

An Important Message to our Clients with Asbestos Claims

Processing asbestos cases from beginning to end takes much longer than a year or two. Even though we may have one or more settlements within the first few months of accepting your case, it may take much longer to receive others. During this time period, you may not receive any correspondence from us. We are still reviewing your cases for potential claims and continue to pursue the best possible outcome for you. Feel free to call at any time for an update.

If you move, change phone numbers or your loved one passes away, PLEASE notify us immediately so that we can continue the claim as smoothly and efficiently as possible. It will assist us in keeping track of you in the event of a settlement and will expedite the settlement process. Please know that when we have exhausted all efforts for your case, we will notify you in writing that we will be closing your file.



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. Or, if any of your contact information changes, please let us know so that we can be sure this and other mailings reach you.

If you have legal questions, call us at:
800-662-1234
or visit us online at:
www.MartinandJones.com

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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
- Wage & Hour Class Actions
- Insurance & Investment Fraud
- Small Business Litigation
- Whistleblower Lawsuits
- Wrongful Conviction/Civil Rights
- Consumer Rights

If you have legal questions,
call us at **800-662-1234**.



Attorneys at Law

Jury Compensates Man \$3.35 Million for Injuries Suffered in Tractor Trailer Wreck

By Hunt Willis

On December 12, 2010, then 56-year-old Everett Jerome Gardner was heading south on NC Highway 77 near Hamlet, North Carolina to visit his family for the Christmas holiday. What happened next would tragically change his life forever.

The driver of a tractor trailer traveling in the opposite direction down the two-lane highway failed to pay attention to his driving and turned left across the center line, colliding head-on with Mr. Gardner's much smaller Nissan Sentra. Mr. Gardner was air-lifted by helicopter to UNC Hospitals where he spent nearly two months. He was burdened with more than \$200,000 in medical bills from his numerous surgeries, hospital stays, and rehabilitation care. He suffered almost a dozen broken bones and most of the use of his dominant left arm. Mr. Gardner had worked as a construction equipment operator since his 16th birthday, and as a result of his injuries from the collision will never again be able to work in the job he loved. Mr. Gardner's mother and his two young sons were by his side throughout his hospitalization, and helped him through the everyday pain and sadness he suffered in the months and years after the wreck.

After the truck driver and his insurance company refused to settle the case and even denied all responsibility until the Thursday before trial, Mr. Gardner asked a jury to decide his future. A week-long trial resulted in a \$3.35 million verdict against the truck driver and the trucking company responsible for the driver. Hoyt Tessener and Hunt Willis served as Mr. Gardner's attorneys.



HOYT TESSENER



HUNT WILLIS

Hunt Willis Shares His Reaction to His First Trial Experience

No matter what the facts of a case are, when a client decides to submit his or her fate to a jury, there is always a measure of uncertainty in the outcome. But when the

client is honest, and his story can be told, the jury will listen. It was inspiring to watch the jury become genuinely interested in Jerome over the course of the trial. They wanted to hear what he had been through, what he had lost, and what could be done to make up for the losses he had suffered. They wanted to learn about his life and his struggle so they could make the best decision possible, and it showed.

As a new lawyer, it was comforting to watch as twelve strangers took on the role as guardians of their community. After the trial, jurors mentioned to the judge how meaningful it felt being empowered as a panel with the responsibility of making this kind of a decision for a member of their community. Of all the things I learned from this trial as a new lawyer, the fact that the jury takes its role so seriously is one I will take with me for the rest of my professional career. I was honored to be a part of Jerome's story.

CONSUMER ALERTS

Stryker Recall

Lawsuits involving the July 2012 voluntary recall by Stryker, a major orthopedic hip implant manufacturer, of two of the company's hip replacement systems continue to move forward in the state of New Jersey and in federal court in Minnesota. The Rejuvenate and the ABG II modular-neck stems were recalled due to revisions potentially associated with fretting and/or corrosion at or about the modular neck junction.

The artificial hips, made from varying combinations of metal, ceramic and polyethylene, are capable of improperly releasing potentially dangerous amounts of metal debris or metal ions into the bodies of hip replacement recipients. Unlike the metal-on-metal hips, which deal with problems from the articulation of a metal ball and cup, the problem here involves the junction of the neck of the implant which, according to the notice, may be subject to fretting and corrosion. Such fretting and corrosion can degrade the device's metal components, potentially putting patients at risk.

The adverse side effects can include metallosis (a build-up of metallic debris), necrosis (the cell death of affected tissues), and osteolysis (the death of bone cell due to blood supply issues) – any of which can necessitate revision surgery.

For those who have had to have the Stryker implants removed, the surgery often requires the femoral stem to be removed which requires splitting the femur to remove the stem. Surgery for removal of these implants is more complicated than replacement of ball and cup type implants.

General Motors Recall

In March 2014, the CEO of General Motors admitted that its delayed recall of faulty ignition switches in 1.6 million small GM vehicles was a cause of multiple deaths and that GM took too long to disclose the defect and bring the cars in for repair.

In February 2014, GM issued a recall of defective Chevrolet, Pontiac and Saturn vehicles for faulty ignition switches that can be jarred from the operating "on" switch position to the non-operating "off" switch position while the vehicles are in use. Simply brushing up against the key or even hitting a bump in the road could cause the switch to turn the vehicle off, which is extremely hazardous in high speed situations on the roadways. The defect caused collisions or wrecks due to the loss of power steering control, loss of braking ability, and airbag non-deployment. An independent review of the defect concluded that hundreds of deaths were related to non-deployment of airbags between 2003 and 2012.

GM announced the recall of more than 780,000 Chevrolet Cobalts and Pontiac G5s (model years 2005-2007). Two weeks later it added 842,000 Saturn Ion compacts (2003-2007), Chevrolet HHR SUVs, Pontiac Solstice and Saturn Sky sports cars (2006-2007). All of the recalled cars have the same defective ignition switches.

GM is urging people not to put anything on their car key rings until the defective ignition switches are replaced.

Contact Martin & Jones for a free consultation at 800.662.1234 if you any questions pertaining to these or other product recalls. Or visit www.MartinandJones.com for more information.



CAITLIN GRIFFIN

Certification Raises the Bar for Paralegals

by Caitlin Griffin

Increasingly, legal assistants and paralegals alike are handling heavier workloads and assuming more responsibilities inside the average law office, playing an integral role in all stages of case management. As the

legal landscape evolves and the bar for performance is raised, paralegals all over the nation are gaining well-deserved recognition.

In North Carolina, a person does not need special schooling or licensure to work as a paralegal. Yet more than a decade ago, out of a desire to standardize the profession, proud North Carolina paralegals seeking increased public awareness of their unique role in the legal arena began pushing for regulation of the profession. From this desire was born the concept of voluntary paralegal certification.

On October 6, 2004, the North Carolina Supreme Court adopted the North Carolina State Bar's Plan for Certification of Paralegals ("The Plan"). The Plan's purpose was to "assist in the development of paralegal standards, raise the profile of the paralegal profession, and standardize the expectations of the public and other legal professionals." At the core of The Plan is a requirement that paralegals wishing to become North Carolina-certified must first complete an accredited paralegal studies program. Veteran paralegals meeting certain requirements were "grandfathered in" for the first couple years after implementation of The Plan, allowing them to sit for the certification exam based on work experience. On July 1, 2005, the North Carolina State Bar Board of Paralegal Certification ("NCSBBPC") began accepting applications to sit for the certification exam.

Since then, the exam has been offered twice annually.

Paralegals that successfully pass the exam are allowed to put one of the following credentials behind their names: "North Carolina State Bar Certified Paralegal," "North Carolina Certified Paralegal," "NCCP," or "Paralegal Certified by the North Carolina State Bar Board of Paralegal Certification."

In order to maintain the certification, the North Carolina State Bar requires all North Carolina certified paralegals to complete, at minimum, six hours of Continuing Paralegal Education ("CPE") or Continuing Legal Education ("CLE") courses each year, including one hour of ethics. Continuing education requirements add value to the credential and ensure that paralegals, like attorneys, are held accountable to the highest of ethical and professional standards by keeping abreast of current trends in law. Paralegal certification and adherence to The Plan are regulated through the North Carolina State Bar, the same organization that regulates North Carolina attorneys. Other states have developed similar voluntary certification plans, although each state's regulation of paralegals is unique.

Martin & Jones proudly employs paralegals with diverse educational backgrounds and varying levels of experience. Currently, eight paralegals working at the firm have obtained the NCCP credential. Martin & Jones supports professional development of its paralegals by paying for membership in up to two professional associations each year, and by paying for CPE/CLE courses so that employees can maintain their certifications.

Caitlin Griffin is a paralegal at Martin & Jones. Caitlin graduated from the paralegal program at Meredith College in Raleigh, and she is a NCCP.



CHRIS OLSON

General Mills Retracts Mandatory Arbitration Requirement From Social Media Policy

by Chris Olson

General Mills, Inc., the company that makes popular cereals Cheerios and Cocoa Puffs and also numerous other brands created a firestorm on social media after it began telling customers who joined its online communities that they had given up their right to sue the company by doing so. With broad wording, it could be asserted that customers had given up their right to sue General Mills by simply "liking" the Facebook page of a General Mills product, entering a company-sponsored sweepstakes or contest, or interacting in a variety of other ways.

The backlash against General Mills' policy was swift and intense. The American Association for Justice joined the effort and more than 4,000 letters with the message "Trix Don't Belong in The Fine Print" were sent to Congress. Many thought the company's means of securing customers' "agreement" regarding mandatory forced arbitration was underhanded. After much consumer outcry, on April 19, 2014, General Mills issued a statement that they were returning to their prior terms.

Though General Mills retracted this effort to require arbitration of any disputes with customers, the threat of forced arbitration is becoming all the more prevalent in the wake of recent United States Supreme Court decisions clearing the way for companies to require arbitration of practically any dispute. With arbitration, disputes are decided by either a single decision-maker as a sole arbitrator or a panel of arbitrators. Typically, the arbitrators are paid by the company that wants to have disputes heard in arbitration rather than in the court system. Arbitrators thus know that the entity paying their fee is the same party that may or may not select that person to hear other disputes to be arbitrated in the future. This creates the risk of "repeat customer" bias, with arbitration results and awards slanted in favor of the companies that send the arbitrators repeat business.

Consumer advocates have worried that the pro-business Supreme Court decisions would result in companies employing aggressive tactics such as those of General Mills in an effort to guarantee that all disputes an individual may ever have with a company must be resolved in arbitration. Legislation was proposed that would limit the situations in which companies can force arbitration on their customers and others with whom they deal. Unfortunately, the legislation has been stalled in committee for nearly a year. The Arbitration Fairness Act was assigned to a congressional committee on May 7, 2013. If passed, the Arbitration Fairness Act would prevent forced arbitration in any employment, consumer, antitrust, or civil rights dispute. Concerned citizens should urge their congressional representatives to seek action on and enactment of the Arbitration Fairness Act.