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Louisiana Auto Accident Presumptions of Fault

If you are in a Louisiana car wreck, you should be aware of two Louisiana legal presumptions of driver fault that may impact your ability to recover for your property damage and injuries: the following motorist and left-turning motorist presumptions

1) *The following motorist in a rear-end collision is presumed to be at fault.*

This rule is based on the principle that the following motorist whose vehicle rear-ends the lead vehicle either has failed in his responsibility to maintain a sharp lookout or has followed at a distance from the lead vehicle which is insufficient to allow him to stop safely under normal circumstances.

However, the following motorist can rebut the presumption to

escape liability by proving that he either:

- a) had his vehicle under control, closely observed the lead vehicle and followed at a safe distance, or
- b) the lead vehicle negligently created a hazard which the following vehicle could not reasonably avoid.

2) *The left-turning motorist is presumed to be at fault*

A left-turning motorist involved in a collision that occurs across the center line is presumed to be at fault for the accident. He must offer evidence to show that he is free from negligence to avoid liability. The left turning motorist must make sure, before turning, that he can make the turn without danger to oncoming traffic and must yield the right of way to such vehicle. Where the left turning motorist is turning at an

intersection with a green arrow, he may show that he is free from negligence by proving that he either faced illuminated green arrow or that he had preempted intersection.

The auto insurer of the following motorist or left turning motorist may try to avoid paying for property damage and injuries to the innocent driver by either ignoring or trying to rebut these well-established presumptions. Before speaking with the insurance company, hire a Louisiana car accident attorney to assist you with these legal matters.

If you need help or have any question about your car accident, call Lavis Law Firm at 866-558-9151 or submit your inquiry online. Please be advised that you may be facing important legal deadlines so don't delay.

Workplace Technologies Important to Young Workers

A key finding of the second annual Cisco Connected World Technology Report suggests that free use of technology is a crucial influence for recent graduates and young adults entering the workforce. The Cisco report surveyed over 2,800 college students and young adults preparing to enter the workforce in 14 different countries and was conducted in an effort to understand employee needs in an increasingly complicated and technological business climate. The United States, Canada, Mexico, Brazil, United Kingdom, China, Russia, and Japan were among the 14 countries represented in the survey. According to the survey,

- One in three young adults under age 30 said they would consider work mobility, social media freedom, and

technology device flexibility over salary in accepting a job offer.

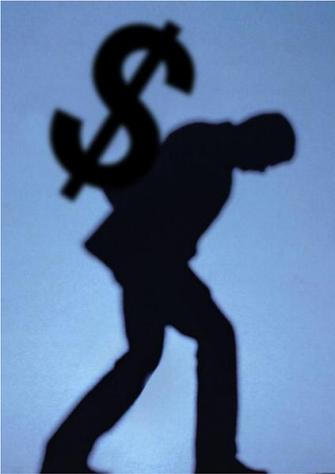


- Dynamics of the work environment and the ability to blend personal and professional lifestyles is important to young professionals.
- 40-45% of young adults surveyed said they would take a lower paying job with more technology flexibility over a higher paying but less flexible position.

- More than two of five college students surveyed believe companies should be flexible and empathetic to their need to stay connected via social media and personal websites.
- 25% of respondents feel their productivity would increase if they were allowed to work remotely or from home.

The report reflects the changing expectations and priorities of a younger professional generation when it comes to workplace technology usage. The report suggests that corporate policies regarding flexible work hours, remote access to business networks, access to social media sites, and mobile technologies are topics corporations must navigate to recruit and retain top talent.

New Legislation Means Forgiveness for Certain FEMA Debts



The U.S Senate recently approved a bill that will waive many of the Federal Emergency Management Agency (FEMA) debts owed by victims of Hurricanes Rita, Wilma, and Katrina. FEMA provides disaster assistance to individuals and families through its Individuals and Households Program (IHP). FEMA has disbursed more than \$7 billion in IHP funds to 2005 hurricane victims. According to a report from the Homeland Security Department, FEMA also distributed nearly \$643

million after Hurricanes Rita and Katrina million in improper because of employee error or fraud.

For the last six years FEMA has attempted to recollect money the agency claims was improperly overpaid to hurricane victims. Approximately 84,000 letters to victims of the 2005 hurricane season were sent by FEMA before a judge ordered the agency to create new guidelines for debt recoupment. The debts averaged about \$4,600 per recipient, representing less than five percent of the nearly \$8 billion dollars FEMA distributed to storm victims. According to congressional testimony, at least a portion of the overpayments were caused by the agency's own mistakes

including clerical errors. Many Gulf Coast residents only recently received notification of outstanding FEMA debts found the notifications confusing and frustrating.

President Obama's December 23rd approval of the 2011 Disaster Assistance Recoupment Fairness Act legislation means FEMA is authorized to waive debts the agency overpaid due to its own error and will also forgive debt whose collection would be "against equity and good conscience." Under the new legislation, 2005 hurricane victims who received FEMA funds and earn less than \$90,000 a year are eligible for a complete waiver of debt. Those who earn more than \$90,000 a year will likely have to make at least some repayment depending on case specifics. FEMA will not waive debts in cases involving fraud.

A spokesman for FEMA said the agency has adopted policies since 2005 to avoid making improper payments in future disasters. FEMA's error rate after Katrina was 14 percent after Katrina but has been reduced to less than 1 percent for more recent disasters.

Louisiana Senator Mary Landrieu supported the FEMA provision. Landrieu applauded FEMA's improved error rate and debt recoupment policies but called for FEMA to stop punishing 2005 disaster victims for the agency's previous errors.

For more information on the Disaster Assistance Recoupment Fairness Act visit <http://www.opencongress.org/bill/112-s792/show>

Need a Safer Car? Take Your Pick in 2012

If buying a safe new car is on your to do list, 2012 may be the year to do it. The Insurance Institute for Highway Safety's list of Top Safety Award winning vehicles recognized 115 qualifying 2012 model year vehicles including 69 cars, 38 SUVs, five minivans and three pickup trucks.

The Top Safety Awards recognize vehicles that do the best job of protecting people in front, side, rollover, and rear crashes based on ratings in Institute for Highway Safety evaluations. The United States government is responsible for the five-star rating safety rating system used by the National Highway Traffic Safety Administration while IIHS is a non-governmental agency that conducts safety evaluations to better inform consumers of safe automobiles across a variety of budgets and lifestyles.



The IIHS began giving out Top Safety Awards in 2005 to qualifying vehicles across a variety of vehicle categories. In 2005, only 11 cars met the IIHS's qualifications for recipient of the award compared to 66 honored vehicles in 2011 and 115 this year. Top automakers and vehicles receiving recognition include both past

top performers as well as newcomers. Subaru upheld a reputation for excellence, earning a Top Safety Pick award for every vehicle in its 2012 lineup. Toyota (which also owns Lexus and Scion) took home the most awards this year with 15 vehicles earning the honor. General Motors came in second place with 14 awards followed closely by Volkswagen/Audi, Honda/Acura, and Ford/Lincoln. Eighteen 2012 model year vehicles were new recipients of the IIHS Top Safety Award. Honda and Acura both won awards for most improved automakers, contributing 10 of the 18 new models to receive the award between the two automakers.

Two of America's best selling midsize cars, the Toyota Camry and Honda Accord, both received 2012 Top Safety Pick Awards after poor scores for overall safety in earlier years.

Low rollover ratings previously prevented many models from qualifying but many manufacturers responded by introducing safer models or redesigned vehicle roofs to improve rollover ratings. The IIHS estimates that vehicles rated as good protection from rollover accidents feature roofs that reduce the risk of serious and fatal injury in single-vehicle rollovers by about 50

percent compared with roofs meeting the minimum federal standard.

The IIHS credits automakers attention to detail and commitment to safe vehicles for this year's record number of Top Safety Award winners. For more information on the 2012 IIHS Top Safety Pick Awards including criteria for consideration and evaluation process, visit <http://www.iihs.org/news/rss/pr121511.html>.

Some 2012 IIHS Top Safety Pick Winners

Minicars

Fiat 500 built after July 2011
 Ford Fiesta sedan and hatchback
 Honda Fit
 Toyota Yaris 4-door hatchback

Small cars

Chevrolet Cruze
 Chevrolet Sonic
 Chevrolet Volt
 Ford Focus
 Honda Civic 4-door
 Nissan Leaf
 Scion tC
 Scion xB
 Scion xD
 Subaru Impreza except WRX
 Toyota Corolla
 Toyota Prius
 Volkswagen Golf 4-door
 Volkswagen GTI 4-door

Midsize moderately priced

Audi A3
 Buick Verano
 Chevrolet Malibu
 Honda Civic 4-door
 Honda Accord

Chrysler 200 4-door
 Dodge Avenger
 Ford Fusion
 Honda Accord
 Hyundai Sonata
 Kia Optima
 Subaru Legacy
 Subaru Outback
 Toyota Camry
 Toyota Prius
 Volkswagen Jetta sedan
 Volkswagen Jetta SportWagen
 Volkswagen Passat
 Volvo C30

Midsize luxury/near luxury cars

Acura TL built after September 2011
 Acura TSX sedan and hatchback
 Audi A4
 Lincoln MKZ
 Mercedes C-Class
 Volkswagen CC except 4-wheel drive
 Volvo S60

Large family cars

Buick LaCrosse
 Buick Regal
 Chrysler 300
 Dodge Charger
 Ford Taurus
 Toyota Avalon

Large luxury cars

Audi A6
 BMW 5 series except 4-wheel drive and V8
 Cadillac CTS sedan
 Hyundai Equus
 Volvo S80

Small SUVs

Honda CR-V
 Hyundai Tucson
 Jeep Patriot with optional side torso airbags
 Kia Sportage
 Subaru Forester
 Volkswagen Tiguan

Midsize SUVs

Chevrolet Equinox
 Dodge Durango
 Dodge Journey
 Ford Edge
 Toyota Venza

Midsize luxury SUVs

Acura MDX
 Audi Q5
 BMW X3
 Cadillac SRX
 Infiniti EX35
 Mercedes GLK
 Mercedes M-Class
 Saab 9-4X
 Volvo XC60
 Volvo XC90

Large SUVs

Buick Enclave
 Chevrolet Traverse
 GMC Acadia
 Volkswagen Touareg

Minivans

Chrysler Town & Country
 Dodge Grand Caravan
 Honda Odyssey
 Toyota Sienna
 Volkswagen Routan

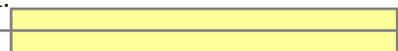
Large pickups

Ford F-150 crew cab models
 Honda Ridgeline
 Toyota Tundra



Meet Charles E. Lavis, Jr.

Charles Lavis is the founder and managing shareholder of Lavis Law Firm, APLC. He was born in New Orleans in 1965 and has practiced law there for 15 years. Charles represents workers, consumers, homeowners and business owners against insurance companies and corporations. He represents clients in matters involving BP Oil Spill Claims, Job Injuries, Accidents, Products Liability, Hurricane Insurance Claims, Personal Injury, Wrongful Death and Survival Actions, and Insurance Bad Faith. If you have questions, please call Charles at **1-866-558-9151**.



***Please Think of Us
As Your Law Firm***

***If you have a legal
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please don't hesitate
to call or e-mail.***

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10 Tips to Avoid Winter Fires

When the temperature goes down, the heat comes on! Keep your family warm and safe this winter with these tips from the New Orleans Fire Department.

- 1) Use heaters only in well-ventilated rooms.
- 2) Keep heaters at a safe distance from curtains, clothes, and furniture.
- 3) Never leave children alone with space heaters on.
- 4) Inspect the cord on your space heater. If damaged or frayed, do not use the heater until the cord is repaired.
- 5) Unplug heaters when they're not in use. Do not leave home without turning the heater off.
- 6) To avoid carbon monoxide poisoning, never use a stove or oven to heat the home.
- 7) Make sure you have a working fire extinguisher in your home in case of emergency.
- 8) If you use a fireplace, remember never to burn green wood, plastic artificial logs, paper or trash
- 9) Install smoke detectors near bedrooms and on every floor and test the batteries regularly. Also consider installing carbon monoxide (CO) detectors near bedroom areas and family rooms.
- 10) Have an emergency fire plan and hold fire drills with your family members regularly.

Please Refer Us to Your Family and Friends

We want you to think of us as your law firm. If you have legal matters that need attention, please let us know. If we cannot handle the matter, we will refer you to a competent firm that can. Please feel free

to refer us to your family, friends, and neighbors for their legal needs. We welcome the opportunity to help.

Call us. You're going to feel a whole lot better about things.

E-mail Address Please

To help us communicate with you more easily, please send your e-mail address to us at clavis@lavislaw.com.

Thanks!

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