



## Our Durham Office Has Moved to the Venable Center

Martin & Jones is excited to announce that one of our offices has moved locations. The Durham office that was previously located in University Tower has moved to the historic Venable Center. Our new address is 302 E. Pettigrew Street, Suite 330, Durham, NC 27701. The Venable Center is in the heart of downtown Durham and is easily accessible from the Durham Freeway.

Venable Center is a newly restored, 90,000 square foot, historic tobacco mill property and is listed on the National Register of Historic Places. Our office is located in The Prizery building, named so because it was used to house the "prized" bright leaf tobacco.

If you have legal questions, call us at: **800-662-1234**  
Or visit us online at: [www.MartinandJones.com](http://www.MartinandJones.com)

**MJ** *notes*  
NEWSLETTER

If you do not wish to receive this newsletter, please call Martin & Jones toll-free at 1-800-662-1234 and request to be removed from our mailing list. Additionally, if any of your contact information changes, please let us know so that we can be sure this and other mailings reach you.

A NEWSLETTER FROM THE LAW OFFICES OF MARTIN & JONES, PLLC

**MARTIN & JONES** PLLC  
*Attorneys at Law*

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SPRING 2011

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A NEWSLETTER FROM THE LAW OFFICES  
OF MARTIN & JONES, PLLC

**MJ** *notes*

### WE HELP PEOPLE WITH THE FOLLOWING CLAIMS:

- Trucking Accidents
- Car & Motorcycle Accidents
- Wrongful Death
- Medical Malpractice
- Nursing Home Abuse
- Traumatic Brain Injury
- Harmful Products
- Defective Prescription Drugs
- Mesothelioma
- Asbestos-Related Lung Cancer
- Railroad Injuries/FELA
- Construction Site Accidents
- Workers' Compensation
- Unpaid Wages/FLSA
- Insurance & Investment Fraud
- Small Business Litigation
- Consumer Claims/  
Class Actions

## Help Is Available For North Carolina Distressed Homeowners

*by Chris Olson*

North Carolina, like much of the rest of the nation, saw a record number of foreclosures in 2010. Unfortunately, the pace of foreclosures has been nearly as strong in 2011. Indeed, the flood of foreclosures was only slowed by lenders' sloppy record-keeping and their inability, in many instances, to prove that they actually own delinquent borrowers' mortgages and thereby have the legal right to foreclose. In numerous cases, courts have halted foreclosure proceedings where some lenders have been unable to produce a proper paper trail documenting the lender's ownership of the mortgage in question. In addition, some lenders have held off on instituting foreclosure actions due to concerns about costs associated with upkeep of foreclosed properties and a desire to limit the number of "bank-owned" properties on their balance sheets.

Notwithstanding the slowdown in the rate of new foreclosure filings, at the present time there are literally tens of thousands of North Carolina homeowners who are either dealing with or facing the imminent threat of foreclosure. Many others could be in that position if one or more wage earners in a household lost their job or were faced with unexpected additional expenses, such as from a medical emergency.

To make matters worse, there are a number of scammers and con artists actively seeking to take advantage of distressed homeowners who may feel desperate. Some of these companies offer "foreclosure assistance" and promote themselves as "foreclosure rescue" specialists. Too often, these companies simply want to collect an up-front fee from borrowers or take what little equity may be left in a borrower's home. Borrowers should be particularly wary of any person or company that initiates contact with the borrower, offering services related to foreclosure avoidance or foreclosure assistance.

Homeowners should be leery of companies offering "foreclosure assistance" or "foreclosure rescue" services. The Federal Trade Commission and several states have brought enforcement actions against a number of these bogus operations which either improperly collect an advance fee or otherwise take a fee or equity out of a borrower's home without providing any tangible benefit to the homeowner. Consumers should be aware that mortgage relief companies may not collect any fees until they have provided customers with a written offer from the homeowner's mortgage lender or servicer that the consumer decides is acceptable, along with a written document from the lender or servicer describing the key changes to the mortgage loan that would result if the consumer accepts the offer. Though the Federal Trade Commission and a number of states have cracked down on bogus operations promising foreclosure assistance, there are still quite a few con artists and companies preying

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*Attorneys at Law*



## Carrie Guest Joins Raleigh Office

Martin & Jones is pleased to welcome our newest attorney, Carrie Guest, to the firm. She grew up in Fort Worth, Texas and attended Southern Methodist University in Dallas, where she graduated Phi Beta Kappa. Carrie then went on to receive her law degree with honors from Washington and Lee School of Law in Lexington, Virginia. Carrie is licensed to practice in North Carolina and Texas. In the past she has worked for a federal judge in the U.S. District Court for the Eastern District of Texas and for the internationally recognized defense firm Vinson & Elkins in Texas.

She has practiced in multiple areas of law, including medical malpractice, premises liability, toxic tort and products liability. At Martin & Jones, she is working with the product liability section on defective pharmaceuticals and defective devices. She has found her passion in representing the victims who have been harmed by a product or pharmaceutical drug and is delighted to be a part of the Martin & Jones team.

Carrie moved to Chapel Hill, North Carolina with her husband and four children in 2006 seeking a more relaxed lifestyle in a smaller town. Living in Chapel Hill has allowed her and her family to attend all sorts of University of North Carolina sporting events, including football, basketball, baseball, field hockey, swimming and lacrosse. She not only enjoys attending sporting events, but also loves playing a wide variety of sports. Carrie is also an avid cyclist and loves exploring the North Carolina country roads on her bicycle.

## Distressed Homeowners (cont.)

on distressed homeowners. Consumers should read the fine print, ask questions about the specific services that would be provided and the cost of such services, and check up on any company offering these services.

In North Carolina, it is unlawful for any company to collect an up-front fee in exchange for negotiating a consumer's debts. A number of companies offer "debt counseling" and "debt consolidation" services. Consumers should not pay any advance fee to any person or company offering to negotiate lower payments on the consumer's debt obligations. In addition to refusing to pay an advance fee, consumers should be clear on precisely what services the company is offering and at what cost.

There are a number of non-profit organizations, as well as governmental and quasi-governmental agencies, offering advice and services to consumers either at no cost or for a nominal charge. A few such groups which have provided much-needed relief and assistance to North Carolina homeowners are listed below:

**North Carolina Housing Finance Agency (NCHFA):** The NCHFA is a self-supporting public agency whose mission is to create affordable housing opportunities for North Carolinians. The Agency offers low-cost mortgages and down payment assistance for first-time homebuyers and provides relief to North Carolinians who have lost their jobs or are facing temporary financial hardships through the N.C. Foreclosure Prevention Fund. NCHFA can be reached at (800) 393-0988 or via the web at [www.nchfa.com](http://www.nchfa.com).

**State Home Foreclosure Prevention Project (SHFPP):** The SHFPP is a partnership led by the North Carolina Office of the Commissioner of Banks which coordinates HUD-approved housing counseling agencies, state and federal agencies, legal assistance organizations, mortgage servicers and community organizations to provide homeowners resources to help avoid

foreclosure. SHFPP can be reached at (866) 234-4857 or via the web at [www.ncforeclosurehelp.org](http://www.ncforeclosurehelp.org). The SHFPP website contains a list of tips for those having trouble making their mortgage payments.

**N.C. Foreclosure Prevention Fund:** The Fund helps North Carolina homeowners who are struggling to make their mortgage payments due to job loss or temporary financial hardship. For qualified homeowners, the Fund can provide an interest-free loan of up to \$36,000 to pay the consumer's mortgage and other related expenses for up to 36 months. The Fund can be reached at (888) 623-8631 or via the web at [www.ncforeclosureprevention.gov](http://www.ncforeclosureprevention.gov).

**Self-Help:** Self-Help is a non-profit that works nationwide from its Durham, North Carolina headquarters, helping individuals, organizations, and communities traditionally underserved by conventional markets. The group helps homeowners and home purchasers with financing and also offers banking services through its credit union. Self-Help can be reached at (800) 476-7428 or via the web at [www.self-help.org](http://www.self-help.org).

North Carolina consumers experiencing difficulty making their mortgage payments or paying other bills must deal with very frightening and stressful situation. Fortunately, there are resources available to help borrowers keep their homes. Homeowners should be proactive: do not hide from the problem, but address it by finding out the nature of any delinquency with payment obligations and what options a homeowner might have. Homeowners should ask questions and read the fine print before agreeing to work with any company offering foreclosure assistance or debt counseling services. The legitimate companies and groups will take the time to answer consumers' questions about available options and what relief may be obtained.

## Understanding the Medications You Take and Monitoring Your Safety

By Hoyt G. Tessener

Most of us believe that if a drug is approved by the Federal Drug Administration (FDA) it is safe for use. We hear the statement "FDA approved" and rest assured. Of course, we want to believe the drug we take is safe. However, the FDA has limited funding and relatively few investigators. The FDA reviews drugs based upon information provided to the FDA from the actual drug manufacturers. You read that last sentence correctly. The drug companies that profit from the drug conduct the tests and provide the test results to the FDA for approval of the drug. Since 1992, there have been more than 20 drugs that were approved by the FDA that were later withdrawn from the market due to safety concerns. Many other drugs that were FDA approved and available on the internet were later required to include stern warnings because of potentially deadly side effects.

The FDA approves drugs for particular conditions, diseases and ailments. However, a doctor can prescribe the drug for "off-label" use. Off-label use allows the doctor the discretion to use the drug for an untested purpose. You may ask how a doctor knows to use a drug for an "off-label" use. The doctor knows to use the drug because the sales representatives from the drug companies market the drug to the doctors. The drug representatives tell the doctor how the drug can be used "off-label" for other conditions and encourage the doctor to prescribe that medication for those conditions. The more the drug is prescribed, the more the profits for the pharmaceutical industry (and larger commissions for the sales rep). If you would like more information, go to [www.worstpills.org](http://www.worstpills.org).

In the February 2011 issue of "Worst Pills, Best Pills News," Public Citizen provided suggestions for safer drug use. Public Citizen's record regarding the safety of drugs far exceeds the FDA's safety record. In fact, some argue that the FDA relies upon Public Citizen. Below are the some of their suggestions for safer drug use:

- Make sure drug therapy is really needed.
- If drug therapy is indicated, and in most cases, especially in older adults, it is safer to start with a dose that is lower than the usual adult dose.
- When starting a new drug, see if it is possible to discontinue another drug.
- Regularly talk to your doctor about stopping your drugs.
- Find out if you are having any adverse drug reactions.
- Assume that any new symptoms you develop after starting a new drug were caused by the drug.
- Before leaving your doctor's office or pharmacy, make sure the instructions for taking your medicine are clear to you and a family member or friend.
- Discard all old drugs carefully.
- Ask your primary doctor to coordinate your care and medication use.

Drug companies now spend more money on advertising and lobbying than on research and development. Be careful about starting new drugs. If you need to start a new drug, keep a journal of the effects of the drug so you can discuss those effects with your doctor.



## Megan West Joins Raleigh Office

In September 2010, Martin & Jones welcomed a new attorney, Megan West. Megan has chosen to focus her practice in the area of personal injury litigation. In 2007, Megan completed her undergraduate degree at Wake Forest University with a Bachelor of Science in Business. Megan knew from a young age that she wanted to attend law school. She was accepted to Campbell University School of Law and graduated cum laude in 2010.

While in law school Megan interned at the North Carolina Court of Appeals, the North Carolina Supreme Court, and the North Carolina Office of the Attorney General. She was the consulting editor of the Campbell Law Review, the research assistant for two law professors, and was selected to participate in the moot court program. Megan also was a research and writing scholar and assisted first-year students with their research and writing skills. Through all of her involvement in these activities she was able to gain a variety of hands on experience.

Growing up in Murphy, North Carolina, and attending both college and law school at North Carolina schools, Megan knew she wanted to stay in North Carolina. She loves living in Raleigh but enjoys visiting her hometown back in the mountains. In her free time she enjoys being outside, reading for book club and traveling. Megan also loves spending quality time with her friends and family.