

# YOU & the LAW



DUNAHOE LAW FIRM, LLC  
402 Second St.  
Natchitoches, LA 71457  
(318) 352-1999 • 1-800-259-4460

"YOUR PERSONAL ATTORNEYS"

[www.dunahoelaw.com](http://www.dunahoelaw.com)

## Secret court settlements can hide dangerous products from consumers

Most consumers believe that products are removed from the marketplace when they are found to be defective or dangerous to users. However, little-known provisions in federal courts and the courts of some states allow manufacturers to keep secret some of the legal settlements they reach with consumers who were injured by a dangerous product. This secrecy allows manufacturers to keep making and selling a product, even when the product has injured or killed consumers.



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The American Association for Justice launched a campaign called *Take Justice Back* to show the public how special interest groups in Washington and many state capitals have influenced legislators to make laws that can result in harm to everyday citizens. The *Take Justice Back* campaign is working to reform a range of weaknesses in the nation's civil justice system, and secret court settlements are among the provisions it wants to change.

Secrecy in federal court settlements involving personal injury cases is not uncommon. A 2004 study found that in a two-year period, settlements may have been sealed in as many as

500 personal injury cases in federal courts. According to the *Take Justice Back* website: "Each case could potentially be hiding another dangerous product or a pattern of negligent conduct. Whether it's dangerous cribs, defective drugs or exploding tires, court secrecy endangers consumers and allows corporations to hide wrongdoing. Americans have a right to know about hazardous and defective products."

There are many examples of how court secrecy has allowed manufacturers to keep selling products even after they were found to be dangerous to consumers. In the late 1990s, defective tires made by a major manufacturer caused at least 271 deaths,

most of which involved cases settled secretly. The company continued settling cases for at least three years before recalling millions of defective tires.

The *Take Justice Back* organization suggests the following reforms:

◆ **Make the public aware of vital, life-saving information.** Give federal judges additional discretion to evaluate settlements that hide important safety information from the public.

◆ **Help prevent injuries from dangerous products and decrease litigation.** By restricting secrecy, companies would be unable to hide significant product hazards and would be motivated to correct these hazards earlier instead of waiting until more product-related deaths and injuries occurred.

◆ **Make courts more efficient while protecting the public.** Court secrecy restrictions adopted in various courts have not burdened judicial systems or impacted the number of cases resolved in these courts. For more information on this and other legal reform issues, visit [takejusticeback.com](http://takejusticeback.com).



## Drug use is growing issue in crash deaths

With almost 10,000 alcohol-related crash deaths in the United States in 2011, just about everyone knows that drinking and driving is a bad idea that's also illegal. However, fewer people seem to be aware that other drugs — both legal and illegal — can impair a person's ability to drive safely.

Studies conducted for the National Highway Traffic Safety Administration found drugs in the systems of a growing number of crash victims. One NHTSA study says that there were drugs in 18 percent of the fatally injured drivers whose bodies were tested. The study also found drug use reported by the states among fatally injured drivers increased from 13 percent in 2005 to 18 percent in 2008.

The study cautions that the presence of drugs found in a victim does not necessarily mean the person was impaired or that drugs played a role in the crash. However, NHTSA called the findings of the study a "warning signal." The most frequently detected drugs in the NHTSA study were marijuana, cocaine and methamphetamine.



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*Many drugs can have adverse effects on judgment, perception, reaction time and attention — critical skills for safe driving.*

These effects can result from the use of illegal drugs as well as prescription drugs and over-the-counter medicines. Just because a medication is sold over the counter doesn't necessarily mean it won't affect driving skills. For example, some cold and allergy medicines and sleep aids can make a person drowsy. Also, some drugs can have increased impact when they are taken along with alcohol or other medicines.

It is important to read the literature that comes with prescription and

over-the-counter medications to determine if users should not drive or operate machinery until they have had time to assess any potential side effects of taking the medications.

While the standard blood alcohol content test given to some DWI suspects checks for alcohol in the driver's system, laws in many states provide for charging a driver if he or she is intoxicated, regardless of the substance used. In some cases a blood sample may be drawn from a suspect. These samples can detect the presence of alcohol and other drugs. In recent years, some states have increased penalties for impaired driving, making a DWI arrest a costly process.

You can check on known effects of drugs you take and how they might interact with other drugs at a website, [roadwisers.com](http://roadwisers.com), sponsored by the American Automobile Association. The website explains how a wide range of drugs could compromise a person's driving skills. After you enter the names of the medications you take, the website will provide you with information regarding their possible effects on driving ability and their interactions with each other.



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# CONSUMER NEWS

## Feds create 'one-stop shop' for learning about recalls

Do you want to keep informed about the latest product recalls? Several federal agencies joined together to create *recalls.gov* — a one-stop shop for U.S. government recalls. The website also includes a mobile phone app that lets you check for items that have been recalled because of a safety concern. By installing the app (*recalls.gov* mobile application), you can check on the safety of a product or service using your smartphone. The *recalls.com* website also lets you sign up for a free service that sends information electronically about new recalls from the U.S. Consumer Product Safety Commission, the Food & Drug Administration and the U.S. Department of Agriculture.



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## Goodbye to extra-loud TV ads

TV viewers should be able to say goodbye and good riddance to those extra-loud commercials that seem to blast you out of your chair. Under terms of the federal Commercial Advertisement Loudness Mitigation (CALM) Act and Federal Communications Commission rules, television ads must have the same average volume as the programs that they accompany. A commercial may have louder and quieter moments, but, overall, it should be no louder than the surrounding programming. The FCC cautions that some commercials will comply with the new rules, but still sound too loud to some viewers. The rule became effective in December 2012. The FCC created a special complaint form for consumers to report a suspected violation of the new rule. The form can be found at [fcc.gov/complaints](http://fcc.gov/complaints).



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## Warning issued on fake online drug deals

The high price of many prescription drugs tempt some consumers to shop around — including looking for bargains on the Internet. However, the Food & Drug Administration warns that some, but certainly not all, online “pharmacies” are actually unscrupulous con artists who distribute inferior and sometimes dangerous drugs. Drugs from these dealers can be total fakes, substandard, not exactly the same drugs prescribed by your doctor and medicines past their expiration dates. The FDA says you should be cautious when dealing with pharmacies that let you buy without a prescription from your doctor, offer prices that are too good to be true, send unsolicited emails, are located outside the United States and are not licensed here. Visit [fda.gov](http://fda.gov) for more information about ordering drugs on the Internet.



## Checking your free credit report can pay off

The federal Fair Credit Reporting Act allows consumers to obtain their credit reports free of charge every 12 months, and a study released earlier this year by the Federal Trade Commission demonstrates the importance of obtaining and checking reports compiled by the nation's three largest credit reporting companies.

According to the study, 5 percent of consumers had errors on one of their three credit reports that could cause them to pay more for such products as auto loans and insurance. Overall, the FTC study found that one in five consumers had an error on at least one of the three credit reports.

Credit reports have information about your finances and your bill-paying history. While some errors in the reports might not hurt your overall credit, others can have detrimental effects. Some negative information can remain a part of your credit history for seven years.

The FTC study also found that:

- ✓ 25 percent of consumers identified errors on their credit



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reports that might affect their credit scores;

- ✓ 20 percent of consumers had an error that was corrected by a credit reporting agency after it was disputed on at least one of the three credit reports;
- ✓ Four out of five consumers who filed disputes experienced some modification to their credit report; and

- ✓ More than 10 percent of consumers saw a change in their credit score after the credit reporting agencies modified errors on their credit report.

While disputing credit report errors can be complicated and time consuming, it is recommended that consumers make the effort to correct information that could hinder their ability to get a loan or a lower interest rate.

Consumers' credit reports are used for a range of purposes that don't involve obtaining a loan. For example, insurance companies sometimes refer to these reports for new policyholders, and some employers might use them to check up on a job applicant.

Consumers can obtain their free credit reports each year by visiting [annualcreditreport.com](http://annualcreditreport.com). The three major credit reporting agencies are Equifax, Experian and TransUnion.

The FTC's website ([ftc.gov](http://ftc.gov)) has a great deal of consumer information regarding correcting errors in credit reports.

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