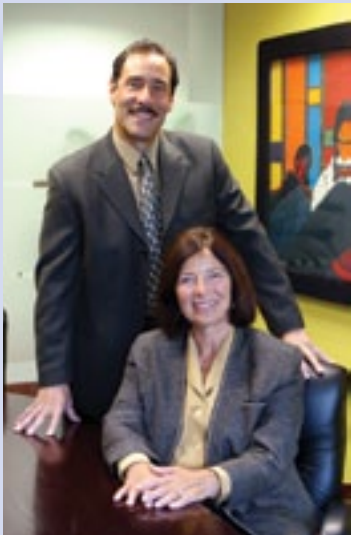
So what can you do to protect yourself? Our advice is to do business with known, trusted, local people as much as possible. If you have to go out of the area, use people and businesses that have a longstanding well-known track record. Don't necessarily choose the cheapest service. The few bucks you save off the price and tax may well not be worth the risk of dealing with an unknown.

When we buy online, invariably we click our agreement to the Terms and Conditions of the vendor without reading them. If there is a problem, that agreement might state that your rights as a consumer are to be determined by laws other than those of California, which are generally friendly to the consumer. You will probably have agreed that any claim will be resolved in the vendor's state. As a practical matter, that will likely prevent you from pursuing your claim at all. Solely maintaining a website that can be viewed in California is not sufficient to subject the seller to the jurisdiction of the California Courts.

Deal with people you know. Deal with people you trust. Deal with people recommended by trusted friends. Deal with people with history in their field. For major transactions, call your lawyer (that's us) and/or your accountant.



Coming in March 2011
Video at our apinjurlaw.com
website



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The play's the thing...

We at Adel & Pollack have known for a very long time that there is an overlap between acting and effective advocating. You might think that lawyering, which requires effectively portraying real-life situations, is very different from acting, which is an excursion into the imagination.

Acting, however, requires connecting with your deepest truest emotions. Introducing evidence, unfolding facts, telling the client's story, all while making a true connection with the jury, combines the world of the actor and of the lawyer.

With all of that in mind, Nancy decided to study Shakespearean acting, as taught by the incredible people at the Will Geer Theatre at Theatricum Botanicum, for three weekends in January.

Time was spent on bodywork, voice training, rhetoric. These are things that we have thought about as lawyers, but we have not often taken the time to really focus on them. In this class, we dared take extreme action to communicate physically. We learned about communicating with deep resonance and varied pitch.

We may not have been taught a course in "Rhetoric" in law school, but lawyers know that our choice of words is important to our message. From this Shakespeare per-

spective, I now see how pervasive poetry is in our communication. Repetition, alliteration... my opponent could be so much more than wrong; he could be full of blundering, belligerent balderdash.

Trial preparation is about understanding the case and figuring out how to present it most effectively – what words to put in exhibits, to say in opening and closing statements, to elicit from witnesses. Having a communicating experience in which the words were given – and were given with a poetic eloquence generally unmatched in the English language – was amazingly liberating. We could go to the edge of drama, even to

melodrama, to experiment with methods of expression. The take-away was a more nuanced yet varied range of expressive techniques.

The gift to our clients from this experience is that we now have even more tools to bring to persuade insurance adjustors, opposing lawyers, judges and jurors to compensate our clients to the full amount to which they are entitled.

