



ACCESS

A Publication of the
California Association of Legal Document Assistants
www.calda.org



April 2005

PRESIDENT'S MESSAGE

CALDA is growing by leaps and bounds and we have had approximately 70 new members join over the past 12 months. Regarding working environment, I have discovered that our association is quite diverse. We have many members working out of offices but we also have many members who have home-based businesses. I personally worked from an office for over 15 years and then switched to working from a home office. Like me, you too may be considering working from home – whether you are just starting out your LDA business or you are a long time LDA and want a change. In either situation, you're not alone. There are certainly many advantages to having a home-based business, but for an LDA, there are also many disadvantages. Like me, I am sure; many of you have given thought to what it would be like to spend your working hours at home rather than in an office. If you have, as your CALDA President having a home based business for the past ten years, this article is for you!

Whether you are a new LDA just getting started or a long time LDA contemplating a change in your business arrangement, before you make this decision, you need to consider many things. Certainly with today's rising demand for low cost, self-help legal document preparation services, and due to technological advances, working from home is now easier.

Embrace Technology. With the easy availability of more powerful computer modems and wireless Internet connections, inexpensive and efficient copiers, fax machines, printers and the increasing acceptance of electronic transactions, working from home can be as effortless as working from an office. Keeping abreast of pertinent, emerging technology to maintain a competitive edge and offer the latest, most in-demand services to the public will make working from home much easier and will also expand the area within which you are able to service clients. I have provided document preparation services in most every county in California, never having met the client personally. I am only able to do this because I have utilized the available technology.

Establish Office space. Be sure you can find an area in your home that you can effectively use as a work area strictly devoted to your work schedule and tasks. A kitchen table, for example, would not be a wise place to conduct business due to the lack of privacy, abundant foot traffic and constant noisy distractions. Find an area in your home, preferably a whole room, to convert into your office.

With the above points in mind, the opportunities for a home-based LDA business have never been better. However, before taking the plunge, you may want to consider some of the pros and cons of working from home.

For the new LDA, experts agree that the successful start of your business is directly related to the amount of time initially put into the venture, including hours spent getting organized, writing out a business plan, figuring out how you are going to get your new clients, and even perhaps considering working part-time in the beginning.

I personally, have found that there are many advantages of working from home: Granted, there are the disadvantages, which I will point out later, but for me personally, the advantages outweigh the

disadvantages. This may not be for all LDA's. I have spoken with other CALDA members who would never consider operating a home-based LDA business, and ironically, some of their reasons NOT TO are the same reasons I chose TO.

ADVANTAGES OF WORKING FROM HOME:

Freedom and flexibility. Let's face it. Work takes up a lot of our lives. Because of this, more and more people want flexibility and freedom. This was a big one for me. I can remember how furious I would get when I had a "slow day" and ran into the office just to meet a new client, only to discover after waiting for a half an hour that they weren't going to show. AAAH! Working from home, I can structure my day to suit my personal needs, whether I want to spend time riding my horse in the morning, spend time with my grandchildren or just do laundry on a slow day when a client doesn't show! Now, if a client doesn't show up – no problem! I have complete control over when I do my work and how I structure my workday. My sophisticated telephone system lets me take calls wherever I am, and no one knows when I am sitting at my desk answering the telephone in my PJ's or out grooming my horse! Having an office almost requires you to have a personal presence during normal business hours, particularly if your office is in an area when people may walk by and just "pop in". And the best thing I have discovered from working at home is that being dedicated and flexible, I can still make a great deal of money as an LDA.

More flexibility for clients: I tend to spoil my clients and having a home-based business, I can. Often, I don't have a problem having a client come by slightly later to do a quick signing of documents or to pick up a package that I leave outside the door (which I wouldn't do if I had a regular office). I find they appreciate the added flexibility and as long as it doesn't interfere with my personal life, I am glad to be able to accommodate them without it being an inconvenience to me.

Tax benefits for home based businesses: Having my LDA business as a home based business; I am blessed with a number of business deductions that would otherwise not be available. As a homeowner, I can write off a portion of my housing costs for the portion of my house that is attributable to my office space. However, I am not a tax expert, so if you want to learn about the specific advantages in your particular situation, you should contact your local tax office or CPA to find out what business expenses you may claim.

Save money: Assuming you're not meeting with customers all day long, you won't have to buy expensive "work clothes" or use the dry cleaners as often. I personally, have taken the "casual look" approach, wearing jeans much of the time, but still looking nice. Some people, though, have told me that they can't be productive unless they are "dressed for work". So, this is something you will have to figure out for yourself.

Since I don't have to go to an office, I obviously save money on car and transportation expenses (a big plus now days with the high gas prices)! In fact, I find my self so spoiled that sometimes when I do go "out" at the normal high traffic times during the day, I am actually shocked at the traffic I sometimes run into.

Lower start-up costs. One huge savings is the fact that I don't have to rent or lease office space! That alone saves a great deal of money, which is a very important consideration, particularly for new LDA's just getting started. In fact, another local LDA who has an office has set a substantially higher pricing scale merely to accommodate the fact that she has the added cost of an office. Higher costs mean either the need to have higher fees or the need for more clients to support the higher costs!

DISADVANTAGES OF WORKING FROM HOME:

Like all things in life, there is the "other side". As an LDA, the disadvantages of operating your business from home are:

Meeting Clients: Obviously, unlike perhaps other typed of businesses, as an LDA we do have client contact. This is probably the biggest Con for most LDA's considering a home-based business since you

will have people coming to your “office” which also happens to be your “home”. The key I have found is to make your “office” portion really seem like an office. On our porch entry, I have my office “sign” which is a rock laser blasted with my business name – it’s discrete but very professional looking and people know they have arrived at the correct place. When speaking with clients, I always refer to my “office” and not my “home” and my office arrangement is just like it would be if I had a real office in an office building. Some LDA’s have a house arrangement that allows for a separate entrance to their office space. There are many different ways of setting up a home office, but whatever arrangement you ultimately choose, keep in mind there also may be ordinance issues which you should check into as well when considering setting up a home-based office.

Vague Boundaries: One of the greatest challenges of working from home is to set definite boundaries. Friends and family members may have a difficult time adjusting to the fact that you have to work while you are home. Also, you can never escape the office and go home, because you are already there. As long as you are straightforward about your expectations, you should be able to eliminate most of the conflicts before they occur.

Increased Self-discipline: In addition to the skills every LDA needs for starting their own business, an LDA who chooses to have an own home-based business must also possess one key skill - the ability to be self-disciplined. This is a critical skill for anyone thinking about running their LDA as a home-based business. Working from home, you may be easily enticed to do that housecleaning that is behind or the laundry that has been sitting around instead of doing your client’s work. There are always household chores to be done, and plenty of other distractions (such as the television), and as a new LDA, you can be alone for hours. Do you have the self-discipline required to get your business off the ground and client work done despite all this?

Pressure: While working from home undoubtedly provides more flexibility, it can also provide a fair bit more stress. I have on more than one occasion, woken up in the middle of the night, struggled to get back to sleep to no avail, and gotten up and gone to my desk to do some “catch up” at 4 am. Obviously I wouldn’t do that if I had an office, but because I work in the same place I live, sometimes I feel compelled to work on client stuff at odd times and sometimes simply end up trying to do too much without giving myself a needed break. It is important to find particular blocks of time for work and other blocks of time for just being “home”.

Another oddity of people who work at home is that people who work from home find it hard to relax over weekends, even if they are not working. They feel like they need to get out or go shopping in order to relax. I really didn’t connect this up until I was doing my research for this newsletter article, but yes, I can vouch for this now that it has been brought to my attention...another home office anomaly!

Conclusion: As an LDA, working out of your home can be a great solution for certain people. I have worked both in an office and in my own study, and I much prefer working from my home office, which I have done now for almost ten years! I do think it takes special discipline to work at home. In the end it, it boils down to what works for you. It may not be the right choice for everyone, but there are many of our members who have elected to run their LDA business from home and can’t image doing it any other way!

Sandy McCarthy



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ATTENTION
All Board Members

ALL MEMBERS: EACH YEAR YOU MUST SUBMIT A COPY OF LDA, UD OR IMMIGRATION REGISTRATION; OR A LETTER FROM YOU STATING UNDER PENALTY OF PERJURY THAT YOU AREN'T REQUIRED TO CONFORM TO STATE LAW. EVERYONE MUST COMPLETE ALL 4 PAGES OF APPLICATION

Special Offer

CALDA offers forum participation for all voting members. This service enables our members to help and be supportive to each other. If you have not received your forum access, contact the administrator at forums@calda.org

**WHEN AN LDA ASKS
"WHY SHOULD I JOIN CALDA?"**

Tell them, the benefits are:

1. Increased professional knowledge and networking opportunities.
2. Awareness of events and developments pertaining to the LDA profession.
3. Subscription to the newsletter, **ACCESS**.
4. A voice in decisions affecting the profession at the local, state and national levels.
5. Discounts on educational seminars and workshops.
6. Setting a higher standard of professionalism.

**The ACCESS is a publication of the
California Association of Legal Document Assistants (CALDA)**

The opinions expressed in ACCESS are those of the writers and are not necessarily those of CALDA. All articles are based solely on materials submitted in writing. The act of submitting editorial contributions shall constitute an express warranty by the contributor that the material is original and in no way an infringement upon the rights of others. CALDA assumes no responsibility for verification of the information submitted.

NEWSLETTER GUIDELINES

Materials may be submitted as follows: E-Mail to: newsletter@calda.org

Computer System used PC only, Software used, MS Word or Word Perfect 12 or lower ONLY.

Do not indent or use all caps in headlines or text. Prefer alignment to be justified

Professional Standards Committee in Full Swing!!

The Committee met three times in the last two months – Central, Southern and Northern California. CALDA members Kerry Spence Suendermann, Jim Wood, Jeanne Wierson, and Jeanne Flanders attended. What a great opportunity to talk about CALDA and its future! Kerry prepared written minutes of all the ideas proposed, Jim volunteered to review the CALDA Code of Ethics, Jeanne Wierson volunteered to update our letter to be sent to non-complying LDA's in a more positive and educational way. All the meetings were very worthwhile and worth the time, effort, and expense!

Letters were sent to the 58 county District Attorney Offices throughout the state requesting they enforce the LDA registration law.

Zero complaints were received regarding CALDA members from consumers.

This chairman will be mailing letters to the 58 County Clerks this next month requesting current LDA lists from each county, as well as summarizing ideas and suggestions from the three Professional Standards Committee meetings held.

Marcia Burke

Professional Standards Chairman
39159 Paseo Padre Parkway, #110
Fremont, CA 94538
Phone: 510-791-2700; Fax : 510-791-2798

First Meeting of The Southern California Chapter of CALDA March 21, 2005.

A small but enthusiastic group was present. We elected officers and took care of all the "housekeeping" of future meetings. There was a guest speaker, Debra Spatafore, the family law facilitator from Lancaster Superior Court. She was very informative.

I am busy looking for volunteers to teach classes at the conference. They will talk for approximately 45 minutes with a 15 minute question and answer period. Any volunteers please email me!

Connetta Blalock

CALDA – Membership
By Robin Schumacher

Please join me in welcoming the newest members of CALDA:

Judith Burrow	Ventura County
Doreen Domer	Marin County
Don Evans	Santa Cruz County
Andrew Voller	San Joaquin County
Paul Hernandez	Los Angeles County
Natalie Marez	Colusa County
Elliot Katz (Sustaining Member)	Pittsburgh, PA
Maria del Socorro Vizcaino-Arce	Contra Costa Cty
Denise Copeland	Contra Costa Cty
Kent Hartman	Napa County
JoAnna Travers	Contra Costa Cty
Jon Ebon	Stanislaus County
Jolene Dashut (Welcome back!!!)	Los Angeles County
Stephen Weisman (Sustaining Member)	Sherman Oaks, CA
Rick Nelson	Ventura County

If one of these new CALDA Members in your area, give them a call and welcome them!

W E L C O M E T O C A L D A

2004 Earnings Survey Report

**Presented by the Vice-President
Tamara Parker**

At this year's annual conference, I again passed around the Earnings Survey.
The results were very interesting.

While more than 31 People participated, I only counted those who are currently in business; we had some answers from LDA's just beginning to open their office, however their answers are not included for obvious reasons.

Here are the results:

The average years in business 12

Average hours worked per week 37 – however this is not really accurate, as 8 responses indicated 40+ hours, and I was only able to count this as 40 hours. 13 respondents had employees – 1 or 2 employees was the average, however, one person reported 7 employees.

The amazing part – the average earnings came to \$119,560. Two years ago, this was \$72,000 per year.

The lowest was \$10,000 for 2004 (as of the conference) and the highest was \$650,000, with 10 people (again out of 31 people) earning more \$100,000.

Of 22 who answered 17 had a BA/BS degree or higher, 5 had AA degrees. Additionally, 19 had Paralegal certificates, and 11 of those were from ABA approved schools....

Regarding the question, "Do you feel fairly compensated for your work, out of 31 answers, 28 said yes. All 31 said yes to "Do you enjoy what you do".

In the next newsletter, I will report on the other information on the survey, such as home based vs. office, type of work performed, etc.

If you have any questions, please call me.

Tamara



THE ATTORNEY-CLIENT PRIVILEGE AND AND THE LEGAL DOCUMENT ASSISTANT

Many of the CALDA members know me but for those of you that don't,

I am Kerry Spence Suendermann. I received my ABA approved paralegal certificate in 1977 from the University of San Diego. I have two freelance businesses, *The Paralegal Offices of Kerry Spence Suendermann* and *People's LDA*, operating in San Rafael, Marin County, California. I have a background in civil litigation, specializing in medical malpractice. I now work exclusively preparing legal documents. My passion is helping the people access the legal system through self-representation by empowering them to determine their optimal solution and then helping them make the necessary steps to achieve that solution.

I am always intrigued by the variety and depth of the legal issues confronting the Legal Document Assistant (hereinafter referred to as LDA) and the LDA's client. One such issue is the attorney-client privilege and the LDA.

The rules that the LDA must follow say that the client must make their own decisions, unaided by the LDA, before the LDA can prepare the legal documents for the client. Often, the client needs some legal advice that the LDA cannot provide because the LDA is not licensed to practice law. The solution is for the client to meet with an attorney to get the advice she needs so she can take the next step toward resolving her legal issue.

The question often arises in the LDA's mind whether or not the LDA should attend the attorney meeting with the client. The following are reasons why it is important to attend that meeting.

- The LDA can prepare the attorney ahead of time with a focus memo and include any documents that might be discussed at the meeting. Often, if the LDA prepares a short memo and supporting documents, the attorney will not charge to review these documents. Even if the attorney does charge to review these documents, the attorney will not be using the meeting time to find out what needs to be discussed, thus saving the client money.
- The client has come to the LDA for at least two reasons. One is to keep the legal cost at a minimum and the other is to avoid the attorney experience. By the attorney experience, I am referring to the client's fear that they won't understand what the attorney and the fear of attorney intimidation are saying. The LDA can assist the client by going to the meeting with the client, directing the focus of the meeting and paraphrasing what has been said into simple English for the benefit of the client. This helps the client relax and understand what is being said so the client can get the information needed to make educated decisions.
- The LDA can keep the focus of the meeting on task so the information from the attorney is completed in as short of time as possible, thereby saving the client money.
- The client is often unsophisticated in legal matters and if left to attend a meeting by herself, she might miss something important or be unable to communicate it directly to the LDA. Also, the attorney will undoubtedly take longer as the attorney will have to first interview the client to get a focus for the meeting. This costs the client money.
- The LDA can broaden her knowledge of a particular area of the law. Although the LDA may not be able to communicate this knowledge directly to a client in the future, it helps

the LDA to assess future cases as to the need of an attorney consultant.

- The LDA will probably have some questions about procedure relating to the legal documents in the project and will be able to discuss these questions with the attorney.
- By meeting with attorneys, the LDA has a larger resource base that she can call upon to discuss legal questions that may arise in the future.

When the client attends a meeting with an attorney by herself, it is clear that there is an attorney-client privilege that protects the work product, conduct and exchange between the attorney and the client. Does this same attorney-client privilege apply when a third party, the LDA attends the meeting?

I believe it does, based on asking that question of practicing attorneys who said it does. I was also interested in the case law on the subject and asked Holly Sheen, my paralegal intern from the Sonoma State Paralegal Program to research the issue and write a memorandum. Following is what she found.

MEMORANDUM

To: Kerry Suendermann
From: Holly Sheen
Date: 1/31/2005
Subject: Attorney-client privilege and the LDA

The attorney-client privilege is paramount in protecting the work product, conduct and exchange between the attorney and the client when functioning in those respective roles. This includes any communication between the client and the lawyer that is assumed and intended by the client or attorney to be confidential. Section 952 of the Evidence Code states that such confidential communication between a client and attorney “[m]eans information transmitted between a client and his or her lawyer in the course of that relationship and in confidence by a means, which, so far as the client is aware, discloses the information to no third persons other than those who are present to further the interest of the client in the consultation or those to whom disclosure is reasonably necessary for the transmission of the information or the accomplishment of the purpose for which the lawyer is consulted, and includes a legal opinion formed and the advice given by the lawyer in the course of that relationship.”

Quite often, Legal Document Assistants coordinate and attend consultations wherein the LDA’s client temporarily becomes the client of the attorney as well, insofar as the LDA is unable to advise or assist the client in a particular matter or issue. The LDA’s inability to offer any legal advice or legal analysis to her client makes a working relationship with a bar certified, practicing attorney necessary in ensuring that the LDA provides the best service possible to her client, while protecting both herself and the client from any unlawful practice of law accusations. This set-up provides all three parties with the most productive, profitable and efficient situation possible.

The role of the LDA when functioning as a liaison between the attorney and client is worth considering, specifically where the attorney-client privilege is concerned. It would be crucial to the livelihood of the LDA, as well as in the ultimate protection of the client, that the exchanges done by the LDA to the attorney, on behalf of the client, as well as the communication during the consultation between the client and the attorney with the LDA present, fall under the same or comparable protection, where the LDA cannot be subpoenaed to testify against her client. The

law and supporting case opinions speak somewhat to third-party interests resembling closely the role and interests of the LDA.

Confidential communications include those made to third parties for the purpose of transmitting information to the lawyer because they are necessary for the transmission of the information. In *City & County of San Francisco v. Superior Court* (1951) 37 Cal.2d 227, communications between an attorney and physician who was an intermediate agent between the client and his attorney were protected by attorney-client privilege. It is still considered the communication of the client when it is transmitted by an agent, and is immaterial whether the agent is an agent for the attorney or the client. "(T)he client's freedom of communication requires a liberty of employing other means than his own personal action. The privilege of confidence would be a vain one unless its exercise could be thus delegated. A communication, then, by any form of agency employed or set in motion by the client is within the privilege."(*City & County of San Francisco v. Superior Court* (1951) 37 Cal.2d 227, 236-237.)

It would appear that the wording "other than those who are present to further the interest of the client in the consultation" indicate that communication to an attorney is confidential even though it is made in the presence of another person, as long as it is to further the interest of the client. The third party could include accountants, spouses, business associates or joint clients, so long as their interests were aligned with that of the client. While neither the statutes nor the case law speak directly to the special circumstance resulting from the LDA as a third party, nothing in my research of this issue leads me to believe that existing law would invalidate attorney-client privilege protection within that specific arrangement.

Dollar Financial Corporation

Announces

The Acquisition of We The People

Forms and Service Centers USA, Inc.

March 08, 2005 08:55:00 AM ET

Dollar Financial Corp., [DLLR](#) a leading international financial services company serving under-banked customers, today announced that it has completed the acquisition of the assets of We the People Forms and Service Centers USA, Inc. We the People is the market leader for retail-based legal document preparation services in the United States. The total consideration for the acquisition includes cash consideration of \$12.0 million, \$3.0 million of cash consideration contingent on the We the People's attainment of certain future financial targets and 141,935 shares of Dollar Financial Corp. common stock. Dollar will also assume up to \$750,000 of We the People liabilities.

We the People, based in Santa Barbara, CA, provides affordable legal document preparation services through its 170 franchised locations in 30 states. The Company was founded by Ira and Linda Distenfield in 1996, both of whom will remain in senior management roles under long-term employment contracts. For the fiscal year ending December 31, 2003, which is the last year that audited financial statements are available, We the People reported revenue of \$7.8 million.

"While relatively modest in scale, the acquisition of We the People is a meaningful step in our ongoing strategy of further building out our diversified product mix," commented Don Gayhardt, President of Dollar Financial. "We see an excellent opportunity to further develop the We the People business through a focused effort on selling new

franchise territories and opening new franchised and company-owned stores to serve this developing marketplace. Furthermore, the demographics of the legal document customers are similar to the customer demographics we currently serve with our other products. This acquisition also enhances our ability to leverage our corporate infrastructure and current store footprint, whereby we can offer these new products through some of our existing store locations in the United States. In all, we are very excited about this acquisition as it is an ideal fit into our existing diversified product portfolio."

Mr. Gayhardt continued, "From a financial perspective, this acquisition is attractively valued and is expected to be immediately accretive. Furthermore, in fiscal 2004, We the People added 51 new franchise store locations, which should provide strong revenue growth as these stores mature. In addition, Dollar Financial is in the process of developing an integration plan with which to capture operating synergies inherent in combining the We the People business with Dollar Financial's existing operations. As a result, the company expects that the We the People business will represent a meaningful contribution to the long term profitability of Dollar Financial."

About Dollar Financial Corp.

Dollar Financial Corp. is a leading international financial services company serving under-banked consumers. The Company's customers are typically lower-and middle-income working-class individuals who require basic financial services but, for reasons of convenience and accessibility, purchase some or all of their financial services from the Company rather than from banks and other financial institutions. To meet the needs of these customers, the Company provides a range of diversified consumer financial products and services primarily consisting of check cashing, short-term consumer loans, Western Union money order and money transfer products, reloadable VISA branded debit cards, electronic tax filing and bill payment services.

The Company operates a network of 1,316 stores, including the 170 We the People franchised locations and 671 company-operated stores, in 34 states, the District of Columbia, Canada and the United Kingdom. The Company's store network is the largest network of its kind in each of Canada and the United Kingdom and the second-largest network of its kind in the United States. Dollar Financial's customers, many of whom receive income on an irregular basis or from multiple employers, are drawn to the Company's convenient neighborhood locations, extended operating hours and high-quality customer service. For more information, please visit the Company's website at www.dfg.com.

Forward Looking Statement

This news release contains forward-looking statements, including statements regarding the impact of the We the People business on the Company's business and future prospects. These forward-looking statements involve risks and uncertainties, including risks related to the impact of the We the People acquisition on the Company's business, results of operations, financial condition and prospects. The expansion into new products and services, such as the We the People acquisition, will present new challenges to the Company's business and will require additional management time. A more complete description of these and other risks, uncertainties and assumptions is included in our filings with the Securities and Exchange Commission, including those described under the heading "Risk Factors" in our recent final prospectus from the Company's initial public offering filed with the SEC on January 31, 2005. You should not place undue reliance on any forward-looking statements. We disclaim any obligation to update any such factors or to publicly announce results of any revisions to any of the forward-looking statements contained herein to reflect future events or developments.

Contact Information: Dollar Financial Corp. Donald F. Gayhardt, 610-640-5925



THIS IS THE BEST LAWYER STORY OF THE YEAR, DECADE AND PROBABLY THE CENTURY

A Charlotte, NC lawyer purchased a box of very rare and expensive cigars, then insured them against fire, among other things. Within a month, having smoked his entire stockpile of these great cigars and without yet having made even his first premium payment on the policy, the lawyer filed claim against the insurance company. In his claim, the lawyer stated the cigars were lost in a series of small fires. The insurance company refused to pay, citing the obvious reason that the man had consumed the cigars in the normal fashion.

The lawyer sued... and WON! (Stay with me.) In delivering the ruling, the judge agreed with the insurance company that the claim was frivolous.

The judge stated nevertheless, that the lawyer "held a policy from the company in which it had warranted that the cigars were insurable and also guaranteed that it would insure them against fire, without defining what is considered to be "unacceptable fire" and was obligated to pay the claim.

Rather than endure lengthy and costly appeal process, the insurance company accepted the ruling and paid \$15,000 to the lawyer for his loss of the rare cigars lost in the "fires".

NOW FOR THE BEST PART.

After the lawyer cashed the check, the insurance company had him arrested on 24 counts of ARSON!!!

With his own insurance claim and testimony from the previous case being used against him, the lawyer was convicted of intentionally burning his insured property and was sentenced to 24 months in jail and a \$24,000 fine.

This is a true story and was the First Place winner in the recent Criminal Lawyers Award Contest.

ONLY IN AMERICA! NO WONDER THIRD WORLD COUNTRIES THINK WE'RE NUTS.