

V&B ATTORNEYS

the newsletter

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Conquering Fear

No, those people with the funny hats and jackets aren't aliens from another planet or a rock band from the late 1970s--it's me, Vuk, and our wives right before we floated a Class III whitewater rapid right outside of Edwards, Colorado this summer.

It was the first rafting trip for all four of us. We were all a little nervous (to say the very least) especially when the rafting guides outfitted us with helmets and life jackets and made us all sign forms acknowledging that you could die or get injured in about 500 different ways.

The safety briefing was quick and to the point. We learned what to do if you fall out of the boat; how to swim away from sunken rocks and trees; how to keep from getting swept away from the raft; how to turn the raft over if it flipped on a rock; and a bunch of other safety topics that were important to discuss but just added to our anxiety before the trip.



And then we started down the river. We hit the first whitewater rapid and dip, turn, paddle, bump, SPLASH! yell and freezing cold water splashed on our entire raft, and on us too. We were alive! Then five minutes later another whitewater rapid. Again, dip, turn, paddle, splash, yell, we made it! A third whitewater another 15 minutes later and we made it again and we were in calm water, wet and cold but exhilarated and excited that we had survived and conquered our fears. The next 45 minutes consisted of our raft floating gently down the river while we enjoyed the beautiful mountain scenery.

I know in my life I often have challenges I have to surmount or fears I have to conquer. I'm sure you do too. Everyone does. But I find that I sometime make my fears out to be much worse than they actually are--I think too much about the rapids.

We can overcome challenges and fears. But we need to get in the boat and start paddling. If we spend our time on the shore worrying about the rapids, we'll never find out how exciting those wild rides can really be.

Brian

I would like to thank Brian Beckcom and his staff for their professionalism and their support. I knew when I met Brian that he was more than qualified to handle my father's wrongful death case.

Sabrina M.

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We Get Questions

Q: What kinds of claims can I make in a death case?

A: In cases involving the death of a person, generally there are two types of claims: (1) wrongful death claim, and (2) survival claim.

A wrongful death claim is a claim belonging to a person related to the deceased individual, for the loss of their family member. Under Texas law, only spouses, children and parents may assert a claim for wrongful death. The damages involved in this type of claim include the mental anguish and emotional loss over losing a loved one, as well as certain financial claims such as loss of wages and loss of inheritance.

A survival claim belongs to the "estate" of the deceased person, and is a claim for any pain and suffering experienced by the person before their death. A survival claim may also involve medical bills incurred by the person prior to death, as well as burial expenses.

It is wise for any attorney handling a death case to always engage the services of a qualified probate attorney. The probate attorney will "open an estate," typically in probate court. This will ensure that any and all wrongful death and survival claims are properly before the Court.

Life is Stressful, But That Doesn't Mean You Shouldn't Take Time to Relax

Life is often stressful. Work has to be done, bills have to be paid and children have to be fed. Some situations are more hectic than others, but really even little things can raise your anxiety level. While you might lead a hectic life, it is crucial to take a few moments from each day to de-stress.

Here are five tips to lower your tension:

1. Take a walk. Exercise is known for improving moods, plus it is good for your body. Grab a friend or even the family dog and get outside. Take a stroll around the neighborhood or through the park. You will start to feel your stress lighten.
2. Have a good laugh. It might not be realistic to watch a funny movie when you are feeling stressed, but you could look up a short video clip on YouTube. When you laugh, your heart rate and blood pressure go up, and when they drop, you will start to feel relaxed.
3. Listen to soothing music. Login to Pandora or turn on your iPod and find some slow music. Soothing sounds will help you relax.
4. Pop a piece of sugarless gum in your mouth. It is believed that chewing a stick of gum may help lower cortisol levels. Cortisol is a stress hormone.
5. Light a scented candle. Scents that contain linalool, such as lavender and mango, can help reduce your stress.

You don't need to spend your days feeling tense. Follow these tips, take a deep breath and...relax.

Are You In Good Hands or Changing Hands?

It seems like you can almost write an entire book on the tactics that insurance companies and their adjusters use against unsuspecting consumers. Here is another "chapter" for this "book" – the changing of insurance adjusters.

One of the common tricks used by insurers is re-assigning a claim to a different adjuster. Just when you think you have arrived at the point where you will be offered a fair settlement, your file is given to another adjuster, without any type of explanation or notice. There you find yourself, at square one. Additional documents are requested and the adjuster asks a series of questions that you have already answered. If you didn't have things in writing, you are most likely going to have to renegotiate, as well.

It's a frustrating experience and it only gets worse if your file changes hands more than once.

While you can't control the actions of the insurance company, you can take steps to protect yourself. Every time you talk with an insurance adjuster, document your conversation and follow up with a letter. For example, if the insurance adjuster tells you that they will cover the costs of a rental car, mail a letter summarizing your conversation.

Keep copies of all of your correspondence and store everything in a file that can be easily accessed. If your file is re-assigned, you will have documents supporting your previous negotiations.

You Know the Information Doesn't Apply to Your Claim and So Does the Insurer

You have just about had it. The insurance adjuster has asked for yet another document that seems useless. You know it has nothing to do with your claim and the insurer knows it too. But, you find yourself wasting your time chasing paper. Why is the insurance company doing this to you?

Never underestimate the insurance company and the lengths it will go to avoid paying you. Insurers are in the business to make money and paying your claim is not something they are thrilled about doing. Instead, they often focus on ways to get you to "just go away." One of these tactics is requesting unnecessary information.

The insurance adjuster might tell you that the

information they are asking for is needed before they will evaluate your claim. They have no problem waiting weeks for you to find this information. Why would they care, when they are earning interest on the money that they should be paying you?

Even if you haven't dealt with this particular issue with the insurance company, you do need to stay alert after filing a claim. The insurance company has an entire arsenal of tricks that they will use to minimize or outright deny your claim. Don't let them get away with it. If needed, contact an attorney in your area. Most lawyers offer free consultations, so getting advice won't cost you anything. Instead, it could save you money.

Smith+Noble Roman and Roller Shades Recalled After Near Strangulation

Last December, several retailers joined the voluntary recall of Roman shades and roll-up blinds. Smith+Noble was recently added to this list.

Roman and roller shades have been identified as serious hazards for children. According to a press release by the U.S. Consumer Product Safety Commission (CPSC), Roman shades can lead to strangulation when a "child places his/her neck between the exposed inner cord and the fabric on the backside of the shade or when a child pulls the cord out and wraps it around his/her neck."

Roller shades are just as dangerous. There is a risk of strangulation that arises when the loop cord is not attached to the wall with a tension device.

In May 2009, Smith+Noble and the CPSC discovered that a 5-year-old boy had a close call when he became entangled in an unsecured continuous loop cord on a roller shade. Fortunately, the boy was not seriously harmed.

Smith+Noble is recalling about 1.3 million shades. The recall encompasses all roller shades that do not have a tension device attached to the loop cord and Roman shades that were custom or made-to-order. The brand names included are Smith+Noble, Christopher Lowell by Smith+Noble, Jessitt Gold, Shop Blinds and Window Elements.

These shades were sold nationwide from 1998 to April 2010.

For more information about this recall, visit www.smithandnoble.com/productrecallinformation or call (877) 228-7683. Depending on the type of shade you have, you may be able to obtain a free repair kit.





ACCIDENT & INJURY LAWYERS

VUJASINOVIC & BECKCOM, P.L.L.C.

Vujasinovic & Beckcom, P.L.L.C.

1001 Texas Avenue
Suite 1020
Houston, TX 77002
Phone: 713.224.7800
Toll Free: 877.724.7800
Fax: 713.224.7801
Email: Brian@VBAttorneys.com
www.VBAttorneys.com

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Client Spotlight



Reminder About Our Firm's Communication Policy

Our goal when we are working on our clients' cases is to obtain the best possible result as quickly as possible. When we are working on your case, our lawyers do not accept unscheduled phone calls or respond to emails. We believe this allows our lawyers to be much more productive and provide fast and effective legal services to our clients. Remember, if you are a client of the firm, you can always call our firm and schedule an appointment to talk with a lawyer at any time about your legal matter. We will call you back within 24-48 hours unless it is not possible to do so. We will also respond to your emails in the same time frame. We have found that focusing on our clients' cases helps us to provide the best service possible.

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