



**RUSSELL & LAZARUS** APC  
PERSONAL INJURY ATTORNEYS

Exclusively handling serious and catastrophic personal injury claims as well as wrongful death claims due to the negligence of individuals or business entities.



## *The Right Help When You Need It Most*

Fall 2015 | Vol. 1, Issue 4

- Auto Accidents
- Motorcycle and Bike Accidents
- Slip-and-Fall Accidents
- Construction Accidents
- Wrongful Death Claims
- Dog Bite Injuries
- Brain Trauma Claims

### CALIFORNIA PROPOSITIONS 45 AND 46 IMPACT INJURED CALIFORNIANS

#### YES ON PROPOSITION 45

In 1988 the voters of the State of California voted YES to the most important piece of consumer legislation passed over the last 40 years, Proposition 103, by a 50.5% to 49.5% margin. Prop 103 1. rolled back auto and homeowners rates, 2. provided every consumer a rebate because of 40 years of insurance industry gouging, 3. established the driving record as the primary reason for charging premiums, and 4. OBLIGATED INSURANCE COMPANIES TO APPLY TO THE STATE DEPARTMENT OF INSURANCE FOR ANY RATE INCREASE. The insurance industry spent close to 100 million dollars to defeat it. The proponents of Prop 103, primarily consumer groups such as Consumer Watchdog, raised only 2 million dollars but yet it passed...by the thinnest of margins. The insurance companies claimed that if Prop 103 passed, they would all leave the state and rates would sky rocket since there would be no competition. Fast forward to today: Not only do we have more insurance companies selling auto and homeowners coverage here in California than in 1988 but California consumers have also saved billions of dollars since that time on premiums AND California leads the nation with the smallest rate increases since 1988.

Proposition 45 was put on the ballot by Consumer Watchdog and it will do to health insurance premiums what Proposition 103 did for auto and homeowner premiums. The insurance industry is using scare tactics again to try and defeat it and has spent so far 57 million to that end. Only 1 million has been raised to pass it. History is clearly repeating itself. PLEASE VOTE YES ON PROPOSITION 45. It is time to stop insurance industry gouging on health insurance premiums.

#### YES ON PROPOSITION 46

Voting YES on Prop 46 will save lives. A vote of YES on Prop 46 will:

1. Require drug and alcohol testing of doctors just like airline pilots, bus drivers, and dozens of other public safety professions. Why is that important? The California Medical Board estimates that nearly 1 in 5 doctors will abuse drugs or alcohol in their lifetime.
2. Crack down on prescription drug abuse by requiring doctors to check the existing database before prescribing powerful narcotics. Prescription drug abuse raises healthcare costs -- over \$55 billion in 2007 alone. The state Legislative Analyst's Office says YES on Prop 46 could provide "significant" savings by requiring doctors to check the existing database.
3. Provide access to justice for those harmed or killed by medical negligence by adjusting the cap for pain and suffering and wrongful death merely for the cost of inflation. Preventable medical errors kill up to 440,000 Americans every year - it's the nation's third leading cause of death behind only cancer and heart disease. The current cap of \$250,000 on damages hasn't changed since 1975 while the cost of living has quadrupled over that time. When the cap was passed, minimum wage was \$1.65, a brand new car cost \$5,000 and the average home here in California cost \$42,000. Attorneys' fees for any amount over \$100,000 remain at 25% and any amount over \$600,000 remain at 15%, which means 80% of the increased amount will go to malpractice victims. The insurance industry (not doctors notably) has vowed to raise 60 million to defeat it. PLEASE JOIN ME IN PROTECTING OUR FAMILIES AND FRIENDS BY VOTING YES ON PROPOSITION 46.

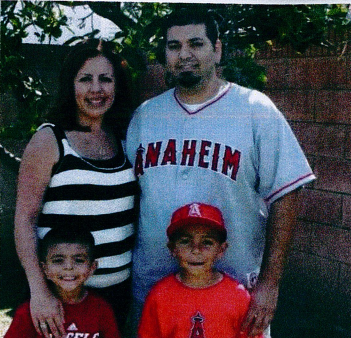
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We are Russell & Lazarus. We provide the highest level of service exclusively to those who have been injured in accidents. We work diligently each day, offering our clients uncompromising legal assistance and support. We continually strive to exceed the expectations of those we represent. We commit to being a positive force in their lives and the communities in which we serve.





## TEAM MEMBER SPOTLIGHT: ROSIE VALENCIA .....

Rosie is our **senior Case Manager** and makes up the backbone of our pre-litigation department, which is the department in charge of initially helping our clients when a case first comes into the office. Rosie has personally helped over 1,500 of our clients over the past 14 plus years when she first started working for the Law Offices of Christopher Russell (changed in 2005 to Russell & Lazarus) back in the year 2000. Rosie is our 2nd oldest team member of the 16 that we currently have.

Before being hired, Rosie was working for the Orange County Bar Association as a Lawyer Referral Representative and, as Rosie says, "I jumped at the opportunity to work as a Paralegal's Assistant for Mr. Russell".

Rosie has been married to Mike Valencia for 9 years (10 in February). Rosie had great trepidation about the marriage in light of the fact she is a huge Dodgers' fan and as she indicates "...you can only imagine my thoughts about dating an Angels' fan, not to mention marrying one!"

She married Mike despite that "flaw" (Rosie does realize she lives in Orange County by the way if that thought crossed the reader's mind). However, her worst fears have come true since both her boys, Nathan (9) and Adam (7), are now Angel fans. Rosie does hold out hope they will "see the light" as they get older. She did drag them all recently to one of the Dodger playoff games so peace reigns once again in the Valencia household...until next season!

Angel/Dodger acrimony aside, Rosie and all of "her boys" love baseball with both Nathan and Adam having played since they were 3 years old. Their family life revolves around the baseball field practically year round. Even their 2-year-old Boxer, "Rock", gets in the action since playing "fetch" with a ball is his favorite game. Rock matches the energy of Nathan and Adam and was a perfect addition to the family.

When baseball is not on their plate, you will find the Valencia family camping, traveling, hanging out pool side in the Summer and spending quality time with Rosie's family (Rosie is the youngest of 8!) and their friends. As is reflected in Rosie's 14 years with the firm, she enjoys helping people and especially enjoys leveling the playing field (baseball again) when big moneyed interests attempt to take advantage of our injured clients. We are fortunate to have Rosie on our team, providing our clients the experienced help that they deserve.

## ACCOMPLISHMENTS

### Christopher Russell Recognized as Top PI Attorney by OC Metro

Each year the Orange County Register's monthly magazine, OC Metro, lists the top 12 personal injury attorneys in the county. It is a distinct honor that Christopher Russell, founder and managing attorney at Russell & Lazarus, APC, will for the second consecutive year receive this prestigious award.

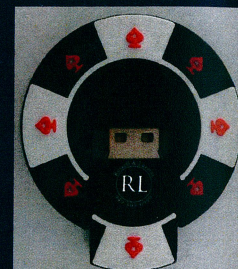
### RUSSELL AND LAZARUS SHINES IN VEGAS AT ANNUAL CAALA CONFERENCE

The Consumer Attorneys Association of Los Angeles (CAALA) is the teaching arm of the Trial Lawyers Associations here in California. Every year there is a convention held in Las Vegas over the Labor Day weekend. It is the largest Trial Lawyers convention west of the Mississippi with over 3,000 Trial Attorneys attending. One of the main functions of the convention is provide seminars on various topics to not only increase the skill set of those representing consumers against major corporations but also to satisfy the State Bar ongoing educational requirements. The best of the best are requested to present at the seminars to impart their knowledge and wisdom.



This year all 4 law firm attorneys attended the convention with Marc Lazarus having the distinction of being requested to appear and speak on the panel discussing the Arbitration of personal injury claims primarily in the context of automobile claims. Marc knocked it out of the park not only with his presentation that consisted of fast moving 20 minute Power Point but he was also able to provided real practical help to those who attended by passing out flash drives that were in the shape and coloring of poker chips. The flash drives included copies of 10 of Marc's best Arbitration briefs which had several attorneys coming up to Marc after the seminar requesting further information as to how he was able to create the briefs which include imbedded pictures and medical resources.

Congratulations to Marc on being honored as one of the speakers and for his excellent presentation.



## RECIPE: GINA'S "WINNING" RED CHILI



Gina Simms is our jack-of-all-trades office manager. Gina won the office Chili Cook-off with this winning red chili recipe.

### Ingredients

1 tbsp oil  
1 large onion  
2 garlic cloves, peeled  
6 lbs ground beef  
1 can chopped green chilis

2 16oz can chopped tomatoes  
1 can tomato paste  
4 large cans red kidney beans  
3 cans S & W chili beans  
3 pks of Lawry's chili seasoning soured cream, onions, cheese, to serve



## THE 5 "BEST" AUTOMOBILE INSURANCE COMPANIES ---- BY CHRISTOPHER RUSSELL .....

The title of this article is actually a misnomer because there really are not 5 "Best" insurance companies out in the market place. The title of this piece actually should be "The 5 Not Worst Automobile Insurance Companies". Do you think I am a little jaded by what I have seen since 1984 when I tried my first personal injury claim? (I lost by the way and even though it was a very difficult liability claim, to this day it still stings.)

The world really has changed in the insurance markets since I first started practicing back in 1984. Nowhere has the change been greater than in the world of personal injury claim filing where now everyone is labeled a fraud until proven otherwise, which is exactly the environment the insurance companies wanted to create when the propaganda war against trial attorneys and injured victims began about 25 years ago. Although every claim is now a dog fight, the following 5 insurance companies don't enjoy it as a blood sport as do the 5 worst companies I named in my last Newsletter. So here they are:

**Wawanesa:** Probably the best of the bunch and a carrier I have personally had since 1984. The rates are the best and service above average.

**Geico:** The remaining 4, including Geico, are no worse/better than each other. Geico is good with property damage and Medical Payments.

**Automobile Club:** The only carrier who makes a real effort to resolve a claim, however, only after a lawsuit is filed. Rates are above average.

**USAA:** Not as good as their commercials let on and they are the worst of the carriers with Medical Payments coverage, but they will pay fair value after being pushed.

**Kemper & Nationwide:** Neither have a significant amount of market share or large number of staff attorneys to where they have ingrained, low ball practices. Rates are above average.

The above is subject to change since a change of a CEO or even just a bad earnings quarter can impact how claims are handled on a quarter by quarter basis. As I indicated in our last Newsletter when I named the 5 worst carriers (Allstate, Mercury, Farmers, 21st Century, Liberty Mutual -- since I just can't spread the word far enough and fast enough), please go to the California Department of Insurance website at <http://www.insurance.ca.gov/> for the current complaint record before you pull the trigger on an insurance purchase.

## COMMUNITY SERVICE

Russell & Lazarus support several charities including Walk for Life (cancer research), the Sarah Demille 5k Memorial Run program (in honor of Chris's daughter's high school friend who died in a tragic car accident while in her first year of college), and the Safer 3 Water Safety Foundation which provides water safety education (drowning is the leading cause of death for children under the age of 5 here in Southern California).

This year we also joined in another great cause by contributing to the Gina Del Giacco Memorial Golf Tournament put on by Peppinos family restaurants in honor of Gina, the 45 year old daughter and sister of the



Moscotiello family who died 4 years ago of colon cancer. The Moscietello family owns and operates the restaurants. Larry Simms, husband of our own Gina Simms, played in the tournament as well as his good friends Roger Livermore, Jim Noordman and Joe Van Dieren, who also went to high school with Chris. The firm thanks the foursome for their participation in the tournament which took place at Tijeras Creek golf course in Rancho Santa Margarita.



## Trial Lawyers' Charities - Supporting Youth Sports

It must be that time of year to play golf since the Trial Lawyers Charities also put on a golf tournament in October at Trump National in Palos Verdes. The foursome this time consisted of Chris Russell, Alex Krywenko (the firm's investigator and Chris' high school pal), Steve Morasse (who went to high school, college and law school with Chris) and Greg Powers, Chris' good friend and best golfer in the bunch. No Prizes were won but a good time was had by all and for a good cause.

Chris is a proud supporter of LATLC and has elevated his participation to that cause to that of a Gold Level Honorary Board of Governors member, which is just a step below the top of the heap. This year the LATLC so far has raised in excess of \$100,000.

The primary purpose of the Los Angeles Trial Lawyers' Charities (LATLC) is to make a positive difference in the quality of life for people within the greater Los Angeles area, focusing on issues related to education, children, battered women, and homelessness, by providing financial assistance to needy persons and groups in the greater Los Angeles area.

## Instructions:

Prepare your vegetables. Chop 1 large onion into small diced pieces. Peel and finely chop 2 garlic cloves.

Start cooking. Put your pan on medium heat. Add the oil and leave it for 1-2 minutes until hot. Add the onions and cook, stirring fairly frequently, for about

5 minutes, or until the onions are slightly translucent. Put in the garlic and give it a good stir, then leave it to cook for another 5 minutes, stirring occasionally.

Brown the 6 lbs of lean ground beef adding the chili seasoning and water per the packet instructions. Turn the heat up a bit, and break up the meat

with your spoon or spatula. Once the meat has browned, pour in all remaining ingredients.

Bring ingredients to a low boil then turn the heat down and simmer for 1 to 1 ½ 2 hours or to taste.

Serve with soured cream, onions and cheese. Bon Appetite!





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## CASE RESULTS

Refer to our website's "Case Results" section  
for more results

### SLIP AND FALL

\$265,000 – Settlement one week before trial on a 2 year plus claim on behalf of our 58-year-old female client who sustained a serious surgical ankle fracture when she slipped and fell on wet paint which matched exactly the flooring color, which flooring had no warning signs; best offer before the settlement was \$5,000.

### PEDESTRIAN VS. AUTO

\$4.36 Million – Our 28-year-old male client was awarded that amount by a judge in Orange County for injuries sustained when he was struck by a DUI driver while walking on the sidewalk late at night. He sustained a permanent, traumatic brain injury but yet the defendant only served 6 months in jail. The judgment includes sums for past and future medical expenses and pain and suffering.

### AUTO COLLISION

\$60,000 – Fenja Klaus, along with Attorney Daniel Tatick, who sat "second chair" in his first jury trial, returned a \$60,000 verdict in Long Beach Superior Court on a total loss, red light, auto collision claim where our 19 year old female client sustained injuries to her neck and back. The best offer by State Farm was \$22,000. Since State Farm did not pay our last reasonable demand of \$28,000, the judge also awarded court costs of \$12,000 and 10% interest which started 10 months prior to trial when the \$28,000 demand was rejected.

*We are proud to have obtained these outstanding results for our deserving and appreciative clients.*

## TESTIMONIALS

"Mr. Russell and Mr. Lazarus I want to thank you so very much for the handling of my claim. You had more faith in the claim than I did and you worked hard and smart to obtain a very satisfactory outcome. As a veterinarian of over 40 plus years, I was not familiar with the personal injury claims process. I very much appreciated the professional way that you handled the claim but more importantly the way you handled me as I know I was a handful at times wanting the process to end. I can see now why many people just give up because the insurance companies don't want to give up their money easily with most attorneys wilting under the pressure. I am glad that you were able to persuade me to stay the course as it was the best thing for me and I could not be happier with the outcome. Thank you again for all of your help."

- Alex

"Chris, thank you for the great result. I did not want the claim dragged out and you were able to negotiate three times the amount I received for a similar workers compensation injury I sustained 15 years ago. The money will come in handy as I have some other health issues to take care of."

- Michael

"Nice to have been taken care of so well. All I had to do was be patient and wait for the 'team' to settle my dispute. Thank you so much for the hard work".

- Rick