



SPRING 2009

Aitken • Aitken • Cohn

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GET UNINSURED AND UNDERINSURED MOTORIST COVERAGE!

With the downturn in the economy, many in the insurance industry expect to see an increase in the number of uninsured drivers and those with minimal insurance coverage on California roads. In order to protect yourself financially from an accident caused by an uninsured or inadequately insured driver, be sure to purchase uninsured and underinsured motorist coverage. To determine whether you have such coverage, check the declarations page of your automobile policy. The coverage is usually designated by the letters "UM" or "UIM."

Uninsured motorist coverage (UM) applies when an insured person is injured by a motorist without insurance coverage. A hit-and-run driver is also considered an uninsured driver. Underinsured motorist coverage (UIM) applies when an accident is caused by a motorist with liability limits lower than your own coverage limits. UIM will pay up to the limits of your policy after subtracting the amount paid by the other driver's insurance. For example, if you possess a \$100,000 policy and are injured by someone with a \$30,000 policy, you could collect up to \$70,000 from your own insurance company for your injuries.

Uninsured and underinsured coverages apply to you and any passengers in your car, and to you and others listed on your insurance policy (including family members) when in other cars. Your automobile UM policy applies even if you were a pedestrian, bicyclist, or bystander, so long as the motorist who caused your loss was uninsured or underinsured.

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Identity Theft 101

This will begin a multipart series discussing "identity theft," its effects, and what actions you can do to prevent it.

Did you know...

- as many as 10 million Americans a year are victims of identity theft?
- 38-48% of victims find out about the identity theft within three months of it starting?
- 9-18% of victims take four years or longer to discover they are victims?
- victims spend 3 to 5,840 hours repairing the damage caused by identity theft, with the average being 330 hours?
- 26-32% of identity-theft victims spent 4-6 months dealing with their cases and 11-23% report dealing with such case over 7 months to a year?
- victims lose about \$1,820 to \$14,340 a year in wages dealing with their cases?
- 47% of victims have trouble getting credit or a loan as a result of identity theft?
- 43% of victims believe they know who stole their identity?

Source: *The Aftermath Study*

The discovery that your identity has been stolen is often found out "the hard way." You can receive a notice from the government regarding paying taxes on money you never earned. You may be simply applying for a home loan, or refinance, and you receive a report that your credit has been severely affected. However it happens, a victim of identity theft is forced to become an expert in credit repair.

(continued on back page)

GREEN TIP

Reasons to stop receiving phone books

- More paper for textbooks. About 540 million unsolicited phone books arrive at American doors annually—takes a lot of trees to make these.
- Phone books make for about 660,000 tons of trash every year. That's a lot of waste that we don't need.
- Less annoyance. Just lugging phone books into the house when you know you'll never use them is a pain.

Alternative

Google SMS. Send a text message to 466453 with the business name and zip code, and you'll get the number and address sent to you.

Take action

Visit www.YellowPagesGoesGreen.org and "Opt Out" to stop receiving phone books.

GET UNINSURED AND UNDERINSURED MOTORIST COVERAGE! *(continued from front page)*

Insurance companies are only required to issue uninsured motorist policies in a minimum amount of \$30,000 per person/\$60,000 per occurrence, regardless of the amount of your liability policy. Therefore, it is important that you speak with your insurance broker or representative and inquire about increasing your UM/UIM benefits to match your liability policy limit. Most insurance companies allow you to purchase uninsured motorist coverage in an amount equal to your liability policy. Be sure to ask.

Generally speaking, it is good practice to have your uninsured and underinsured motorist coverage match your liability coverage. The rationale here is to obtain the same level of protection as you purchase for the protection of others. When considering the total amount of coverage you should purchase, be sure to obtain as much protection for yourself and your family as you can afford. You may also inquire about umbrella policies to provide excess liability protection.



Track your teen's driving

Parents worry about teenagers' driving behavior and safety. Now, with today's electronics and global-positioning technology, any parent can verify where and how their teen is driving. Costing \$200 to \$1,500, a real-time tracking device that manufacturers claim installs quickly and easily will permit a parent to locate a teen's vehicle by phone or computer.

On the phone, an automated voice responds to prompts.

On a computer, a parent can map/locate a car the teen is driving and monitor how fast the vehicle is moving as well.

Some systems permit parents to set alarms if a teen drives outside an authorized area or exceeds a preset speed. Other systems have features that let parents remotely disable the vehicle, lock or unlock doors, or obtain a daily, weekly, or monthly log of locations and speeds. Others feature theft alarms and notifications.

Parents whose teens experience accidents or receive tickets should obtain legal counsel.

Did you know?

Hospitals are data-mining patients' credit reports to assess their potential ability to pay for treatments and procedures.



8 FACTS ABOUT MEDICAL MALPRACTICE

You may have heard a number of myths about doctors, medical malpractice, and the civil justice system.

HERE ARE THE FACTS:

FACT 1—Medical negligence is a SERIOUS national problem: Up to 195,000 patients die each year from preventable medical errors in hospitals.

FACT 2—According to the American Medical Association, the number of doctors has INCREASED in every state over the last several years: Some claim the number of physicians is decreasing due to malpractice liability insurance premiums. It's simply not the case.

FACT 3—Malpractice claims are NOT driving up doctors' insurance premiums: Premiums rise and fall with the state of the economy. Inflation and other insurance-industry forces drove up doctors' insurance premiums more than lawsuits. In fact, insurers raise rates even when their casualty payouts decrease.

FACT 4—Malpractice claims do NOT drive health-care costs up: Malpractice costs amount to less than two percent of overall health-

care spending and have remained so for years.

FACT 5—Caps on claims awards do NOT lower doctors' malpractice insurance premiums: Insurance premiums in states with caps are nearly ten percent higher than in states without caps.

FACT 6—Insurance reform does NOT lower medical malpractice insurance rates: Premiums in California rose 450 percent between the passage of a cap law in 1975 and meaningful insurance reform in 1988.

FACT 7—High premiums are the direct RESULT of bad insurance-industry conduct: A coalition of public-interest organizations found that malpractice premiums increase when investment values decrease.

FACT 8—The insurance industry makes annual windfall PROFITS: Insurers earned an estimated \$65 billion in 2007.

RECENT CASE RESULTS

➔ **Premises/Product Liability**—The plaintiff, a 9-year-old, fell from the bars of playground equipment in a fast-food restaurant and suffered a severe, and permanent, traumatic brain injury.

SETTLEMENT: \$20,000,000

➔ **Medical Malpractice**—The plaintiffs, a 65-year-old woman and her husband, made a claim against a hospital and anesthesiologist for medical malpractice arising out of an anesthesiology error during cervical spinal surgery that rendered the woman totally and irreparably blind.

SETTLEMENT: \$500,000



Abraham Lincoln

*was a
trial
lawyer.*

Who's new...

Joanna Ritchie, legal assistant to Michael Penn, comes to us with six years of legal experience and a B.A. in social science from California Polytechnic State University, San Luis Obispo, Calif.

Congratulations to...

- ★ **Michael Penn** was named as a 2009 Southern California Rising Star.
- ★ **Steven Brown** (legal assistant to Casey Johnson) was married to Adriana on January 16, 2009.
- ★ **Tabitha Picken** (receptionist) after a long courtship, recently announced her engagement to be married and is proudly wearing her ring.

UPCOMING SEMINARS

April 24–May 1, 2009

Celtic Bar Association
"General Premises
Liability Law"
Wales
Wylie Aitken
Darren Aitken

May 15, 2009

ABOTA Foundation
Featured Speaker, ABOTA
Membership National Level—
Wylie Aitken

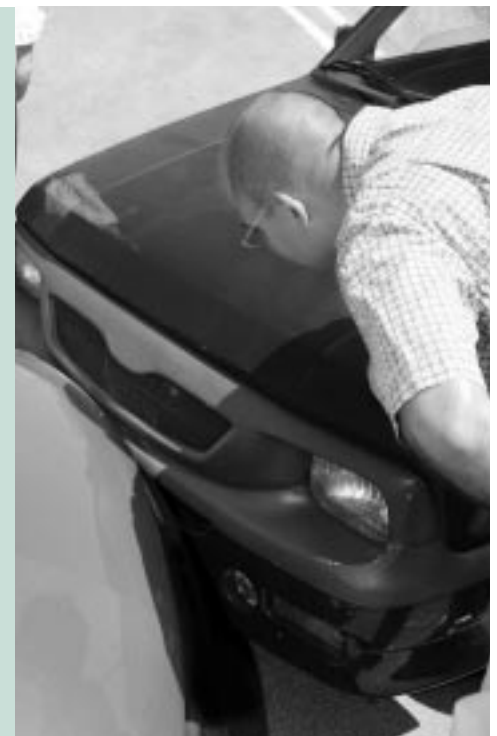
DANGEROUS automobile accident myths

Myth #1 If you didn't cause the accident, you have no obligation to do anything. You still need to protect your rights by checking for injuries, calling the police, notifying your insurance agent, making notes about the accident, and never admitting fault or signing anything.

Myth #2 If the accident was the other driver's fault, you will be compensated for your injuries. This often depends on whether the at-fault driver or the owner of the at-fault car has liability insurance or whether you have uninsured motorist coverage.

Myth #3 A fast settlement is always in your best interests. By signing off on a settlement too quickly, you may give up important rights, particularly if medical conditions appear weeks or months later.

Myth #4 If the accident is really minor, you can probably negotiate a settlement on your own, without an attorney. The other driver's insurance company will assign legal representation to protect its interests. Who will protect your legal rights?





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Referrals

Thanks to all of you who have recommended our firm to your relatives, friends, and neighbors. We appreciate your vote of confidence and pledge to care for these "VIPs" as well as we care for you.

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The information included in this newsletter is not intended as a substitute for professional legal advice. For your specific situation, please consult the appropriate legal professional.

SPECIAL OFFICE HOURS

Friday, May 1, 2009 • 1:00 p.m.–5:00 p.m.

The office will be closed until 1:00 p.m. for the Annual CSUF Special Games/Kathleen E. Faley Memorial, one of our favorite traditions. The entire staff participates to help create a "magical" day filled with laughter, high fives, hugs, games, food, and music for the "special" athletes. We will return to the office, ready to assist you, at 1:00 p.m. (If you wish to donate your time or money to this special event, call **Karen** at **714-434-1424** or e-mail **karen@aitkenlaw.com**.)



Contact us after hours...

ATTORNEYS

Wylie Ext. 16
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Darren Ext. 14
Chris Ext. 13
Casey Ext. 40
Michael Ext. 41

LEGAL ASSISTANTS

Deborah Ext. 48
Azalia Ext. 21
Jeannette Ext. 25
Randi Ext. 26
Steven Ext. 47
Jeff Ext. 43

ADMINISTRATORS

Terry (Cases) Ext. 49
Karen (Office) Ext. 19

Identity Theft 101 (continued from front page)

Why did I become a victim of identity theft?

Identity theft is similar to credit-card theft. The perpetrator gains access to your personal information, which may be a combination of your name, address, telephone number, social security number, and the names of relatives. This information can be gained through online sources or, quite simply, from discarded statement paperwork. This documentation will give most of the information necessary to a perpetrator. The last pieces of information, if needed, can come in the form of a fictitious phone call to the home.

With this information in hand, the perpetrator can then easily set up new accounts in your name. The perpetrators can also order your social security card from the SSA and get a copy of your birth certificate. With this, you now have "another you" in the online or paper world.

In this electronic society, you can also have your identity stolen

through fictitious online sites or electronic mail. Be very careful whenever giving your personal information that, with absolute certainty, the online site is legitimate and reputable. Further, this information is also commonly available through your employment records and medical documentation.

Remember, pursuant to California law, you are able to order a free credit report (without buying into a monitoring service) once a year at **www.annualcreditreport.com**. It is highly recommended that this ordering become part of your annual ritual. With some simple methods of care, you can protect yourself from becoming a victim of identity theft.

Upcoming newsletters:

Credit Reports and Reporting Identity Theft 101