

## Client's Bill of Rights

Lawyers will tell you that it is impossible to offer a guarantee in the legal business, but we disagree. We say that law firm clients should settle for nothing less than a guarantee.

Remember, your attorney works for you not the other way around.

At Sherrod & Bernard we believe we can guarantee our clients quality service with personal attention. We believe that, as our client, you are entitled to have the:

- 1) Right to loyalty to you and your cause.
- 2) Right to be updated regularly and in a timely manner as to the progress of your case.
- 3) Right to our respect.
- 4) Right to expect competence from our firm and all who work here.
- 5) Right to know the truth about your case.
- 6) Right to prompt attention from our staff.
- 7) Right to have your legal rights and options explained in simple terms without a lot of legal mumbo jumbo.
- 8) Right to a fair written fee agreement with our firm.
- 9) Right to a fair fee for the services we provide.
- 10) Right to make the final decisions in your case.

## REFERRALS

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

## S&B GIVES BACK

Sherrod & Bernard proudly contributed to the following causes:

- Denim & Diamonds Charities of Douglas County, Inc.
- University System of Georgia Foundation, Inc.
- Mustard Seed Communities
- Fairplay Youth Sports Association, Inc.

## Sherrod & Bernard Food Frenzy



Our firm is participating in the Georgia Legal Food Frenzy which is held by the State Bar of Georgia and our Young Lawyers Division who team up with Attorney General Sam Olens

and the Georgia Food Bank Association. Our office is now seeking donations in the form of canned food. All canned food donations must be turned into Sherrod & Bernard no later than April 26, 2013. Any friend of our firm that donates at least 12 cans of food will be entered into a drawing for a 3 night condo stay in Seagrove Beach, Florida.

JT and Ken recently attended spring training in Dunedin, Florida and enjoyed a visit to the Toronto Blue Jays training facility, courtesy of Coach Dave Williams. Dave and Shelley Williams reside in Douglasville, and he currently serves as a Toronto Blue Jay pitching coach.



**SB**

**SHERROD + BERNARD**

REPUTATION. RESPECT. RESULTS.™

### Sherrod+Bernard, P.C.

Attorneys at Law

P.O. Box 1154 | 8470 Price Avenue

Douglasville, GA 30133

## April is Earth Month

**Why not celebrate Mother Nature by using some of these tips?**

### Save Energy:

Walk, bike or telecommute to work.

Don't allow your vehicle to idle.

Make your home energy efficient.

Recycle your old computer, printer, DVD player, cell phone, etc.

### Use Water Efficiently:

Don't run your dishwasher or washing machine unless you have a full load.

Opt for a shower over a bath.

Fix any leaks.

### Reduce / Reuse / Recycle:

Don't bag your grass clippings.

Don't fertilize before a rainstorm.

Keep your appliances in good working order.

Use a reusable shopping bag.

Look for hotels that encourage water or energy efficiency.

\*\*The information in this article was collected from the U.S. Environmental Protection Agency's website. <http://www.epa.gov>

# SB @ ISSUE

**SHERROD + BERNARD**

A NEWSLETTER FROM THE LAW OFFICE OF SHERROD + BERNARD

REPUTATION. RESPECT. RESULTS.™

## The McDonald's Hot Coffee Case:

Now you know the rest of the story

By: Ken Bernard

March 2013 • Volume IV • Issue 12



Just about everybody has heard of the million dollar plus verdict for hot coffee spilling in a lady's lap. Most do not know what really happened in the case; as a result, there is a misconception that somehow all juries are runaway and have cost the system millions and millions of dollars. The same folks sometimes do not remember the concept of the right to trial by jury contained in the Seventh Amendment of the U.S. Constitution.

If it was left up to the insurance companies, millions of injured Americans would never receive full compensation for the value of their case. Why, because many of these insurance companies focus on profits, and the less money they pay, the more profit they make. In a free market system, that may be ok; however, the only checks and balances on the carrier and those committing negligent acts, is a personal injury attorney dedicated to righting wrongs.

Stella Liebeck's case is a perfect example of how a misinformed public can miscalculate the value of the civil justice system. In 1992, Stella was riding with her grandson when she was severely burned by hot coffee served in a styrofoam cup at McDonald's. At the time she was injured, her car was stopped, so she could add cream and sugar. She was neither driving, nor was the car moving.

As she removed the lid while the cup was between her knees, the hot coffee spilled in her lap. She suffered third degree burns over 6% of her body, including her inner thighs, perineum, buttocks, and genital and groin area. After extensive skin grafting and multiple debridement treatments to remove dead skin and tissue, she sought to resolve her claim for \$20,000. Because McDonald's refused to resolve her claim, she had to pursue justice through the civil justice system.

During the case and at trial it was learned that (1) 700 other people had filed burn claims between 1982 and 1992; (2) McDonald's coffee was heated at 180 to 190 degrees Fahrenheit, while most other establishments sell coffee at 30 to 40 degrees lower (coffee served at home is generally 135 to 140 degrees); and (3) McDonald's held coffee at 185 degrees in order to reduce the amount thrown out and increase the time coffee could be kept.

The jury awarded Stella \$200,000 in compensatory damages (reduced to \$160,000 because the jury found Stella 20% at fault) and awarded her \$2.7 million in punitive damages (about two days of coffee sales for McDonald's). Subsequently, the punitive damages were reduced to \$480,000, despite the judge calling McDonald's conduct reckless, callous, and willful. The case was later resolved by a confidential settlement.

Pundits, critics, and the uninformed public complain about excessive jury verdicts, but that's primarily driven by a lack of faith in the civil justice system, which is unfounded completely. The civil justice system is designed for citizens to go before their peers (juries) for a determination of whether a claim is valid and a decision on how to right a wrong, if any. Numerous checks and balances exist in the system, such as appeals.

The constitutional safeguards provided to both for free speech and right to bear arms are equally consistent with the Seventh Amendment right to trial by jury of one's peers. What we are really saying by not trusting the civil justice system is we do not trust our peers to make decisions. Without the civil justice system, would you prefer the government to tell you when you have been wronged and how much you should get? For many, the answer is clear; the civil justice system must be preserved.

## Thank you for the referrals...

A referral from a former client or friend is the greatest compliment our firm can receive. We are grateful for every referral – below is a list of the people who recently referred a friend or family member to our firm. We would like to publicly thank each and every one of them by listing them in our newsletter. Again, we say, "Thank You!" We at Sherrod & Bernard appreciate all our referring friends, even those inadvertently omitted. This list was generated solely from clients reporting how they found our firm. Thank you for your confidence in our legal team.

Ed & Mary Sue Murray	Carol Thedford	Tommy Jones	Deontae Mabray	Charles Bonner	Camille Sheppard
Chris Thompson	Joe Fowler	David Cummings	Mike Lee	Jack Witcher	Benjamin Napper
Dusty Bollen	Chris Blanks	Chad James	Angel Cordle	Richard Fiore	Steven Wilson
Jean Baker	Kaci Blair	Melinda Fincher	Kenneth L. Shigley	Anna Beshers	Drew Williams
Allen DeNyse	Randy Daniel	Chad White	J.D. Mitchell	Gina Davis	Andy Anderson, Jr.
Chris Baggett	Sherri Kelley	Janice Brewer	Kevin Head	Brian Goltart	Kelvin Burton
Jeff Rowell	Anita Buffington	Elizabeth Wilson	Frank Winn	Doug Dellaccio	Bill Bailey
Joey Dixon	Robin Sword	Jack Clay	Eric Ziegler	Ginny Bulloch	Carter Bradley
Cade Parian	Richard Smith	Tony Perkey	Matt Beshers	Christopher Mercier	

**SB**  
**SHERROD + BERNARD**  
REPUTATION. RESPECT. RESULTS.™

P.O. Box 1154  
8470 Price Avenue  
Douglasville, GA 30133

**FREE CONSULTATION**

**TOLL FREE: 877-798-8979**

**LOCAL: 770-920-8350**

Call or visit  
[www.sherrodandbernard.com](http://www.sherrodandbernard.com)  
and enter your questions.  
You will get confidential  
answers from an attorney  
with no obligation.



## Need Allergy Relief When Pollen Counts Are High?

The best way to get allergy relief is to take allergy medicines on a regular basis and start before pollen season hits, says William E. Berger, MD, MBA, professor of medicine at the University of California, Irvine. Berger is past president of the American College of Allergy and Immunology and author of *Allergies and Asthma for Dummies*.

In the body, histamines are chemicals that can cause swelling, sneezing, itching and a runny drippy nose or postnasal drip (mucus down the back of your throat). Antihistamines (allergy relief medicines) are effective in treating some of the allergy symptoms caused by histamines.

Berger tells WebMD that the goal is to prevent allergy symptoms from occurring. "Taking allergy medicines (antihistamines) regularly blocks the histamine receptors -- the tissues that cause swelling. Histamine works by attaching itself to these receptors on the surface of cells. "If you block the site where histamine works by pre-treating with allergy medicines, you prevent the allergic reaction and the allergy symptoms."

The information in this article was collected from the WebMD website. <http://www.webmd.com>

### RECENT NEWS & ACTIVITIES

- S&B continues its support of local charities by supporting the Denim & Diamonds Charities of Douglas County, Inc.'s fundraiser at Fox Hall Farms supporting local CASA.
- S&B recently concluded litigation in a catastrophic worker's compensation case that had been ongoing since 1996. During the lengthy case, our client was awarded a new house and a vehicle modified to accommodate his physical limitations.
- S&B recently resolved a wrongful death case involving a railroad, city and DOT on behalf of 2 minors whose father died in a train collision.
- S&B enhanced a client's recovery by convincing the trial court to combine insurance policies from households in Georgia and Colorado.
- Ken recently attended the end of the year conference for the Board of Governors of the State Bar of Georgia in Atlanta.
- John recently attended the Southern Trial Lawyers Association's 25th annual conference held in New Orleans. Aside from the festivities associated with Mardi Gras, the four day event provided intensive training and learning opportunities from fellow trial lawyers across the country.
- In the Fall, Lindsey Sherrod will be attending Mercer University in Macon, Georgia, on an academic scholarship.
- J.T. Bernard recently made the Woodward Academy freshmen baseball team.
- Ken will host the University System of Georgia Foundation, Inc.'s annual Gala at the Marriott Marquis celebrating the end of his 3rd term as chairman.
- Ken Bernard recently chaired the Board of Regents' search committee for the next President of the University of West Georgia and is to serve as Chairman of the Business and Finance Committee.
- Sydney and Lindsey Sherrod recently founded a hand-crafted jewelry business known as Sherrod Sisters. Their jewelry can be found in many Atlanta area boutiques and at [www.sherrodsisters.com](http://www.sherrodsisters.com).
- John and fiance', Patty Munn, recently won the 20th Annual Southern Tennis Escape Mixed Doubles Tournament held at Kiawah Island, South Carolina.

## RECIPE OF THE MONTH

By: Regina Puckett

### Blueberry Coffee Cake

Prep Time: 10 minutes (Ready in 1 hour)  
4 servings

¼ cup firmly packed brown sugar  
¼ teaspoon cinnamon  
4 Pillsbury frozen buttermilk biscuits  
2 tablespoons butter or margarine, melted  
½ cup quick-cooking oats  
¾ cup fresh or frozen blueberries  
2 tablespoons granulated sugar  
1 tablespoon butter or margarine, softened

Heat oven to 375 degrees. Generously grease 8x4 inch loaf pan. In small bowl, stir together brown sugar and cinnamon with a fork.

Microwave biscuits uncovered on defrost about 45 seconds. Cut each biscuit into fourths. Dip each piece into melted butter; coat with brown sugar mixture. Arrange in single layer in pan. Top with any remaining melted butter and brown sugar mixture. Sprinkle with ¼ cup of the oats.

Top with blueberries. In medium bowl, stir together granulated sugar, remaining oats and softened butter. Sprinkle over blueberries.

Bake 30 to 35 minutes or until golden brown and center is done. Cool 15 minutes. Serve warm.



## The Dangers of Tanning

A tan, whether you get it on the beach, in a bed, or through incidental exposure, is bad news, any way you acquire it. Tans are caused by harmful ultraviolet (UV) radiation from the sun or tanning lamps, and if you have one, you've sustained skin cell damage.



No matter what you may hear at tanning salons, the cumulative damage caused by UV radiation can lead to premature skin aging (wrinkles, lax skin, brown spots, and more), as well as skin cancer. In fact, indoor ultraviolet (UV) tanners are 74 percent more likely to develop melanoma than those who have never tanned indoors.

The information in this article was collected from the skin cancer website. <http://www.skincancer.org>

## AVOID COMMON MISTAKES AFTER A CAR WRECK – PART II

By: John Sherrod

In a recent newsletter, I listed common mistakes that innocent victims make when dealing with insurance companies after being hurt in a car wreck. Aside from keeping a detailed journal of the recovery process, I recommended that medical attention and experienced legal counsel be sought immediately. After getting a great deal of response to the article, I decided to share some additional tips to those attempting to deal with a careless driver's insurance company. These tips will help a person avoid common mistakes that the insurance giants routinely use to their benefit in denying and minimizing claims.

### Do not give a statement.

It is common for the at-fault driver's insurance company to contact you immediately after a wreck in order to get a recorded statement. I recommend that you never give a statement until you have consulted with an experienced personal injury attorney. Although the claim representative may seem friendly, he or she is actually attempting to lock down your version of the collision. These adjusters are experienced in taking statements and the questions are sometimes confusing to benefit the insurance carrier.

Our firm allows our clients to give statements. These statements, however, are only done after the client is adequately prepared and when counsel is by your side. If any questions are asked that are irrelevant or confusing, we are there to object.

### Do not give a medical authorization.

The insurance industry trend is to request a blanket medical authorization days after the wreck. This document allows the insurance company to obtain every medical record ever made about you in your lifetime. You are not required to provide this information and you should not. Insurance companies routinely go back over your medical history hoping to find similar injuries or complaints. The insurance lawyers will capitalize on prior medical care in an effort to deny your claim or minimize a settlement evaluation. Nothing good comes from providing a general medical authorization.

Once you have completed your medical care, our firm will provide the relevant medical documentation to assist in attempting to reach a settlement resolution with the insurance company. As to your past medical history, our firm will protect it and only provide when required by law. Your medical history is personal and should be guarded. Our firm strives to do this for you as we advocate your case.

### Do not exaggerate.

A client that attempts to exaggerate his or her injuries and treatment will likely fail. In fact, insurance companies hope for over treatment. If you can be portrayed as greedy and overreaching, the insurance company knows through experience that a jury will likely see this and render an unfavorable verdict. Our firm recommends that you only get the treatment recommended by your physicians. Cases become very difficult to handle with clients that excessively treat despite no objective diagnostic findings. Although every case should be handled individually and on its own merits, the exaggeration of symptoms and treatment will always be problematic. By following these tips, a person injured by a careless driver is likely to maximize an insurance recovery. Do not let the insurance companies ever gain an unfair advantage over you.

## Remembering Rhonda Payne, Clerk of Superior and State Court of Douglas County

Ms. Payne passed away on March 17, 2013 from sudden complications from cancer.

Ms. Payne was a lifetime resident of Douglas County (Winston Community). Ms. Payne was hired by Jane C. Williams, Clerk of Superior Court, on July 28, 1986. Ms. Payne began working in the records room assisting the public while learning all aspects of the Clerk's office. Within a few weeks, Ms. Williams transferred Ms. Payne to the front office where she continued to assist the public and learn as much as she could about the Clerk's office and County government. Through the years, she worked her way up the ranks; Ms. Williams promoted her to Office Manager where she served in that position until Ms. Williams' retirement at the end of 1998.

Ms. Payne was appointed Chief Deputy Clerk by Clerk of Superior Court Cindy Chaffin in January 1999. Ms. Chaffin filled the Clerks position after the retirement of Ms. Williams. During her time as Chief Deputy, Ms. Payne worked with e-filing projects, set up the State Court Clerk's Office, worked with local and state agencies to transfer and receive data which eliminates duplicate entry, and organized and oversaw jury management.

Ms. Payne served as Chief Deputy Clerk until the death of Ms. Chaffin in December 2007. At that time, Ms. Payne was appointed Clerk of Superior Court, was elected to her first full term in November 2008, and re-elected without opposition in November 2012.

She was a friend, a co-worker and a wonderful person. She will be greatly missed.

