

YOU & the LAW



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“YOUR PERSONAL ATTORNEYS”

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Federal courts play key role in American society

Throughout the nation's history, the U.S. federal courts have played important roles in bringing about major societal changes involving a multitude of issues ranging from civil rights to freedom of speech. The “judicial” branch of our federal government consists mainly of the courts, which include the U.S. Supreme Court, other appellate courts and district courts.

Although the judicial branch is one of the three major constitutional branches of our American government, the federal courts could be the branch that the public understands the least. The other two branches, the “executive” and “legislative,” are perhaps better known and understood because voters decide who will head the executive branch (the president) and who will represent them in the legislative branch (Congress).

The president nominates individuals for every federal judgeship, but the U.S. Senate must confirm those appointments by a majority vote. While nominating and confirming federal district and appellate court judges may not routinely attract a great amount of media attention, filling a vacancy on the Supreme Court is often a high-profile — and sometimes controversial — process.



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Political leaders from the state in which there is a vacant federal judgeship often suggest to the president the names of possible candidates. This is an informal process, and the nominee often belongs to the same political party as the president and the state leader who recommended him or her. Candidates for district judgeships are often practicing attorneys or law professors.

District, appellate and Supreme Court judges are sometimes called “Article III judges.” This is a reference to the third article of the U.S. Constitution, which established the judiciary and defined its functions and powers. Article III judges are appointed for life and can only be removed from office through a process called “impeachment.” Removal of judges in this manner

has been rare throughout the nation's history.

The writers of the U.S. Constitution wanted the U.S. courts to be highly independent, so they built in a number of safeguards. The lifetime appointments are one of those safeguards; another is that the federal judges' salaries cannot be reduced.

As do state courts, federal courts handle criminal and civil cases. Criminal cases in the federal court system involve violations of U.S. criminal laws. Many of the most widely known federal court decisions have involved civil law matters, such as school desegregation and rights of individuals. For example, the Supreme Court based its 1954 *Brown v. Board of Education* ruling, which opened the way for racial integration of public schools, on the Equal Protection Clause of the 14th Amendment to the U.S. Constitution.

Congress establishes the number of judges at all three levels. Since 1869, Congress has authorized nine positions for the Supreme Court. The appellate courts have 179 judgeships and district courts have 678. The federal judiciary includes some positions that are not Article III judges. These include bankruptcy judges, federal claims judges and magistrates.



Medical errors could be more common than you think

People go to medical facilities to be cured, but far too often, patients die or suffer injuries due to medical mistakes while in a hospital.

Estimates of the number of people who die because of medical mistakes committed in a hospital vary widely, from 98,000 to 440,000 per year. A more precise estimate of fatal medical mistakes is difficult to find because of the complexity of collecting such information. According to some estimates, preventable medical errors rank as a leading cause of death in the United States.

Some of the more common medical errors that occur in and out of hospitals include adverse drug events, catheter-associated urinary tract infections, bedsores and infections from surgery and blood clots. In spite

of the many programs designed to lessen the number of medical errors that occur during hospital stays, deaths and injuries from such mistakes persist.

Such statistics have not deterred some state legislators and members of Congress from proposing laws that would shield from lawsuits those who make medical mistakes. Medical mistakes in and out of hospitals often are not reported.

Hospitals, doctors and other health-care providers are reluctant to admit when they make a medical mistake that results in injury to a patient. In such cases, patients or their families have no alternative but to consult with an attorney to try to gain justice for the loss of a loved one or compensation for the injuries suffered.

If you plan to be hospitalized or to undergo a medical procedure, take these steps to lessen your chances of becoming a victim of a medical mistake:

- ✓ Assign a family member or friend to be with you and serve as your advocate.
- ✓ Ask questions; fully understand the procedures you will undergo.
- ✓ Research medical facilities to determine which has the best safety record and which can best handle your needs.
- ✓ Inform your doctor and other caregivers of all medicines, vitamins and supplements you are taking.
- ✓ Understand the doses and frequencies of the medicines prescribed for you; read safety warnings and follow instructions.

How well do you know common legal terms?

From the fictitious victories of Perry Mason in the 1950s to the more recent TV dramas in the "Law & Order" series, Americans have loved stories about lawyers, courts and the legal system in which they operate. Lawyers use many legal terms, often derived from Latin and French. How many of these common legal terms can you match with its definition?

Terms

- | | | | | |
|---------|--------------|---------------|----------------|-------------|
| A. Tort | C. Plaintiff | E. Enjoin | G. Misdemeanor | I. Subpoena |
| B. Writ | D. Felony | F. Indictment | H. Discovery | J. Lien |



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Definitions

- _____ 1. Pre-trial examination of a person or thing to obtain information relevant to a case.
- _____ 2. To order a person to perform, or to abstain and desist from performing, a specified act or course of conduct.
- _____ 3. A crime punishable by death or imprisonment at hard labor.
- _____ 4. A written accusation made by a grand jury charging that a person has committed a crime.
- _____ 5. A claim that a person has upon the property of another as security for a debt owed to the lien-holder.
- _____ 6. Offenses less than felonies; generally those punishable by fine or imprisonment other than in penitentiaries.
- _____ 7. One who filed a lawsuit in a civil case.
- _____ 8. An order to a witness to appear and testify at a specified time and place.
- _____ 9. A private wrong; an infringement of the rights of an individual, but not based on a contract.
- _____ 10. A court order requiring the performance of a specific act or giving authority to have the act done.

Following rules helps keep kids safe on school bus

Just about every day, school buses safely carry millions of students to their schools and back home. The National Highway Traffic Safety Administration estimates that each year school buses keep an estimated 17.3 million cars off roads surrounding schools each morning.

Despite a good safety record, NHTSA also reports that an average of 14 school-age pedestrians are killed each year nationwide by school buses and non-school bus vehicles used to transport kids. Almost half of the children killed in such accidents are between the ages of 5 and 7.

School bus drivers receive training designed to keep their child passengers and others safe. However, a school bus driver has little control over the actions of other vehicle drivers and pedestrians.

front of the bus, cross in front of the bus when the driver indicates it is safe, stop at the edge of the bus, look left-right-left again for traffic, and if there's no traffic, cross the street.

- Ask the driver for help if you drop something while getting on or off the school bus.
- Keep your loose items inside your backpack or book bag.
- Once on the school bus, go directly to your seat and sit down facing forward. Remain in your seat facing forward when the school bus is moving.
- Be respectful of the school bus driver, and always obey his or her instructions.

stop and wait with them until they get on the school bus.

- Tell children to use the handrails when they get on and off the school bus, and be careful of drawstrings and book bag straps that could catch in the handrails and doors.
- When driving in neighborhoods and school zones, watch for young people who may be distracted and not thinking about safety.
- Slow down. Look for children playing and congregating near school bus stops.
- Be alert. Children arriving late for the school bus may dart into the street without looking for traffic.

Tips for parents

- If your children ride the school bus, walk with them to the bus

Tips for students

- Wait until the driver says it is safe to board. Then get on one at a time.
- Once you're off the school bus, walk five giant steps from the

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Should you have a medical power of attorney?

Serious illness and death are topics about which most of us don't like to think. However, a little bit of planning now could help your loved ones carry out your wishes concerning your health care if you become unable to do so yourself.

A durable medical power of attorney is a simple legal document that allows you to appoint someone you know and trust to make decisions regarding your care if you are incapable of doing so. Many states provide free, simplified durable power of attorney forms that interested individuals can download and complete. In some cases, you may want to consult with your attorney to ensure that the form you use does exactly what you want and need.

Typically, a durable medical power of attorney allows the person you designate to:

- **Speak to health-care personnel, have access to your medical records and sign forms necessary to carry out decisions.**
- **Authorize your admission to or discharge from any hospital, nursing home, residential care, assisted living or similar facility or service.**
- **Contract on your behalf for any health-care related services or facility such as surgery, medical expenses and prescriptions.**
- **Make decisions regarding surgery, medical expenses and prescriptions.**



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A durable power of attorney can take effect when your attending doctor states that you are unable to make such decisions on your own. Your durable power of attorney can also spell out the specific types of procedures that you do not want.