



Phillips|Garcia News

Strong heart. Strong mind.

February 2011

Published by Phillips/Garcia Law, this newsletter is for informational purposes only; no legal advice is intended.

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What's the story with the Dory?



"One man's trash, is another man's treasure." Never could that be more true for me as my research revealed that the boat I found at the town dump, aka "Dump Runner," is a classic "stitch and glue" dory style row boat.

It now sits under a tarp and a heavy pile of New England snow awaiting the TLC of its new owners. We won't know exactly how much work we have on our hands until the snow melts.

Meet Paul Hamel

By Andrew J. Garcia

It's a new year that is filled with a bunch of interesting number coincidences – 1/1/11, 1/11/11, 11/1/11 and 11/11/11. But this year also marks the first year of a new decade for our firm. That's right, Phillips|Garcia Law has been in business since 2000.

2011



At the outset of this new decade, we're very pleased to celebrate our association with an icon in the SouthCoast legal community — Paul G. Hamel. For those who don't know him, Paul's been practicing in the New Bedford area since 1966. He was one of the founders of the well-regarded law firm, Hamel, Waxler, Allen & Collins. At HWAC, Paul developed a reputation as one of the premier personal injury legal experts in the SouthCoast, while at the same time managing up to 35 employees in four different offices in Massachusetts and Rhode Island.

In 2000 Paul ventured into a new career as a real estate professional and formed Pinnacle Real Estate. Fortunately for us, he decided to return to the practice of law and join Carlin and me at Phillips|Garcia Law

In the short time we've been working together, Paul has become a vital member of the P&G team. His expertise in personal injury law combined with his experience in the SouthCoast business community is an invaluable resource to our clients. Paul also practices in the area of business formation and business litigation.

In the coming year, you'll hear more from Paul. A welcome contributor to our newsletters, websites and blogs, Paul will be focusing on two specialty areas of the law — distracted driving and bicycle injury law.

Did You Know?

Using a cell phone while driving, whether it's hand-held or hands-free, delays a driver's reactions as much as having a blood alcohol concentration at the legal limit of .08 percent.

(Source: University of Utah)

For more articles, reports, studies, news and commentary on these and other legal matters, visit our websites:

www.PhillipsGarcia.com www.SloppyBankPractices.com www.SouthCoastAccidentAttorney.com www.PlaceKidsFirst.com



Massachusetts' New Law on Distracted Driving — The First 90 Days

By Paul G. Hamel

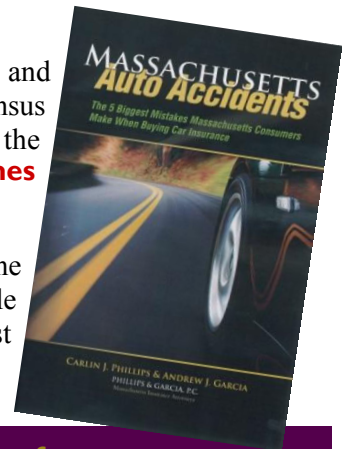
According to a January news report by the *Boston Globe*, Massachusetts issued only 245 citations for texting while driving during the first 3 months since the distracted-driving law was enacted. Some politicians call this figure appallingly low: "I think it's abysmal, but it's exactly what we expected," **Senator Mark Montigny of New Bedford** told

the *Boston Globe*. These low numbers "show one simple thing," he told the *Globe*. "It's very difficult for police to enforce this law as written." On the flip side, Mary Maguire, Director of Public and Legislative Affairs for AAA, pointed out the immeasurable value in "the incredible public awareness that's been generated."

Massachusetts law prohibits using a mobile phone or handheld device to write, send or read text messages, emails and instant messages or to access the internet while operating the vehicle. The law applies even when stopped in traffic. It carries a \$100 fine for first-time violations, but if an accident is caused your license may be suspended for 60 days.

The law went into effect on September 30, 2010, after an intense legislative debate and much public discourse. Ultimately, the law's intent was to address the growing consensus that texting while driving poses an unacceptable safety risk. According to a study by the Transportation Institute of Virginia Polytech, drivers who are **texting are 23 times more likely to be involved in an accident than drivers who are not.**

The dangers of texting and driving are even being brought into schools now. One student-driver program in Alabama has their students attempt an obstacle course while texting and driving, only to discover the harsh reality that they've hit or run over most of the obstacles.



RAQs — "Really Asked Questions"

"Does it matter if I miss doctor's appointments after my accident?"

Absolutely it matters. Insurance adjusters look for any and all reasons to minimize the value of your claim after an accident.

Besides the fact that you may be putting your health in jeopardy, when you miss physical therapy, chiropractor or other kinds of doctor appointments, insurance adjusters make an assumption — that can be difficult for your attorney to defend — that you have not been hurt that badly. Bottom line? Your failure to attend your doctor's appointments directly diminishes the value of your case. If you want fair compensation for your claim, follow the doctor's orders and keep your appointments until you are truly recovered.

Answers to questions similar to this can be found in "Massachusetts Auto Accidents: The 5 Biggest Mistakes Massachusetts Consumers Make When Buying Car Insurance." Request your free copy at www.southcoastaccidentattorney.com.

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Thanks For Your Referrals!

One of the greatest compliments that we receive is the referral of new business from our clients and friends. We'd like to thank the following people:

Bob & Maureen Holden | Debbie Kohl

Randall Pina | Nicole Letendre

Gillian Lake | Bill Duvalls

We are accepting the following types of cases:

Serious Auto & Truck Accidents

Dog Attacks | Bicycle Accidents

Wrongful Bank Seizures | Consumer Class Actions

Family Legal Planning | New Business Formation

Important Reminder for Business Owners — Annual Reports Are Due

By Andrew J. Garcia

Do you have a Massachusetts corporation? **Important reminder: annual reports for corporations are coming due.**

Under the Code of Massachusetts Regulations (the “CMRs”), every corporation that is authorized to transact business in Massachusetts must file an annual report with the Secretary of State, Corporations Division, within 2 1/2 months after the close of the corporation’s fiscal year. Since most corporations have a December 31st fiscal year-end, then **the filing deadline is typically March 15**. An Annual Report can be filed with the Secretary of State by mail with a \$125 filing fee or can be done online for a \$100 fee. A late filing now carries a higher fee of \$150.

LLCs and LLPs are also required to file an annual report. **The annual report filing deadline for an LLC or an LLP is the anniversary of the original Certificate of Organization.** For example, if your original Certificate of Organization was filed on September 1st, then your annual report is due on or before September 1, 2011, (and on or before every September 1st thereafter). The filing fee for LLC and LLP annual reports is \$500.



Phillips|Garcia: Bank Five’s “Business of the Month”

Bank Five kicked off 2011 by naming Phillips|Garcia Law their “Business of the Month” for January. Lisa Cleary, VP and Dartmouth Branch Manager (left with Andrew), said that this program was created to recognize and thank our premium business clients. “Phillips & Garcia has been a loyal customer since this branch opened 12 years ago. We appreciate their business and are proud of their recent success.”

Thank you Bank Five! Our month-long bank display featured a drawing for either a \$75 gift certificate to one of several local small businesses or a \$150 donation to the winner’s favorite charity. In the next issue, we’ll reveal the winner.

Client Spotlight — Riding Tax & Accounting

50 Ruby Court, Dartmouth, MA | 508.984.3439 | pjriding@comcast.net

Pat Riding provides business consulting and tax preparation services to small businesses. A client of Phillips|Garcia Law, we helped Pat incorporate her business... then we turned around and hired Pat to help us manage ours. Because of Pat, we can focus on being good lawyers.

Although Pat is getting into her busiest time of the year for tax preparation, she is quick to point out that tax preparation is just one piece of her business. “My job is really about small business consulting. I handle bookkeeping, payroll preparation, sales tax, meals tax, accounts receivables (invoicing) and provide all around financial guidance to small business. I like to say that my main job is to help keep my clients on the straight and narrow.”

We’re entering a new year. Is there any advice that you’d like to give to people who are getting ready to have their taxes done? Yes. Effective this year, the IRS is requiring that all tax preparers register with the IRS. So, when you are looking for a tax preparer, remember to ask them for PTIN number. I’ve been registered with the IRS for years, and I always point that out to new clients.

Do you have any incentives to attract new clients? I always welcome new business and offer new clients a discount rate off my already competitive tax preparation fee.



Patricia Riding, President
Riding Tax & Accounting, Inc.



YOUR LOOK INSIDE...



Meet Paul Hamel



Reminder for
Business Owners



Mass. New
Law on
Distracted
Driving —
The First
90 Days



Client Spotlight
Riding Tax & Accounting

Firm Update

Regarding recent unlawful foreclosure cases, attorneys Carlin Phillips and Andrew Garcia have appeared live on MSNBC "Today," MSNBC "Countdown with Keith Olbermann," FOX "Fox & Friends," and FOX "Happening Now." Video available at www.phillipsgarcia.com.



Our Communication Policy

Our attorneys do not take unscheduled phone calls. With office calls, cell calls, texts and e-mails, we would never get any work done on your case if we reacted to every incoming message. We realize this may seem unusual, but this actually allows us to better focus on our cases, resulting in higher quality legal services. This policy also helps us to resolve cases more quickly. Rather than play "phone tag," please schedule an appointment for a phone call or an in-person meeting with us by calling (508) 998-0800.

This publication is intended to educate the general public about personal injury, wrongful foreclosure, family legal planning, small business law and other issues. For informational purposes only, it is not intended to be legal advice. Prior to acting on any information contained here, you should seek competent legal counsel. This information may be freely copied and distributed as long as the newsletter is copied in its entirety.