

# COLE AND HODGES

A quarterly newsletter for friends and clients of Cole and Hodges, P.C., Trial Lawyers

FALL 2008

## Dad, I want to be a Marine

"Dad, I want to be a Marine." I knew this day was coming, but the words still hit hard. My oldest son was going to be the best this Country has to offer. I was filled with emotions—fear for him, pride in him, and deep desire that my Country would support him.

My son is now a Recon Marine, the toughest kind of Marine, and has sworn to defend this Country against all enemies, foreign and domestic. He will do it without hesitation or doubt. He deserves a Commander in Chief who is competent. He deserves an equally competent Vice President.

Americans also deserve leaders who understand the economy. America's leaders cannot continue to punt to the same undisciplined big business moguls who created the current economic mess.

Character matters.

Barack Obama did not have rich, powerful parents. He entered and graduated with honors from Harvard Law School on his own. Not a small accomplishment. Michelle Obama has similar individual accomplishments, which she achieved without the help of rich or powerful relatives. Married for years, they



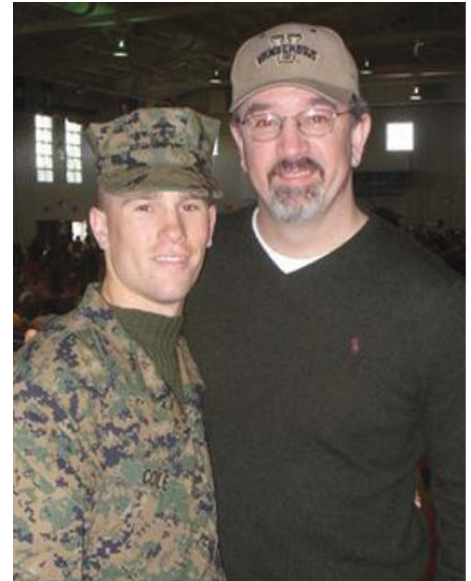
decided to help the less fortunate in Chicago's crime-ridden neighborhoods by eschewing high paid jobs on Wall Street while raising their children.

John McCain was an admiral's son, and grandson of an heiress, who couldn't get into West Point but for his connections. Impulsiveness, rather than calm reason, is his hallmark characteristic. He started his relationship with Cindy McCain while he was still married. She is a "trust fund" baby whose father was the biggest beer distributor in Arizona; and she has a history of pilfering medicines from her "non-profit" medical charity. Unlike McCain, most Americans at least know how many houses they own (or have been foreclosed on recently).

People skills and policies also matter.

Obama has the talent and ability to lead and build consensus across party lines and borders. He understands that America can't just be powerful militarily and expect everyone to accept us. He understands that America cannot sustain an unending "global war on terror" with no defined boundaries and goals. McCain admittedly voted with Bush 90% of the time and threatens to continue the secretive, expensive, and arrogant usurpation

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Kenny with his son, Zachary

of power exhibited by Bush for the last 8 years.

Obama understands that America's military is not the "police force" of the world. Obama wants the world to respect and admire America, rather than just fear

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## A new study says 92% of nursing homes are deficient

Tom Brokaw once described our elderly citizens as the "Greatest Generation." Tragically some of these individuals, many of whom fought for our Country's freedom, are not receiving the treatment they deserve in nursing homes and elder care facilities. Many innocent senior citizens are abused or neglected in nursing homes and elder care facilities across Alabama and the United States each year. A recent study has confirmed that our elderly citizens are exposed to harmful and negligent conduct in as many as



90% of nursing homes in America. A Department of Health and Human Ser-

vices report released recently found extensive problems in nursing homes in the United States. A total of 92 percent were cited for some type of deficiencies during each of the last three years. Nearly 6,000 nursing homes were cited for abuse violations, according to a review of state inspection records requested by Rep. Henry Waxman, a Congressman from California. "We found examples of residents being punched, choked or kicked by staff members or other resi-

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## AIG's Golden Parachute

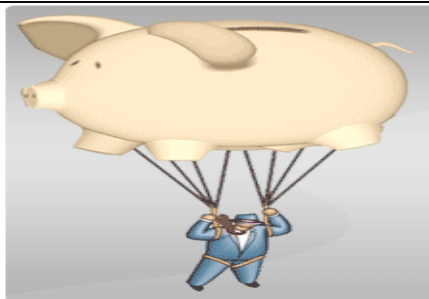
There has been a lot of news coverage devoted to the government bailouts lately. It looks like Washington is simply rewarding greedy companies for bad business decisions and huge payouts to incompetent CEOs.

After abusing consumers and businesses for years, AIG is the recipient of a taxpayer bailout. Apparently, the reward for greed and misbehavior is a golden parachute, courtesy of us.

As lawyers for hurt people, we have dealt with insurance giant AIG regularly. We have seen AIG refuse legitimate claims by denying, delaying and defending when it should have paid what is fair. AIG and the insurance industry try to blame their woes on trial lawyers and hurt people.

Yet, insurance CEOs demand no regulation, no oversight and, therefore, no accountability. AIG skirted the rules and took advantage of a lack of regulation for years to prey on Americans.

Some knowledgeable commentators



have called AIG "the new Enron" because of all the corporate fraud. Perhaps most appalling, AIG was even found to be exploiting 9/11 to raise rates and "capitalize" on the tragedy.

Never once has any insurance company admitted its financial troubles are rooted in bad investments and incompetent business decisions. If you performed poorly at your job, you would get fired. What happened to AIG's CEO who was fired in June?

He received **\$68,000,000** dollars.

In the ultimate display of arrogance, AIG's executives took \$400,000 of **OUR** money after receiving the "bailout" to treat themselves to a vacation at one of the most lavish and exclusive resorts in

the country.

Big corporations, like AIG, have taken advantage of all of us. They have pushed for tax regulations, no oversight, and no accountability. Much of this is because of the lobbying of the U.S. Chamber of Commerce.

The U.S. Chamber represents the biggest foreign and domestic corporations

**"As lawyers for hurt people, we have dealt with insurance giant AIG regularly. We have seen AIG refuse legitimate claims by denying, delaying and defending when it should have paid what is fair." Jeremiah M. Hodges**

and their CEOs. Since these corporations are too afraid to speak out on their own, they hide behind the corporate lobby to do its dirty work.

If there is any situation that shows us why we need a strong civil justice system that holds wrongdoers accountable, this is it. We were lied to and tricked. We the people deserve better than theft and deception.

## Warriors deserve their jobs

Veterans should not accept the words, "I'm sorry. You can't have your job back." Cole & Hodges is willing help veterans fight for their rights under federal and state law.

As thousands of veterans return from overseas, most of them return to the life

and jobs they left behind. Unfortunately, too many of them run into employers that will not re-employ them. However, these companies may be wrong, and veterans have rights.

President Clinton signed the Uniformed Services Employment and Reemployment Rights Act (USERRA) into law in 1994. Veterans returning to America

need to know their rights, and the companies who have the privilege of existing in this Country need to know and abide by their obligations under this law.

Generally, you are entitled to your former job if you were in the uniformed services, the company knew you were going into

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## Cole and Hodges endorse Judge Deborah Bell Paseur for the Alabama Supreme Court

It is important for voters to understand the differences in funding for Alabama Supreme Court candidates Deborah Bell Paseur and Greg Shaw.

Special interest PACs have almost com-



pletely funded Shaw's campaign (94 percent according to the most recent filings). A total of 188 donors contributed nearly \$600,000!

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## Exxon steals millions from Alabama taxpayers and makes record profits

Tick-tock. \$1,300. Tick-tock. \$2,600. You get the idea. At \$1,300 per second, Exxon is shattering all profit records in the history of the world. Tick-tock. Fat cats at Exxon are getting fatter. Tick-tock. American families are struggling to put gas in their cars.

Only \$3.70 per gallon for gas? Let's see

how long it stays at the "bargain" price of \$3.70 before it goes back to \$4.00 per gallon and beyond.

Americans are asking themselves, how could this happen? The simple answer is corporate greed. (Four syllables, four more tick-tocks, \$5,200 more in profit.) Oil companies, like Exxon, are ruthless in

gouging us and padding their bottom lines.

Exxon's gouging is bad, but its stealing is worse. Exxon committed fraud against Alabama and stole millions from taxpayers. Those millions could have built roads, funded education or even been

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## Dad, I want to be a Marine

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us while we go broke.

Obama will bring our troops out of Iraq within 16 months for 3 reasons. First, give the Iraqis the incentive and opportunity to run their own country. Second, allow our troops to take care of the problem that we started with in Afghanistan. Last, dramatically slow the expenditure of over \$10 billion per month which is part of our current economic crisis. McCain admittedly will continue this process for "100 years" if he thinks it is necessary. Obama knows we have to at least talk about living within our budget before we can actually live within our budget.

Obama advocates tax cuts for the middle class and tax incentives for companies that don't outsource jobs to other countries. This is a good use of tax policy which will benefit 95% of American families. We can't have jobs if they are in China or Mexico. McCain likes the discredited "trickle down" theory of tax cuts

for rich people like himself.

Obama believes we should zealously guard the right of Americans to not be searched, seized, or wiretapped without a court issuing a subpoena. To paraphrase Ben Franklin, if you are willing to give up your liberty in return for added security, then you deserve neither. McCain says trust the government to not abuse unbridled discretion.

Obama understands the importance of the right to a jury trial and our civil justice

**"Obama understands the importance of the right to a jury trial and our civil justice system. He opposes arbitration, the mechanism which forces people to waive their right to the courthouse."**

**Kenneth B. Cole, Jr.**

system. He opposes arbitration, the mechanism which forces people to waive their right to the courthouse. Waiver of such rights occurs every day when big businesses include such waivers in the documents prepared by their law-

yers. Americans should protect these important rights and deserve a President who will do so. McCain says the rich businesses that support him should be immune from lawsuits holding them accountable for bad conduct.

Palin? McCain chose her, which speaks to his judgment. Chuck Hagel, prominent Republican, says "I think it's a stretch to, in any way, say that she's got the experience to be president of the United States." Conservative columnist Kathleen Parker writes "If BS were currency, Palin could bail out Wall Street herself." In the debate, she couldn't identify any differences between McCain and Bush policies.

And solely for those who don't want to base decisions on policy, remember that Obama also is half white.

America deserves the leadership and hope that Obama and Biden represent. So does my Marine son.

## Judge Paseur for Alabama Supreme Court

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Judging from his short but wealthy donor list, Shaw represents big businesses that figure Shaw will continue to carry big business' water. No wonder Shaw

(just over \$530,000) from individual, hard-working folks "who've given anywhere from \$5 to \$50 to \$100." These people want a judge who is not beholden to big businesses like Exxon. Paseur represents thousands of viewpoints of individual contributors who want to elect a judge who will approach cases with an unbiased mind and rule impartially.

We cannot afford judges who automatically rule on the side of special interests like Exxon. Voters must decide on Nov. 4 if they want to elect a judge who stands for the people, as Paseur does, or big business, as Shaw does.

Learn more about Judge Deborah Bell Paseur at [www.judgedeborahbell.com](http://www.judgedeborahbell.com).



recently denied full knowledge of donors but admitted "I'm sure there may be some individuals that have connections to Exxon Mobil."

Judge Paseur has 1,417 contributions

## WE WANT TO HELP YOUR

We continue to rely on "word of mouth advertising" for opportunities to help new clients and take on new cases. We are proud that close to 100% of our new clients come by referral from former clients, area businesspeople, other lawyers, and sometimes even former adversaries. We would love the opportunity to help those people that you know. Please visit [www.notanaccident.com](http://www.notanaccident.com) for useful legal information.

## FRIENDS AND FAMILY MEMBERS

### Coach Cole



Please join us in congratulating the Chapman Middle School Football team for their efforts this season. The team is working really hard and getting better with every game. Kenny and Jeremiah are serving as volunteer assistant coaches with Kenny at defensive coordinator and Jeremiah at defensive line coach. Special thanks to the Fellowship of Christian Athletes of North Alabama for donating equipment. GO INDIANS!!!!!!

### Coach Jeremiah



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## Exxon

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given back to us.

Perhaps Exxon's to-do list looks something like this. Gouge at the pump?

Check. Steal from Alabama taxpayers?  
Check. Walk away without punishment?  
Check.

Exxon gouges us at the pump and intentionally stole taxpayer money but has yet to be held accountable for either. This lack of accountability should outrage any taxpayer.

Tick-tock. In the time it took to read this, Exxon just made another \$156,000. Work for eight hours today and Exxon will make \$37,440,000. At \$1,300 per second and \$3.70 per gallon of gas, the clock ticks quickly. Maybe we are all "cuckoo" for letting Exxon get away with this.

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## Warriors

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the service, you weren't gone more than 5 years, you were honorably discharged, and you asked for your old job within 90 days of discharge. The rights of veterans to their old jobs override the non-veterans who replaced them because, as one court put it, this law is construed liberally to benefit people who left their private lives to serve this Country. If you are disabled, your former employer may have to find a similar position equivalent in seniority, status, and pay. If you can't

re-apply for your old job within 90 days because you're in the hospital, you may have up to 2 years to do so.

If you are a veteran that has been wrongfully denied your job, please contact us and see if we can help. This law gives veterans the ability to talk soft and carry a big stick. It requires companies who have benefited from your hard work in the past to abide by your right to continue that same hard work when you return. It lets veterans know that our society values their sacrifice and that we

are doing more than just putting a yellow ribbon on our car's rear window. It holds violators accountable for turning their backs on the men and women who serve in harm's way. It is only right, and it makes sense. We can be proud of it. If you or someone you know may have such a case, please contact Cole & Hodges as we would be honored to help you.

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## Nursing Home Abuse

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dents," Waxman said.

The reported abuses were physical, sexual and verbal. All abuse is on the rise, the report said. More than twice as many nursing homes were cited for abuse in 2000 than in 1996. In 1996, 5.9 percent of all nursing homes were cited for an abuse violation during their annual inspections; in 2000, 16 percent of nursing

homes were cited. "It would have been intolerable if we had found a hundred cases of abuse; it is unconscionable that we have found thousands upon thousands," Waxman said.

The report found that in 1,601 nursing homes - about 1 in 10 - abuse citations were made in serious incidents that either put residents at great risk of harm, injured them or killed them. Officials believe the problem is underestimated.

If you have a parent or a loved one in a

nursing home and you have any concerns about their care or treatment, please see our website at [www.notanaccident.com](http://www.notanaccident.com) for signs to observe. Our elderly citizens deserve better than neglect and abuse. Cole and Hodges are willing to help when those same elderly citizens do not get the care and treatment they deserve. Please contact us if we can help.