

Fire Prevention Week Highlights Candle Safety

The National Fire Protection Association is urging the public to focus on candle safety during Fire Prevention Week 2005, scheduled for Oct. 9-15. NFPA emphasizes consumer caution with the slogan, "When you go out, blow out."

Reported home candle fires rose 15 percent from 2000 to 2001, from 15,700 to 18,000, continuing a climb that began in 1990 when 5,500 candle fires were reported, according to NFPA. These fires caused an estimated 130 fire deaths, 1,350 civilian fire injuries, and \$333 million in direct property damage during 2002.

Such fires follow a seasonal pattern, with December's having almost twice the number of home candle fires of an average month. Nearly one-quarter of fatal home candle fires occurred in properties in which the power had been shut off. Seven percent occurred during temporary power outages. Half of those who died in fires started by candles were under the age of 20, NFPA noted.

A large number of home candle fires (41 percent) start in bedrooms, resulting in a quarter of associated fire deaths. Falling asleep when a candle was lit was a factor in 12 percent of the home candle fires and 25 percent of the fatalities.

Leaving candles unattended and using candles for light were singled out in NFPA's analysis as serious fire problems. NFPA warns that candles should never be left unattended, and, in the event of a power outage, it is safer to use flashlights or other light sources generated by batteries.

For 83 years, NFPA has addressed public fire safety outreach by serving as the official sponsor of Fire Prevention Week. The annual public awareness and safety commemoration is observed by fire departments in the United States and Canada to mark the anniversary of the Great Chicago Fire of 1871. ▲

Hurricane Victims Begin Filing Suits

Less than a month after Hurricane Katrina made landfall near the Louisiana-Mississippi state line, the first legal actions were taken on behalf of the storm's victims. In Mississippi, the state attorney general filed a complaint and a motion for a temporary restraining order against the insurance industry. In neighboring Louisiana, plaintiffs in a class action suit are seeking the right to recover insurance proceeds from their insurers for losses resulting from high water.

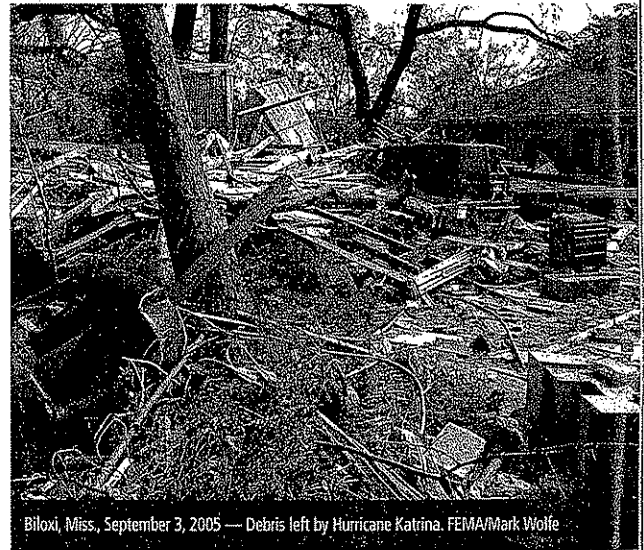
"All that the people have left is hope and I'm not going to allow an insurance company to wrongfully take that hope away," said Jim Hood, Mississippi's attorney general. "Although some insurance companies are trying to do the right thing, I won't allow the others to take advantage of people hurt by Hurricane Katrina."

Hood filed a civil action in the Chancery Court of Hinds County, Mississippi, First Judicial District. The complaint asks the court to declare that certain insurance contract provisions are void and unenforceable, as they "are contrary to public policy, are unconscionable, and are ambiguous." The provisions at issue exclude from coverage loss or damage caused directly or indirectly by water, whether or not driven by wind.

Hood argued that the issuance of such policies violates the Mississippi Consumer Protection Act and asked that the court enter a temporary restraining order to immediately stop insurance companies from asking property owners to sign documents stating that their loss was caused by flood or water, as opposed to wind, and to stop using water exclusions to deny or reduce coverage for hurricane damage or loss. Hood also is seeking a prelimi-

nary and permanent injunction with regard to the same matters.

"I'm hopeful that, next week, we will be able to stop unscrupulous insurance adjusters from requiring people to sign away their rights to 'flood damage' claims in exchange for a significantly smaller amount that will be used for immediate living expenses," Hood said. "I want to encourage the people to con-



Biloxi, Miss., September 3, 2005 — Debris left by Hurricane Katrina. FEMA/Mark Wolfe

tinue to fight, and I'll do everything I can to make sure that insurance companies pay what they owe."

The American Insurance Association has characterized the suit as groundless. "The attorney general must well know that, for more than 35 years, flood insurance principally has been the responsibility of the federal government under the National Flood Insurance Program," said Cecil Pearce, AIA's Southeast Region vice president. "This program has been available to Mississippi homeowners and businesses in flood-prone areas. What the attorney general's lawsuit attempts to do is retroactively rewrite private insurance contracts for those individuals and businesses that chose not to buy flood insurance from the federal gov-

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ernment's flood insurance program."

The class action suit filed in the 19th Judicial District Court on behalf of businesses and homeowners in Orleans and Jefferson Parishes, seeks "a speedy, favorable resolution that all shall have the right to recover insurance proceeds from the homeowners' insurance company as a result of high water."

The suit, which names 16 insurance companies as defendants, asks the district court judge to rule that the high water that flooded thousands of homes was caused by man-made neglect and wind damage, rather than a so-called Act of God through rising water.

The underlying cause for the high water was the result of several breaches in the levees, according to the complaint. The complaint cites a public confirmation by city officials that the reason for

the water was a breach in the 17th Street Canal flood wall, reported to be two city blocks wide. Also quoted was a *Time* article, in which Army Corps of Engineer officers suggested that the failure might have been caused by leaks in the barriers, which might mean that the levees had been poorly constructed or maintained.

Furthermore, the complaint states, 60 percent of New Orleanians elected not to purchase flood insurance, despite the fact that the city is situated mainly below sea level, because they had been assured of the efficacy of the extensive levee and flood protection system, which includes flood walls, canals, and pumps.

"If the insurance companies are successful in denying coverage to the residents, it is estimated that it will cost the property owners approximately \$20 billion of their own money to rebuild their businesses and homes," argued the plaintiff's attorneys, the McKernan Law Firm of Baton Rouge. ▲

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investigators interviewing subjects highlighted the session and demonstrated the goals of an interview. In one example, Sharon, a single mother and a new employee, was questioned using the techniques that Buckley described. Assigned to work a drive-up window at a bank, Sharon stated that she had placed \$1,500 in a drawer for her supervisor to deposit but, somehow, the money disappeared a short time later. The interrogative nature of the investigator and Sharon's verbal and non-verbal responses led to a full confession from her.

"The number one reason a person confesses is that they say the investigator seemed to understand their situation," said Buckley. "This can be achieved by telling a personal story even worse than theirs to better relate to them and build sympathy." ▲

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