

# YOU & the LAW



**GREGORY P. DILEO**

Law Offices of Gregory P. DiLeo, APLC

300 Lafayette St., Suite 101

New Orleans, LA 70130

Phone: 504-522-3456 Fax: 504-522-3888

Toll free: 866-522-3456

Email: [contact@gregdileo.com](mailto:contact@gregdileo.com)

[www.gregdileo.com](http://www.gregdileo.com)

## Legal billing: When do attorneys use contingency fees?

Lawyers commonly use several types of fees to charge for their services, and the type of assistance a client needs usually determines which fee the attorney uses.

Most client-attorney relationships begin with an initial visit that helps the parties decide if they want to work together. A lawyer may charge a **consultation fee** for this first meeting. When making the appointment, ask if there will be a fee for the first visit and how much.

For some routine services, such as wills, simple bankruptcies or uncontested divorces, lawyers may charge a **flat fee** that is determined in advance.

When legal matters are more complex, lawyers often charge **by the hour**. Most legal services are billed using an hourly fee arrangement. The attorney tracks time spent working on your case and sends periodic bills showing the hours billed and the hourly rate agreed on when you hired the attorney.

For certain cases, attorneys use a **contingency arrangement** for the legal fees. In a contingency fee arrangement, the attorney gets a percentage of any money awarded to the client at the conclusion of the case.



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Most frequently, attorneys use contingency fees in cases where there are injuries, such as from a car or boat wreck, a work injury, a defective product, or malpractice by a doctor or hospital. If the injured party wins the case, his attorney gets a percentage of the money the injured person is awarded. If the injured party loses, he doesn't owe a fee to his lawyer.

In either case, win or lose, the client will be responsible for such expenses as court filing fees, deposition of witnesses and experts.

Contingency fees are usually from 30 percent to 40 percent of the money recovered at the end of the case. The percent can be higher or lower, depending on the case's size and complexity. Lawyers are prohibited

from taking contingency fees in certain types of cases, most commonly in divorce, alimony and property settlement cases and in criminal cases.

Contingency fee arrangements help an injured person who could not afford to pay an attorney who bills by the hour. An attorney working on a contingency fee does not receive a fee for his or her work on the case until the case is concluded.

Because attorneys risk getting nothing for the time spent on a case if it's unsuccessful, attorneys who accept cases on a contingency fee basis generally only take cases where they have some confidence that they will successfully collect a monetary award for their client's damages.

Regardless of the arrangement, whether a fixed amount, an hourly rate or a contingency percentage, a lawyer's fee must be reasonable.

Whichever fee arrangement your attorney requires for your case, the attorney should give that agreement to you in writing prior to the start of your legal work. The agreement should state what is covered and how you will be charged for the firm's legal services.



## Keeping your mind sharp throughout your life

Forgetfulness is not necessarily a result of aging. Everyone occasionally forgets a name or an appointment, loses track of car keys or is momentarily stumped about what errand sent them off into another room of the house.

Brain injury, a brain disorder or a neurological illness is likely to cause more significant memory loss among older people. But for most people, ordinary memory lapses are no reason to worry.

If you are concerned about memory loss as you age, here are some health habits that can prevent cognitive decline and reduce the risk of dementia.

- ✓ **Stay physically active.**
- ✓ **Get enough sleep.**
- ✓ **Do not smoke.**
- ✓ **Make friends and keep in touch with them.**
- ✓ **Limit alcohol consumption to one drink a day.**
- ✓ **Eat a balanced diet low in saturated and trans fats.**
- ✓ **Follow your doctor's advice** if you have diabetes, high blood pressure, sleep apnea, depression or hypothyroidism because these conditions can affect your mental abilities.

Additional tips to improve memory include:

- ✓ **Keep learning.** Challenge your brain with mental exercise. If you don't have a job that keeps you mentally active, take up a hobby, master a new skill, play challenging games or learn a new language.



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*"Brain injury, a brain disorder or a neurological illness is likely to cause more significant memory loss among older people."*

- ✓ **Use all your senses.** Engaging your sense of touch, taste, sound and smell can reinforce learning and improve your memory.
- ✓ **Believe in yourself.** Fear of losing your mental faculties and hearing negative stereotypes and jokes about aging and memory loss can work against you by discouraging you from making the effort to improve your memory skills.
- ✓ **Prioritize your brain use.** Use your brain's resources to learn new skills and remember important things. Let calendars, maps, lists, address books and reminders keep track of everyday tasks and information.

Always put your glasses, purse, keys, cell phone and other items you use regularly in the same place.

- ✓ **Repeat what you want to know.** To remember the name of someone you've just met or a new idea you've heard or read about, repeat it, use it in a sentence, write it down or do all three. Repetition helps to establish the information in your memory.
- ✓ **Space it out.** Let some time pass between study sessions for information you're trying to remember. Spacing out study periods is especially helpful when learning complex information.



# Is falling furniture a risk in your home?

Each year, almost 31,000 people on average sustain injuries from falling furniture that are serious enough to require emergency treatment. Over half of those injured are children under 18 years of age.

About every 30 minutes tipped furniture or a falling TV sends an injured child to the emergency room according to Anchor It!, a public safety education campaign of the Consumer Product Safety Commission aimed at reducing deaths and injury. (See <https://www.anchorit.gov>.)

Fatalities resulting from these injuries overwhelmingly occur in children 14 years and under. Children under 6 accounted for 82 percent of the deaths from dresser and wardrobe tip-overs between 2000 and 2016 according to the CPSC.

Most of these tragedies occur in the bedroom when children are playing or waking from a nap. Dressers with open drawers are a temptation to young children eager to climb and explore. Some furniture manufacturers design their products to avoid tip over, but there's no way to tell by looking at the piece.

*Consumer Reports* recommends anchoring dressers, bookcases and any other large piece of furniture, including televisions that aren't mounted on the wall. Avoid placing television sets atop dressers where they can tip over or be pulled over.

Kits are available to secure furniture to the wall. A typical kit consists of two brackets and a connecting strap or cable.



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Anchoring furniture safely is not necessarily a do-it-yourself job. Some people hire professional help, especially if the walls are brick or concrete block, as those installations can be more complex. But the cost is a small investment in the safety of a loved one.

## How to spot a gambling problem

Many people engage in different forms of harmless gambling, from buying a lottery ticket to putting a small amount of money on the office football pool. But for some, gambling is a problem. About 5.5 million people in the United States have a gambling problem. In some cases the problem is severe enough to be considered a gambling disorder.

The American Psychiatric Association now recognizes gambling disorder as a behavioral addiction, similar to substance-related addictions involving alcohol, drugs or tobacco. Although gambling to excess is nothing new, until recently it was considered a moral failing rather than a disorder or disease. It is now considered a biological, cognitive and behavioral disorder that can lead to other problems.

Many factors may contribute to the likelihood that a person becomes addicted to gambling, including genetics, personality traits, mental health

issues, and whether family and friends are gamblers. But whatever the cause, problem gambling, like any addiction, can have serious health and financial consequences.

The following screening questions, developed by addiction researchers working with Harvard Medical School, offer a quick way to assess whether gambling has progressed from a harmless pastime to a potential problem.



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Answering yes to any of the following questions suggests you might be struggling with a gambling disorder:

- During the past 12 months, have you become restless, irritable or anxious when trying to stop and/or trying to cut down on gambling?
- During the past 12 months, have you tried to keep your family or friends from knowing how much you gambled?
- During the past 12 months, did you have such financial trouble because of gambling that you had to get help with living expenses from family, friends or welfare?

If you think you or someone you know may have a gambling problem, the National Council on Problem Gambling has resources on its website, <https://www.ncpgambling.org>. For help, you can also call or text the 24-hour hotline at 1-800-522-4700 or chat at [ncpgambling.org/chat](https://www.ncpgambling.org/chat).



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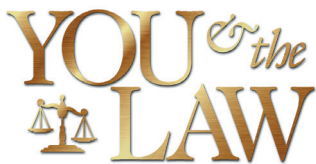
Law Offices of Gregory P. DiLeo, APLC  
300 Lafayette St., Suite 101  
New Orleans, LA 70130  
Phone: 504-522-3456 Fax: 504-522-3888  
Toll free: 866-522-3456  
Email: [contact@gregdileo.com](mailto:contact@gregdileo.com)  
[www.gregdileo.com](http://www.gregdileo.com)

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### Stop unwanted phone calls

Telephone marketers are working harder and getting smarter at targeting consumers. Unwanted phone calls and text messages are among the top consumer complaints filed with the Federal Communications Commission each year.

A particular problem is robocalls — unsolicited prerecorded telemarketing calls to your landline home telephone and autodialed or prerecorded calls or text messages to your cell phone. If you answer the phone and hear a recorded message, it's a robocall.

Not all prerecorded calls are bad. Some provide information about power outages or school closings. But robocalls are also used for fraud or identity theft. These calls or texts coming to your phone can

appear to be legitimate. Technology allows scammers to make illegal robocalls from anywhere in the world and hide their location and identity with fake caller ID information.

There are steps you can take to protect yourself from unwanted calls. One place to start is to register your landline and mobile phone numbers with the Do Not Call list, <http://www.donotcall.gov>, a free service of the Federal Trade Commission.

Check with your phone company to learn what call-blocking services it provides and what additional charges might apply.

Most mobile phones have built-in features that allow you to block or manage unwanted calls. Although

this allows you to block a number from an unwanted caller, it is not as effective with robocalls. On most newer cell phones, the do-not-disturb mode allows you to limit when you receive calls, and the privacy mode allows calls only from phone numbers you designate to come through.

You can download call-blocking apps to your mobile phone. Some are free. Blocked calls might be rejected, ring silently or go straight to voicemail. Some allow you to create blacklists of unwanted callers or divert calls to voicemail. Others let you build whitelists of approved numbers.

Your phone service provider can help you find the technology best suited to protecting your privacy.