

# Electronic Newsletter

December 2012

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### In This Issue

Happy Holidays!

Dec. 15th is Bill of Rights Day

Concussion Liability Costs May Rise, Not Just For Pros

Auto Accident? There's An App for That

CPSC: Over 2M Dangerous Toys Seized in 2012

Recall Central

Federal Court Strikes Down Illinois' Ban on Carrying Firearms for Self-Defense Outside Home or Business

Don't Drive Distracted!

Norwich Tech Students Try Driving Simulators, Take Safe Driving Pledge

## Happy Holidays!



Merry Christmas,  
Happy Hanukkah, or  
happy whatever you  
celebrate--or even if  
you don't celebrate a



holiday--we wish you and your family the best. We are truly grateful for our many wonderful family, friends and clients, and hope your holidays are filled with peace, joy and laughter and good health.

**If you like our Newsletter, please forward to a friend who could also benefit from it!**

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### Newsletter Archive

New to our mailing list? To read our prior newsletters, click [here](#).

## Dec. 15th is Bill of Rights Day

In honor of Bill of Rights Day, here is the text of the Bill of Rights. Please read it and take the time to talk to your kids about why this document is so important to the freedoms we enjoy in America, and why liberty must be cherished and protected, never taken for granted.

Congress of the United States begun and held at the City of New York, on Wednesday the fourth of March, one thousand seven hundred and eighty nine.

THE Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution.

RESOLVED by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all, or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution; viz.  
ARTICLES in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

## Auto Accident? There's An App for That

A new, free smartphone app allows you to record car accident and injury information at the scene. Get **At Impact** in the app store.

## CPSC: Over 2M Dangerous Toys Seized in 2012

Last week, U.S. Consumer Product Safety Commission Chairman Inez Tenenbaum and U.S. Customs and Border Protection Deputy Commissioner David Aguilar announced that more than 2

**Amendment I - Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. Government can neither impose a state religion upon you nor punish you for exercising the religion of your choice.**

*(You may express your opinions, write and publish what you wish, gather peacefully with others, and formally ask government to correct injustices.)*

**Amendment II - A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.**

*(Individuals - "the people"- have the right to own and use weapons without interference from the government.)*

**Amendment III - No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.**

*(The government cannot force you to house its agents.)*

**Amendment IV - The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.**

*(You may not be arrested or "detained" arbitrarily. No agency of government may inspect or seize your property or possessions without first obtaining a warrant. To obtain a warrant, they must show specific cause for the search or seizure and swear under oath that they are telling the truth about these reasons. Furthermore, the warrant itself must state specifically and in detail the place, things, or people it covers. Warrants that are too general or vague are not valid; searches or seizures that exceed the terms of the warrant are not valid.)*

**Amendment V - No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.**

*(No one outside the military may be tried for a serious crime without first being indicted by a grand jury of citizens. Once found not guilty, a person may not be tried again for the same act. You can't be forced to be a witness or provide evidence against yourself in a criminal case. You can't be sent to prison or have your assets seized without due process. The government can't take your property without paying market value for it.)*

**Amendment VI - In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.**

*(Trials cannot be unreasonably postponed or held in secret. In any criminal case against you, you have a right to public trial by a jury of unbiased citizens. The trial must be held in the state or region where the crime was committed. You cannot be held without charges. You cannot be held on charges that are kept secret from you. You have a right to know who is making accusations against you and to confront those witnesses in court. You have the right to subpoena witnesses to testify in your favor and a right to the services of an attorney.)*

**Amendment VII - In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.**

*(The right to trial by jury extends to civil, as well as criminal, cases. Once a jury has made its decision, no court can overturn or otherwise change that decision except via accepted legal processes - for instance, granting of a new trial when an appeals court determines that your rights were violated in the original proceeding).*

**Amendment VIII - Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.**

*(Bail, fines, and punishments must all fit the crime and punishments must not be designed for cruelty.)*

million units of dangerous or violative toys and children's products were seized in 2012 "and were prevented from reaching the hands of children."

## Recall Central

To read about recent recalls and product safety news from the U.S. Consumer Product Safety Commission, click [here](#).

Get the latest recall information from the National Highway Traffic Safety Administration [here](#).

The Dept. of Agriculture's Food Safety and Inspection Service regulate meat, poultry products and processed eggs. Check their recalls [here](#).

Click [here](#) for Food and Drug Administration recalls, market withdrawals and safety alerts.

For updates on the peanut products recall click [here](#).

## Federal Court Strikes Down Illinois' Ban on Carrying Firearms for Self-Defense Outside Home or Business

The United States Court of Appeals for the Seventh Circuit ruled this week that Illinois' total ban on carrying firearms for self-defense outside the home or business is unconstitutional. The case involved lead plaintiff Mary Shepard, an Illinois resident and a trained gun owner, who is licensed to carry a concealed handgun in both Utah and Florida. On September 28, 2009, while working as the treasurer of her church, Ms. Shepard and an 83-year-old co-worker were viciously attacked and beaten by a six-foot-three-inch, 245 pound man with a violent past and a criminal record. Ms. Shepard and her co-worker both suffered major injuries to the head, neck and upper body. Shepard required extensive surgeries and she continues to need physical therapy.

In [decision](#), Judge Richard Posner ruled that Illinois' ban on carriage is unconstitutional. The Judge went on to say, "One doesn't have to be a historian to realize that a right to keep

**Amendment IX - The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.**

*(You have more rights than are specifically listed in the Bill of Rights.)*

**Amendment X - The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.**

*(The U.S. federal government has only those specific powers granted to it by the Constitution. All other powers belong either to the states or to individuals.)*

Still, as Justice Scalia has noted, "even dictatorships can have a bill of rights written down,...but the structure of government is what ensures that laws are 'not just words on paper.'" Scalia explained that in his view, the most important cases decided by the Supreme Court are those "that test the structure of the U.S. government, from separation of powers to federalism." Read more about his speech [here](#).

## Concussion Liability Costs May Rise, Not Just For Pros

Article Subtitle



The ongoing lawsuits against the NFL regarding concussions has led to a dispute between the NFL and its current and former insurers regarding "how much money, if any, the insurers are obliged

to pay for the league's mounting legal bills and the hundreds of millions of dollars in potential damages that might stem from the cases brought by the retired players." The NY Times notes that "Regardless of how it is resolved, the dispute could hurt teams, leagues and schools at all levels if insurers raise premiums to compensate for the increased risk of lawsuits from the families of people who play hockey, lacrosse and other contact sports." While the NFL generates about \$9 billion a year and may be able to handle these costs, "colleges, high schools and club teams may be forced to consider severe measures in the face of liability issues, like raising fees to offset higher premiums; capping potential damages; and requiring players to sign away their right to sue coaches and schools. Some schools and leagues may even shut down teams because the expense and legal risk are too high." Read [more](#).

## About Our Firm



At [The Law Firm of Stephen M. Reck](#), justice is our mission. Our firm is well known and well respected for its ability to handle personal injury, wrongful death, and professional malpractice cases in Connecticut and Rhode Island. Call today or visit us on the web at [www.stephenreck.com](http://www.stephenreck.com).

### The Law Firm of Stephen M. Reck, LLC

Proud to support the [North Stonington Education Foundation](#), [Little League Baseball](#), [Children International](#), [Heifer International](#), the [Avalonia Land Conservancy](#), and the [Conn. Chapter of the Special Olympics](#).

**\* Advertising Material \***

and bear arms for personal self-defense in the eighteenth century could not rationally have been limited to the home. . . . Twenty-first century Illinois has no hostile Indians. But a Chicagoan is a good deal more likely to be attacked on a sidewalk than in his apartment on the 35th floor." Read the decision [here](#).

## Don't Drive Distracted!

It Kills



[KidsAgainstDistractedDriving.com](http://KidsAgainstDistractedDriving.com)

## Norwich Tech Students Try Driving Simulators, Take Safe Driving Pledge

More than 100 students at Norwich Technical High School took a pledge last week not to text and drive, and seniors "listened to sobering stories" about what can happen when young drivers are distracted when driving. Read [more](#).

### Proudly Serving Connecticut and Rhode Island

The trial attorneys at The Law Firm of Stephen M. Reck, LLC represent individuals in all types of personal injury cases throughout the state of Connecticut and the state of Rhode Island, including, in Connecticut: New London County, New Haven County, Middlesex County, Hartford County, Tolland County, and Windham County; and in Rhode Island: Bristol County, Kent County, Newport County, Providence County, and Washington County.

### Referrals Welcome

**Remember we are here if you need a referral to an attorney in a different area of law.**

