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Representing You In...

- ◆ BP Oil Spill Claims
- ◆ Hurricane Insurance Claims
- ◆ Injury & Death Claims
- ◆ Workers' Compensation

Yet Another Active Hurricane Season is on the Horizon

Experts are again predicting that this year's hurricane season will show more activity than is normally expected. Unfortunately, many Louisiana citizens have already experienced the difficulties of inadequate hurricane preparedness; however, many are still caught unprepared when storms approach Louisiana each summer. Here are some important tips to help make the upcoming hurricane season a little less stressful:

- **Learn the proper way to turn off utilities**, including gas, electric, and water.
 - **Turn off utilities** as instructed by local officials.
 - **Unplug any household items** that don't have to stay plugged in (i.e. televisions, computers).
 - **Bring in any outdoor items** that are not tied or bolted down.
 - **Set your refrigerator and freezer** to their lowest possible settings and keep their doors closed.
- If you own a business, there are several things you can do to ensure that your business is ready for any unexpected events:
- **Create an evacuation plan** for you and your employees, and establish lines of communication for all employees before, during, and after the emergency.
 - **Create an employee contact list** and emergency contact list.
 - **Create a list of important numbers** generally needed in an emergency (i.e. contractors, insurance agents).
 - **Determine how the business will continue to operate** if the office building is unusable for any length of time.
 - **Inventory** all business stock and equipment.
 - **Encourage all employees** to create their own personal hurricane preparedness plan.
- To see these tips and more go to:
www.ready.gov/hurricanes

- **Create a hurricane kit** that includes non-perishable food, batteries, water, a battery powered flashlight and radio, first aid kit, any important family, personal or business documents, a complete change of clothes and bedding for each family member, matches, personal hygiene items, and plastic utensils and other eatery items.

- **Establish locations**, both inside and outside your neighborhood, for family members to meet.

- **Create a transportation plan** for family members that do not have their own vehicle.

- **Keep one-half tank of gas** in your vehicle throughout the hurricane season.

- **Leave a note**, if time permitting, at your home with your contact information, any "in case of emergency" contacts, and your evacuation destination.

- **Ensure that your homeowner's insurance and flood insurance policies are current** and accurately reflect the value of your home and your possession.

- **Cover any windows** with ply wood or install storm shutters.

BP Oil Spill Claims Update



The Gulf Coast Claims Facility (GCCF) has received over 860,000 oil spill claims submitted by approximately 514,263 claimants. Despite the June 1st closing of eight Gulf Coast claim facilities, the GCCF will continue to process claims through August 2013.

- About 50% of all Quick Pay, Interim and Full Review claims have been paid as of June 1st. In Louisiana, about 46% of claims filed under this category have been paid.

- More than 75,600 Interim and Final claimants were denied as of June 1st with over 32,000 denied in Louisiana.
- Quick Payment claims are the most likely to be paid.

Across the Gulf, the majority of individual payments made were related to the food, beverage, and lodging industry or the retail, sales, and service industry. Less than 5% of claims paid to individuals in the region were in the seafood processing and

distribution or fishing industries. For Louisiana business claimants, the majority of claims paid have been in the retail, sales, and service fishing, and food, beverage, and hospitality industries.

Many claims are returned because of insufficient documentation. Reviewing GCCF's methodology and gathering all the necessary evidence can greatly increase the chance of a successful claim.

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Louisiana Legislature Passes New Smoke Detector Law That Could Save Lives

The Louisiana Legislature has passed an important new law regarding the installation and use of smoke detectors that could save lives and homes. House Bill 372, Act No. 163 was introduced by Representative Nickie Monica of LaPlace and took effect as Louisiana Revised Statute 40:1581 on January 1, 2011. The new bill mandates that any single family home or double family home sold or leased in Louisiana have one of three types of smoke detectors installed or in place in the home. The smoke detector can either be hardwired into the home, part of a full fire and police alarm system, or be a smoke detector with a ten-year lithium battery sealed into the

detector. The law also mandates that there be at least one of the above listed smoke detectors in the home; however, experts may recommend more smoke detectors depending on the size of the home. Additionally, the smoke detector should generally be placed in the hallway of the home.

This new law updates a previous law that was enacted 15 years ago. While the previous law was successful in getting people to place or install smoke detectors in their home, experts found that people often forgot to replace the batteries in the smoke detector, thus rendering the equipment useless. With the new ten-year lithium

batteries, this will be less of a problem, but it is still important to check your smoke detectors on a regular basis and make sure they are still operating properly.

Smoke detectors are readily available at most retail stores including Wal-Mart and Target, and generally only cost about \$20.00. The New Orleans Fire Department has also started a program where they will install donated smoke detectors into people's homes. If you have any questions or concerns, contact the New Orleans Fire Department or your local state representative.



Surveillance of Injured Workers & Accident Victims

Surveillance of individuals receiving Louisiana workers' compensation benefits or individuals involved in a car accident or other accident may be conducted if the insurance company is seeking to destroy the injured person's credibility and diminish the value of the case. Large insurance companies typically have a department devoted to claim investigation with experienced investigators contracted to provide professional surveillance. Because evidence obtained through legally conducted surveillance can be used in court if necessary, it is important to know what to expect from surveillance operatives.

Surveillance 101

Surveillance operatives can easily obtain personal information including your physical description, home address, neighbors' names, medical appointment times, contact information of healthcare providers, and vehicle registration information. Once this information has been gathered, the operative scopes out the subject's community and identifies the best vantage point for subject surveillance. Surveillance operatives often park their vehicle down the street, near a home or business that is for sale, or on the property of a neighbor or business owner who is likely misinformed of the real subject of investigation and asked to cooperate in the interest of the community.

Although surveillance strategies vary depending on the reason for surveillance and the type of evidence needed by the insurance company, investigators are typically interested in observing the subject's daily routine, determining the extent of the subject's physical abilities and comparing these observations to the medical limitations set for the subject. If an insurance company is suspicious of a subject's reported physical limitations, the operative may videotape the subject leaving for a morning exercise class or performing strenuous lawn work that exceed reported limitations. Alternatively, a subject

suspected of claiming workers' compensation while secretly working at a different job may be videotaped leaving the house for work in the morning and tailed to his undisclosed workplace.

Tricks You Should Know

Surveillance does not follow an 8am-5pm business day schedule. Operatives may be in place at any time including the early morning or weekend, especially if the activity allegedly beyond the scope of the subject's physical limitations is typically performed at a specific time of day or week such as dog walking, fishing, or home improvement projects.

Common traps set by the hired investigator to "catch" a subject performing activities beyond physical limitations set by the treating physician include the following:

- ordering a package delivered with a weight outside of the injured workers' restrictions and videotaping the worker lifting the package
- pretending to be a driver needing help changing a flat tire or pushing a broken down car
- recording sounds such as hammering that, while not visible on tape, indicate the subject may be healthier than limitations would suggest
- tampering with the injured person's automobile (e.g. disconnecting or draining the battery) so the investigator can take photos of the subject working on his automobile

How Surveillance Evidence is Used

The results of subject surveillance will be used at different times in the claim review process depending on the company's policies. Often, video footage, the investigator's final report, and a physician's supplemental report filed after the physician views the surveillance footage are compiled and used in the early stages of claim review to encourage the subject to return to work without legal action. If the issue does proceed to trial, the evidence obtained by subject surveillance may be used in conjunction with the operative's testimony. Every detail, sound, and observation

witnessed by the operative conducting surveillance may become a part of the legal record.

Social Media and Workers' Compensation

Nowadays nearly everyone, including insurance companies, has a Facebook page. Many insurance companies have reportedly taken to messaging and "friending" some claimants on social media websites. Last year, a Pennsylvania woman involved in an auto accident was sent a Facebook friend request from the at fault driver's insurance adjuster assigned to handle the claim less than 24 hours after the accident occurred and this practice is increasingly common.

It is important to remember that nothing you post on social media sites such as Facebook, LinkedIn, MySpace, and Twitter are guaranteed to remain private. With over 500 million Facebook users and about 100 million Twitter users, you never know who is looking at your profile or viewing your photos. If you are involved in a workers' compensation or personal injury lawsuit remember that insurance companies are diligently searching for you online and exercise common sense. Even with strict privacy settings in place, limited profile information is often still accessible to searchers and additional information capable of damaging a case could be accessed through a friend's less protected page.

What Can You Do?

- Do a Google search on yourself and review the results
- Never approve friend requests from people you do not know
- Read the privacy statements of any social media outlet you use
- Select the highest privacy settings for your Facebook profile
- Realize that comments you post on other pages may not be as private as you think and censor accordingly.
- Be smart about your "tagged photos" settings and review photos you are tagged in often. If you are not currently working due to an on the job injury but have a photo posted of a family rock climbing trip, assume that the insurance company will find it and try to use it.



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
question or problem,
please don't hesitate
to call or e-mail.*

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General Consumer Tips that Could Help You Save Time and Money

Because of the difficult economy and people's busy day-to-day schedules, more people than ever are looking for ways to save money and time, and make their lives run a little smoother. Here are some helpful consumer tips that can assist you in simplifying your life and take some stress off your pocketbook:

- To place your name on the Do Not Call registry, call 888-382-1222;
- If you suspect your identity has been stolen, contact your local sheriff's department and Identity Theft Resource Center at 888-400-5530 or www.idtheftcenter.org;
- Clean and defrag your computer on a regular basis to save space on your computer and ensure that it runs as fast as possible. Visit dban.com to have your hard drive wiped clean;
- Visit Kayak.com for airline flight price comparisons;
- Use Google Documents to create a document that multiple users can view and edit for free.
- Google Voice allows you to create a second phone

Center at 888-400-5530
or

www.idtheftcenter.org;

- Skype.com allows you to call internationally or nationally with live video for free;
- You can create an electronic copy of your signature at <http://adobe.ly/fes5lg>;
- Utilize electronic banking such as ingdirect.com to save a trip to the bank;
- Always put an In Case of Emergency (ICE) number in your cell phone. Have the number marked as ICE1 to indicate to emergency personnel this is the first person to call.
- You can safely protect your computer's data at truecrypt.org.

number for your cell phone and can also transcribe your voicemails into text;

- Skype.com allows you to call internationally or nationally with live video for free;
- You can create an electronic copy of your signature at <http://adobe.ly/fes5lg>;
- Utilize electronic banking such as ingdirect.com to save a trip to the bank;
- Always put an In Case of Emergency (ICE) number in your cell phone. Have the number marked as ICE1 to indicate to emergency personnel this is the first person to call.
- You can safely protect your computer's data at truecrypt.org.

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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.

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