

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

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

MARTIN & JONES
PLLC

Attorneys at Law



(Pictured from left are Chris Olson, North Carolina Justice Center staff attorney, Carlene McNulty and John Alan Jones. *Photo provided by New Image Studio.*)

North Carolina Justice Center honors John Alan Jones and Chris Olson

John Alan Jones and G. Chris Olson recently received the Defenders of Justice Award for Litigators from the North Carolina Justice Center at the 11th Annual Defenders of Justice Award ceremony held at the American Tobacco Campus in Durham.

The North Carolina Justice Center is a non-profit research and advocacy organization dedicated to protecting the rights of disadvantaged North Carolinians and working families.

Jones and Olson were selected as the 2009 Defenders of Justice Award Recipients in Litigation for their work as lead counsel on two predatory lending class action lawsuits against large national money center banks. The class actions were filed in 2002 and resolved in early 2009 for a combined total of \$81.25 million. Pursuant to the settlements, more than 10,000 North Carolina borrowers will receive substantial settlement payments. The subprime borrowers eligible for the settlement payments are primarily low to middle-income working class individuals.

According to the Justice Center, the award honors Jones and Olson "for using their impressive legal skills to pursue cases that expand consumer protections so all North Carolinians can pursue effective recourse for unfair business practices."

Walkers raise funds for local research

For the third year, a team of Martin & Jones staff walked in the annual Thad and Alice Eure Walk for Hope. With 16 walkers, this year's Martin & Jones team was the largest yet. This year was also the largest number of walkers ever for the Walk for Hope. More than 3,000 walkers joined together and raised more than \$400,000 dollars to be used for research into the treatment and causes of mental illness.

This year's walkers included: (front row) Mary Dean, Ashley Poling, Margaret McLaurin, Allison Rogers, Kelly Rewerts, (second row) Kim Hill, Lee Berrios, Donna Elliott, Louise Brunson, Susan Taylor, Lisa Taylor, (back row) Tiffany Caldwell, Jessica Stubbs, Lynda Flewwellin, Stephanie Sartain, and Renee Flewwellin.



How is a case handled?

Depending on how you first contact our office, our qualified staff will respond by e-mail or answer your call. During the initial communication, we determine if your case is the type of case we handle. If it is not the type of case we handle, we may be able to refer you to an attorney who handles cases in that practice area. If we handle the type of case you describe, we may follow one of several paths. In some instances, we will want to meet with you immediately. In other situations, we will need to review records or conduct research before we meet with you.

Although we have handled cases throughout the country, most of our cases are in North Carolina and Georgia. It is important that you hire a lawyer who is familiar with the laws of your state. All states have different laws and procedures. For example, North Carolina is one of only four remaining states with a law of contributory negligence. The law of contributory negligence greatly affects your ability to bring a negligence claim in North Carolina.

After we have made a determination to accept your case, we discuss the process of handling your case including our contingency fee and the costs. We will give you an estimate of the costs and our initial assessment of how the case will proceed.

In the beginning, we gather facts to determine how best to present your case. We may believe that it is best to prepare and submit a settlement package to the defendant. The settlement package will outline our theories of liability and the damages you have suffered. We will make a demand in that settlement package with an attempt to negotiate a settlement with the defendant or his/her insurance company.

In today's climate of avoiding responsibility, very few insurance companies negotiate a claim without a lawsuit. Therefore, it is increasingly common that insurance companies force us to file a lawsuit. Insurance companies representing medical providers and the pharmaceutical industry almost always force us to file a lawsuit.

Once the lawsuit is filed, we enter into the pleadings stage. The lawsuit begins with the filing of the Complaint. The defendants have a set period of time to answer the Complaint. Once the Answer and Complaint are filed, we move from the pleadings stage to the discovery phase.

Discovery involves discovering information about each side's case. We produce evidence to the defendant and the defendant produces evidence to us. Discovery comes in the form of documents, answers to written questions and oral depositions.

Sometime toward the end of the discovery phase, we may have a mediation. Mediation is mandatory in North Carolina. Mediation requires all of the responsible parties to discuss settlement. Everyone that has decision-making authority is required to attend the mediation.

If the mediation is not successful, we proceed to trial. A trial begins with jury selection and ends with the court's entry of judgment on the jury's verdict.

Each individual case is fact specific. It is important that you hire a lawyer who is familiar with handling cases, trying cases and the local jurisdiction.

Two attorneys join Martin & Jones, PLLC

Gilda “Jill” Hernandez received her undergraduate degree in Criminal Justice from the University of Illinois at Chicago and graduated from Southwestern University School of Law in Los Angeles, California in 2004. While Jill was born and raised in Chicago, her parents are from Mexico, and she is fluent in Spanish.

Prior to joining the firm, Jill worked for the United States Department of Labor, Wage and Hour Division, from 1997 to 2008, enforcing federal labor laws such as the Fair Labor Standards Act, (FLSA), Family Medical Leave Act, (FMLA), Migrant and Seasonal Protection Act, (MSPA), Davis Bacon Act, (DBA), Service Contracts Act, (SCA), and provisions of the Immigration and Nationality Act, (INA). During this time, she investigated and educated employers with respect to wage and hour laws; advising them on correcting violations and maintaining compliance. She also conducted outreach presentations to low-income communities and regularly collected back wages on behalf of hundreds of employees who were either wrongfully paid or not paid according to applicable statutes.

With the experience she gained while working with the Department of Labor, Jill’s practice focuses on wage and hour class actions, representing employees who have experienced violations due to minimum wage, overtime, and non-payment of hours worked; misclassification of employees as exempt from overtime; misclassification of independent contractor status; illegal deductions; meal breaks and record keeping issues.

In her spare time, Jill enjoys traveling and spending time with her husband and two daughters.



Before joining Martin & Jones, **Walt Wood** practiced with a national plaintiff’s firm in South Carolina. While at that firm, he handled personal injury, civil rights and product liability cases. He was one of several key attorneys pursuing the liability case against Norfolk Southern for causing one of the most catastrophic train derailments in American history in Graniteville, South Carolina.

In 2004, Walt graduated from the Duke University School of Law, where he was active in the Public Interest Law Foundation and edited articles for the Duke Environmental Law & Policy Forum. In 1999, he received his undergraduate degree from the University of North Carolina at Chapel Hill, where he was honored as a Phi Beta Kappa member. After his studies at UNC, Walt joined the Teach For America program and taught fourth graders for two years at a public school in Baltimore, Maryland.

At Martin & Jones, Walt represents individuals and families who have suffered personal injury or death due to the wrongful acts of others. He is also active in business litigation. In his first trial, Walt obtained a \$1.25 million punitive damages verdict on behalf of two senior citizens who were defrauded in an investment scam. Walt will continue to practice in the areas of personal injury, products liability, civil rights, business litigation, securities violations and railroad and auto accidents.

In his free time, Walt enjoys live music, the outdoors, travel, running and Tarheel sports.



An Important Message to Our Clients

The lawyers and staff at Martin & Jones work to resolve your case as quickly as possible, while at the same time seeking to obtain the fairest compensation for all clients. In representing our clients to the best of our ability, we may require the assistance of co-counsel. In the event we retain co-counsel, we share our fee with them. Our clients pay no additional fees. Any costs that our co-counsel incurs would be a cost we would have incurred had we been able to do that work ourselves.

In certain situations and in order for us to process your claim, we may ask clients to obtain the assistance of another lawyer whose practice is specifically geared to legal matters that we don't typically address in our practice. For example, probate lawyers are better able to provide the assistance needed in handling estate matters in the event of a death claim. We're simply not familiar enough with probate law to assist our clients with estate financial matters as it relates to filing and distributions. In North Carolina, there must be a representative to receive wrongful death proceeds. Estates must remain open until all settlement proceeds are received and distributed. Our attorneys and staff are more than willing at your request to supply any information we have available to your probate attorney, who can best handle all such filings. This enables us to concentrate on the claims for which we were hired.

If you have a change in your health or diagnosis, if you move, change phone numbers or last name, please call Martin & Jones and give us your updated information.

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.

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