



MESSAGE & BULLETIN

A Newsletter from Martinson & Beason, P.C., Attorneys at Law

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MB CARES

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M&B is a full service law firm that has attorneys who specialize in the following areas:

- Serious Personal Injury
- Car, Truck & Motorcycle Accidents
- Wrongful Death
- Breach of Contract & Fraud
- Probate, Estates & Trusts
- Real Estate Transactions
- Business Law
- Criminal Domestic Relations

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martinsonandbeason.com
and enter your questions.
You will get confidential answers
from an attorney
with no obligation.



Angela Riley, Retired Circuit Judge Billy Bell, Sara Barnes and Stephanie Nunez. They are volunteering at Manna House.

Mission Statement: Serving the community by partnering with local organizations that directly impact those in need. Hands on helping!

MB Cares is an organization made up of the staff and attorneys of Martinson & Beason, P.C. who volunteer their time to help make a difference in the community. Our goal is to partner up with several charities and organizations who directly serve those local citizens in need.

Entering its 80th year of providing trusted legal advice, Martinson & Beason was looking for more ways to give back to our community. We truly love our community and wanted to help in a way that is more direct and hands on. And so, MBCares was born!

Our plan is to volunteer with several organizations a few times a month throughout the year, while also focusing our efforts on our yearly "signature project."

This year, we will volunteer with the Manna House a few times each month, serving food and other necessities to those individuals and families in need; Volunteer with CASA of Madison County to deliver food, build wheelchair ramps, handrails, help with yardwork, and other odd jobs to help the aging and homebound people in the community; Partner with local Veterans organizations to help displaced Veterans transition to new living spaces; and participate and raise money for several local charity walks and events throughout the year.

Our "signature project" this year will focus on the Tent City Project and we are very excited! The Tent City Project is an amazing way to directly help the homeless



and displaced people right here in Huntsville, by donating much-needed items like food, blankets, clothes, camping gear, hygiene products, etc. to help keep them warm, fed, and happy through the holidays. Our office will be an official drop-off location for these items and MBCares will hold several drives throughout the year to collect the items for delivery in November.

We have a lot planned for this year and hope to bring more awareness to these great organizations and causes. Stay tuned to our blogs, Facebook posts, and videos for the most up to date information and for your opportunity to get involved!



Did you Know Alabama Law Requires Unanimous Jury Verdicts?

Movies like *Twelve Angry Men* have engrained in our minds the scenario where one juror holds out, forcing a mistrial. While almost all states require a unanimous jury verdict for criminal cases, many states require less than a majority for civil cases. However, the law in Alabama requires that the jury reach a unanimous verdict in both criminal and civil cases, unless the parties mutually agree to accept a stated majority.¹

When the jury is unable to reach a unanimous decision, the judge declares a mistrial. Before declaring a mistrial, the judge often instructs the jury to try harder to reach a unanimous verdict. This is known as a “dynamite charge.” If the jury is still unable to reach a unanimous decision, a mistrial is declared.

Every defendant in circuit court is entitled to a jury trial.² In contrast to circuit court, there are no jury trials in district or municipal court. A defendant in district or municipal court may appeal to the circuit court for a jury trial *de novo*, meaning the case is heard as if for the first time. In any case, the defendant may waive his or her right to a jury trial. When there is no jury empaneled, the proceeding is known as a bench trial. In a bench trial, the judge takes on the “fact-finding” role of the jury and decides guilt or innocence.

In civil trials, either party may demand a trial by jury. In making a jury demand, the demanding party must notify the other party and court. The failure to notify the other party of a jury demand can constitute a waiver of the right to a jury in a civil trial. Additionally, the plaintiff and defendant may stipulate to a jury of less than twelve.³

The right to a jury is one of the greatest treasures of the American legal system. However, when people are called on for jury duty they routinely look for ways to avoid serving. “I consider trial by jury as the only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution.” (Thomas Jefferson). “In suits at common law, trial by jury in civil cases is as essential to secure the liberty of the people as any one of the pre-existent rights of nature.” (James Madison.)

Transvaginal mesh complications: Get the facts

Concerned about transvaginal mesh complications associated with treatments for pelvic floor disorders? Here’s what you need to know.

What is surgical mesh?

Surgical mesh is a medical device that is used to provide extra support when repairing weakened or damaged tissue. Most surgical mesh devices are made from synthetic materials or animal tissue.

How is surgical mesh used to treat pelvic floor disorders?

Surgical mesh can be used to treat:

- **Pelvic organ prolapse (POP).**
- **Stress urinary incontinence (SUI).**

The Food and Drug Administration (FDA) issued a warning in 2008 regarding potentially serious complications associated with surgical mesh placed through the vagina to treat POP and SUI. The FDA changed the classification in 2016 of surgical mesh to repair POP trans-vaginally from a moderate-risk device to a high-risk device.

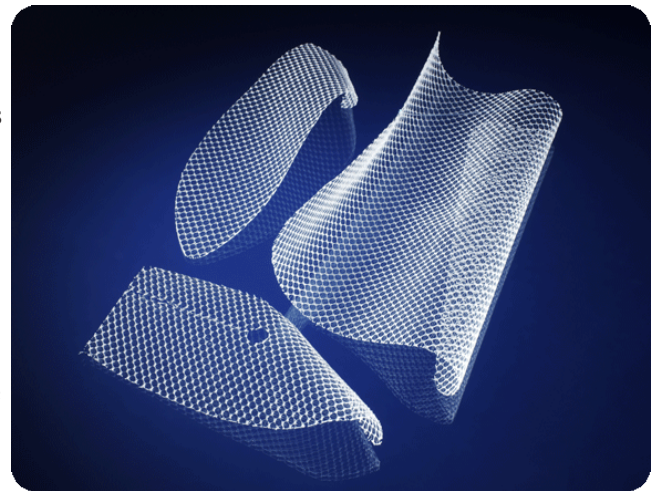
Research has shown that surgical mesh for transvaginal repair of POP can cause complications such as mesh erosion, pain, infection, bleeding, pain during sex, organ perforation and urinary problems. Many of these complications require additional treatment, including surgery.

Treating SUI with a mesh sling also can cause complications, including mesh erosion, infection and pain. However, research suggests that the complications are infrequent and less severe than are complications associated with surgical mesh for transvaginal repair of POP, and rarely require follow-up surgery.

What questions should I ask before seeking a mesh treatment for a pelvic floor disorder?

If you’re considering treatment for a pelvic floor disorder that involves surgical mesh, be sure to have your health care provider explain all of your options, as well as their possible risks and benefits. In particular, be aware of the risks associated with surgical mesh for transvaginal repair of POP, such as the need for additional surgery due to mesh-related complications.

If you or a loved one has experienced any of the symptoms or complications associated with the use of transvaginal/surgical mesh, please contact our offices for a free consultation about your claim. We will discuss your questions and try to offer you answers. You are not alone.



¹ Ala. R. Civ. P. 48.

² Ala. Code § 12-12-70.

³ Ala. R. Civ. P. 48.

A Reminder of the Importance of Uninsured/Underinsured Motorist Coverage

Under Alabama law, all car insurance policies must provide uninsured/ underinsured motorist coverage (UM coverage) including at least \$25,000/\$50,000 in coverage. Surprisingly, 22% of drivers still do not have liability insurance, according to a study from the Insurance Research Council. UM coverage is vitally important as it protects drivers and passengers who have an accident with

someone who lacks insurance or is underinsured. UM coverage will provide monies for damages such as medical bills, lost wages, out of pocket expenses as well as pain and suffering.

This means that in the event you have an accident with an uninsured/underinsured motorist, you may file a claim with your own insurance company under your UM policy. Even if you do not see an uninsured/underinsured motorist provision in your car insurance policy, you still have the minimum coverage, unless you sign a written waiver declining the coverage.

Beware of Waiving Coverage by Electronic Signature

In a recent case, the Alabama Court of Civil Appeals indirectly considered whether a motorist could waive his or her right to UM coverage through an electronically-signed document. The motorist was assisted in submitting an electronic application for insurance with the help of an insurance agent. The Court ultimately decided not to rule on the validity of an electronic signature in declining UM coverage, but did allow the motorist's case to continue. We look forward to the outcome of the case.

"Stacking" Coverage

A driver who has multiple vehicles under one policy or multiple policies can "stack" coverage to increase their total uninsured/underinsured motorist coverage. Although stacking is not allowed in all states, it is specifically allowed in Alabama. Through stacking, you can increase your amount of UM coverage by: 1) combining the UM coverage of up to three vehicles insured under a single policy; or 2) stacking UM provisions of multiple insurance policies.

In other words, if you have three cars insured under a single insurance policy, each with the minimum \$25,000 UM coverage, your UM coverage as a whole increases to \$75,000. This becomes important when injuries and damages exceed the minimum, as is often the case. If you have more than three vehicles, it is important to divide the vehicles over multiple policies in order to take full advantage of UM coverages.

Increasing UM Coverage

Another option to protect against accidents with uninsured/underinsured motorists is to increase your UM coverage. Drivers can add significant protection for relatively low cost. An Alabama motorist can generally increase their UM coverage to \$250,000 for about \$150 a year. Raising your UM coverage can help prevent financial devastation in the event of expensive medical bills in excess of the minimum UM coverage.



Uncontrolled Bleeding and Xarelto

What is Xarelto?

Xarelto (rivaroxaban) is an anticoagulant, more commonly known as a blood thinner that prevents the formation of blood clots. Xarelto, is a "new-generation" anticoagulant, which is used specifically to reduce the risk of blood clots and strokes. Xarelto was additionally marketed as being easier to use than Warfarin, also known more commonly as Coumadin, which is an older anticoagulant, because it does not require the same level of medical monitoring that is required with Coumadin. It has been reported that Xarelto has been linked to incidences of increased risk of uncontrollable bleeding (hemorrhaging). The "newer generation" blood thinners do not have an antidote. This means that often very minor injuries—including minor cuts or undetectable internal bleeding—can result in uncontrolled bleeding, which can be fatal. Injuries alleged to be associated with Xarelto include:

- Stroke
- Retinal hemorrhages
- Death
- Epidural hematoma
- Intracranial hemorrhages
- Pulmonary embolism
- Hemoglobin decrease
- Gastrointestinal hemorrhages
- Deep vein thrombosis
- Adrenal bleeding



If you or a loved one was prescribed Xarelto and have suffered a serious bleeding event or other serious side effect you should consult with an attorney regarding your legal options. The consult is free and confidential.

It is important to understand that Xarelto **does not have an antidote at this time** for the serious issues of uncontrolled bleeding which may result in some if not many of the above listed serious injuries. The maker of this drug is currently in lawsuits for failing to warn about the lack of an antidote to the drugs.

If you or a loved one has encountered these drugs and have experienced any of the side effects listed above, please contact our office for a free and confidential consultation regarding your possible claim. We are here to help you understand the complexities involved in these cases and your possible claims against the manufacturer of the drug. You make the decisions, but you can then make informed decisions and you are not alone.

¹ Ala. Code § 32-7-23.

² Johnson v. First Acceptance Ins. Co., Inc., No. 2150629, WL 65326 (Ala. Civ. App. Jan. 6, 2017).

Client's Bill of Rights

Lawyers will tell you that it is impossible to offer a guarantee in the legal business. **WRONG!** We say that law firm clients should settle for nothing less! Remember, your attorney works for you – not the other way around.

At Martinson & Beason we believe we can promise 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 us.
7. Right to have your legal rights and options explained in plain English without legal mumbo jumbo.
8. Right to a fair written fee agreement with our firm.
9. Right to a fair fee for the work we do.
10. Right to make the ultimate decision on your case.



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Jalapeno Popper Dip

Prep time: 10 mins | Cook time: 15 mins | Total time: 25 mins

Ingredients

- 1 4oz can diced jalapenos, well drained
OR 4-6 fresh jalapenos, roasted and diced (include seeds if you like it really spicy)
- 1 8oz package cream cheese, softened
- 1 cup sour cream
- 1 teaspoon garlic powder
- 2 cups shredded cheddar cheese
- ¾ cup shredded parmesan cheese

Topping

- 1 cup Panko bread crumbs
- 4 tablespoons butter or margarine, melted
- ¼ cup shredded parmesan cheese
- 1 tablespoon fresh parsley

Instructions

1. Preheat oven to 375 degrees.
2. With a mixer on medium, combine cream cheese, garlic powder and sour cream until fluffy.
3. Add cheddar cheese, ¾ cup parmesan cheese, and diced jalapenos, mix well.
4. Spread into an 8x8 baking dish.
5. Combine bread crumbs, melted butter, ¼ cup shredded parmesan cheese, and parsley.
6. Sprinkle the crumb topping over the cream cheese mixture.
7. Bake 15-20 minutes, or until hot and breadcrumbs are golden brown.

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BBB Rating: A+



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