

Good Advice from Shaft: Shut Your Mouth

Shaft was a movie released in the 1970s that starred a private investigator named John Shaft, played by Richard Roundtree. Shaft was a tough, cool guy with a confident walk. He also had a memorable theme song. In the song, there is a great line where the singer's ladies tell the singer to "Shut your mouth". The singer was about to let out a bad word and he received good advice from the ladies.



This month's Mystery Song is Shaft. Name the artist who both sang and wrote the song. I will include your name into a drawing for a few lunch gift card at a restaurant chain of your choice.

"Shut Your Mouth." This one line from this Oscar winning theme song is actually fantastic legal advice that can apply to virtually every legal matter under the sun. You all should know that in criminal cases, "You have a right to remain silent." Until you consult with an attorney, you should remain silent. On Law and Order, the suspect yaks and yaks without the benefit of an attorney. In some cases, the confession makes the entire case when the physical evidence and testimony are lacking. While Law and Order is just a television show, it does illustrate the power and detriment of making statements without the benefit and advice of an attorney.

In civil cases, statements by a party can also help establish the other side's case or position. The Rules of Civil Procedure in Florida and other states allow into evidence admissions against interest and inconsistent statements. The admissions or statements do not have to be under oath or recorded. A witness could take the stand and testify that the party said something. As such, you need to be careful about what you say and who is present when the statement is made. Again, listen to the ladies in the Shaft song, "Shut Your Mouth."

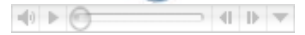
This goes the same for family law cases, personal injury cases, and business cases. Before your mouth gets you in trouble or jeopardizes your case or your rights, speak to an attorney. In many instances, the first call to an attorney is free and general advice can be obtained with little effort on the client's part.

In some cases, a "big mouth" can actually get you sued. Blogging is a recent technological advance that is making it easier to get the word out and at the same time easier to get sued. What is blogging? According to the website, Wikipedia, "a **blog** is a website where entries are made in journal style and displayed in a reverse chronological order." "Blog" can also be used as a verb, meaning *to maintain or add content to a blog*. As of November 2006, blog search engine Technorati was tracking nearly 60 million blogs. [\[1\]](#)

In September 2006, a Broward County Florida jury awarded \$11.3 million to a woman who was defamed by a woman who posted comments / blogs on a web site. Lawsuits over blogs and internet postings are becoming more common. While the \$11.3 million award seems sizable, the judgment probably will never be collected. The Defendant is a Hurricane Katrina victim from Louisiana who could not even afford an attorney to try the case on her behalf. Since defamation can be considered an intentional act, many insurance policies will not pay for damages resulting from defamation. You can read the USA Today article about this case by [clicking here](#).

Keep the Shaft song in the back of your head. "Shut Your Mouth" and call me if you need any legal advice. Wood, Atter is "On Your Side - At Your Side" for personal injury, medical malpractice, nursing home neglect, elder law, criminal law, business law, intellectual property, and family law.

Audio Section



If you have difficulty playing the audio clips, download the Quick Time Player by clicking below. It is easy to download and use.



Mac Corner

For those of you unfamiliar with Macs and have a fear of them, I suggest that you take a look at a Mac for your next computer. I have three defunct PC computers in my house. My Mac Desktop works far better than any PC that I have purchased in the last few years. In addition, Microsoft sells an Office Suite for Mac which includes Word, Powerpoint, Excel, and Entourage (Mac's version of Outlook). I sync my Blackberry very easily with Entourage. While I am not one of those Apple freak's you may encounter, I do recommend the product. Please note that I am not a paid spokesman for Apple products but I should be.



HAVE A TOPIC YOU'D LIKE TO SEE COVERED IN LEGAL BRIEFS? EMAIL ME YOUR SUGGESTIONS

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