

Frequently asked questions about attorneys and the law

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You can conduct your own basic research on a specific law firm by visiting its website; entering the firm or attorney's name on an Internet search engine such as Google, Yahoo, Bing, etc.; and



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meeting with a member of the firm.

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Q. How do lawyers charge for their services?

A. Attorneys' fees are set in a variety of ways, often depending on the type of work that is performed. A lawyer representing a client who's seeking compensation for injuries or damages caused by another individual or company will sometimes establish a "contingency" fee for his or her services.



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A contingency fee is simply a percentage of the amount of money the client recovers as a result of a settlement or court award. The percentage can vary, but 33 percent is commonly used. A higher percentage may be applied if the case is particularly risky or complicated. Under a contingency fee arrangement, the lawyer receives no compensation if there is no settlement or court award. Lawyers who represent defendants in criminal cases often charge an hourly or flat fee. It is important that you have a good understanding of the fee structure when you ask an attorney to represent you.

This newsletter is intended solely for current and former clients of our law firm. If you received this newsletter in error, we apologize for any inconvenience. You may contact our office to have your name removed from the mailing list.

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KLEINPETER & SCHWARTZBERG, L.L.C.
619 Jefferson Highway, Ste. 2H
Baton Rouge, LA 70806



New rules help protect passengers from airline abuses

It wasn't long ago that passengers had few rights when airlines mistreated them. Long hours aboard planes sitting on tarmacs, lost luggage and surprise add-on fees were frequent occurrences for airline passengers. Now, thanks to new rules, passengers have some protections, in spite of opposition from the airline industry.



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Rules enacted by the U.S. Department of Transportation are hitting airlines where it hurts — in their pocketbooks — for certain categories of passenger abuse. One of the main reforms involves the highly publicized horror stories of passengers forced to remain aboard planes stranded on tarmacs for countless hours without food, water and sometimes even working toilets.

Now, airlines that leave passengers stranded on a tarmac for more than three hours for domestic flights and more than four hours for international flights face fines of up to \$27,500 per passenger.

The airline industry claims such rules are unnecessary and that they will regulate themselves. However, the facts indicate otherwise. In the first nine months the new rules were in effect for domestic flights, airlines reported only 16 flights stranded on tarmacs for more than three hours, compared to 604 during the same period the previous year.

Other rules require airlines to:

- ♦ **Pay up to \$1,300 compensation** — up from \$800 — to a passenger who has been forced to give up a seat on an overbooked flight;

- ♦ **Prominently disclose all extra fees on their websites**, including fees for checking bags, providing meals and canceling reservations; and
- ♦ **Reimburse baggage charges** to passengers whose bags are lost.

In addition, several new rules to protect passengers are being implemented in early 2012.

These allow passengers to cancel reservations without payment for at least 24 hours if the reservations are made at least a week before departure, require airlines to promptly notify passengers of flight cancellations and delays of more than 30 minutes, and require airlines to include all government taxes and fees in advertised fares.

In announcing the new rules, Department of Transportation Secretary Ray LaHood said the regulations “will help make sure air travelers are treated with the respect they deserve.”

Be cautious when taking out student loans for college

Government-backed student loans and those provided by private lenders have made it possible for millions of Americans to earn college degrees. However, students and parents should keep in mind that such loans must be paid back in all but exceptional cases, even if the borrower declares bankruptcy.

Since 1999, outstanding student loan debt in the United States has jumped by more than 500 percent, compared to an increase of about 100 percent for all other types of household debt during the same period. In 2008, about two-thirds of bachelor's degree recipients graduated with debts. The average college graduate in 2010 owed \$24,000. The increase in student debt is caused by a number of factors, including more people attending

college, higher tuition rates, and decreased availability of scholarships and grants.

There was a time when college graduates could file for bankruptcy and relieve themselves of their student loan debt. However, new laws make it very difficult to discharge student loan debts in bankruptcy. To do so, the debtor must show the bankruptcy court that paying off his or her student loans would cause an “undue hardship” — a standard that's difficult to meet. An attorney can advise borrowers regarding what debts can and cannot be discharged in bankruptcy.

However, the fear of graduating with some debt should not alone keep you from pursuing a college education.

In 2008, a worker with a bachelor's degree earned a medium of almost \$22,000 more than one with only a high school diploma. Also, the unemployment rate for college graduates is substantially lower than for people with only a high school degree.



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Drunk driving is dangerous and can be very costly

Everyone knows that driving while intoxicated is dangerous, but many of those arrested for DUI are shocked when they add up the long list of costs they must pay even when no property damage, injuries or deaths were involved. Officials in some states estimate a first-offender DUI arrest can cost in the \$10,000 range, but the bottom line is often determined by the complexity of the case.

States across the country have been toughening their drunken driving laws through stiffer fines, longer jail sentences, mandatory driving classes, installation or wearing of alcohol-detecting devices and other measures designed to protect the public and punish offenders. However, the legal process is only one of the many costs that DUI offenders face.

While not always a requirement, hiring an attorney for a driver arrested for DUI is advisable, especially if the incident involved property damage, injuries or fatalities. Some attorneys who defend DUI suspects might provide an initial consultation at no charge and will likely establish an hourly or flat fee if they accept the case.

Attorneys' fees often depend on the complexity of the case. For example, fees for a first offender who agrees to a plea in a case that doesn't involve property damage or injuries will be much lower than those of someone whose circumstances are more complicated and chooses to go to trial. Legal fees for a simple case could be in the \$1,500 to \$2,500 range while a complicated case such as a second or third DUI offense that goes to trial could result in legal costs of \$25,000 or more.

In addition, some states allow for punitive damages to be awarded in a personal injury lawsuit brought against a drunk driver. Punitive



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Other costs of a DUI arrest can include:

- Court costs and fines
- Towing and storage of your vehicle
- Bail to get out of jail
- Increases in your auto insurance policy
- Alcohol evaluation and treatment for those convicted
- Alcohol monitoring through a leg bracelet or ignition interlock
- Lost time from work
- License reinstatement fee
- Potential loss of license for professionals such as lawyers, doctors, pilots, etc.

damages often are not covered by insurance.

Despite the risk and stiff costs, drunken driving remains a major problem across the United States. Some of those who insist on drinking and driving believe they can do so safely without getting caught or being involved in a crash. However, the National Highway Traffic Safety Administration says about one-third of highway deaths in the United States are related to alcohol use.

More than 1.4 million DUI suspects were arrested nationwide in a recent year. More than 40 states have DUI laws that make DUI a felony offense after a certain number of convictions.

The chances are high that a drunk driver responsible for a crash that results in serious injury or death will serve some jail time.



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