

# WHEN LIFE GETS LEGAL

## Consumer Protection Matters

December 11, 2024  
12pm - 1pm

### Session Notes

Below is a summary of the topics and items discussed on the December 11th session of When Life Gets Legal: Consumer Protection Matters.

### ***A recording of this session is available for viewing at [www.LRseminars.com](http://www.LRseminars.com)***

The information presented in this webinar is provided by Attorney Tony Damiani for informational purposes only. Attorney Damiani is licensed to practice law in the state of Virginia and West Virginia. The details shared are based on his understanding of the laws within that jurisdiction. The webinar content is intended to be general in nature and may not reflect the laws of other states or regions. Attendees are advised to consult with a qualified legal professional in their respective jurisdiction for advice tailored to their specific circumstances.

### SESSION TOPICS

- Regulatory Authorities
- Warranty Disputes
- General District Court
- Collection
- Insurance Disputes
- Small Claims Court
- Circuit Court

### **What should I do if a product is defective?**

Contact the seller or manufacturer directly and request a repair, replacement, or refund under the product's warranty.

### **What if the company ignores my complaint?**

If the company fails to respond, file a formal complaint with your state's Attorney General's office. They offer mediation services and can investigate companies for deceptive practices. Although they don't provide individual legal representation, their involvement often pressures businesses to resolve disputes.

### **How can I handle a business dispute for poor service?**

Document all interactions, including phone calls, emails, and service agreements. If the business is licensed, file a complaint with the appropriate regulatory agency, such as a state contractor's board or insurance commission. Regulatory agencies have enforcement power, which can prompt businesses to address unresolved issues.

### **How should I file an insurance claim?**

File an insurance claim immediately after an incident to comply with policy requirements. Review your insurance policy carefully to understand what's covered. Provide detailed information, including receipts, damage photos, and a clear description of the event. Prompt filing helps avoid delays and potential denials.

### **What if my insurance claim is denied?**

If your claim is denied, carefully review the denial letter and compare it with your policy's terms. If the denial seems unjustified, contact your state's Bureau of Insurance to file a complaint. They can mediate disputes, investigate bad-faith claims handling, and ensure compliance with industry regulations.

### **What if a dealership won't honor a car repair warranty?**

If a car dealership refuses to honor a repair warranty, check if your vehicle qualifies under Lemon Laws, which require manufacturers to repurchase defective vehicles after repeated failed repairs. If applicable, file a complaint with the Attorney General's office or hire an attorney if the issue remains unresolved.

## What are my options if I can't afford an attorney?

If you cannot afford an attorney, consider filing your case in Small Claims Court (up to \$5,000 in Virginia), where legal representation is not required. For disputes involving higher amounts (up to \$25,000 for non-injury cases), file in General District Court and represent yourself, though businesses must hire attorneys there.

## What is arbitration?

Arbitration is a private legal process where an impartial third party resolves disputes outside of court. It is often less formal and more cost-effective than traditional court proceedings. Many insurance and service contracts include mandatory arbitration clauses, requiring disputes to be settled through this process instead of litigation.



## Tips for Navigating Consumer Issues

### Before a Problem Occurs

- **Read Contracts Thoroughly:** Understand contract terms before signing and clarify any confusing language.
- **Keep Records:** Save receipts, warranties, and email correspondence for reference. Digital receipts are easier to access if disputes arise.
- **Know Your Rights:** Familiarize yourself with state and federal consumer protection laws to understand your legal protections.

### When a Problem Arises

- **Act Promptly:** Report issues immediately to avoid claim denials due to delays.
- **Use Written Communication:** Email companies and service providers to create a clear, written record of the dispute.
- **Contact Regulatory Agencies:** File complaints with the Attorney General's office or other regulatory bodies if the company is unresponsive.
- **Consider Mediation or Arbitration:** These processes offer less formal and often quicker resolutions.
- **Hire an Attorney if Needed:** Seek legal counsel if the dispute involves significant financial loss or persists despite regulatory involvement.

### About our speaker:

### TONY DAMIANI DAMIANI & DAMIANI, P.C.



Anthony Damiani is a founding member of AV rated Damiani & Damiani, P.C., which has been serving clients in Old Town Alexandria and across Virginia and West Virginia for over 3 decades. Anthony, who goes by Tony, is an experienced litigation attorney with extensive experience representing clients who have suffered personal injury or financial harm, resulting from motor vehicle accidents, products liability, medical malpractice, or exposure to toxic chemicals. He handles complex cases for individuals, businesses and local governments, including mass tort, class actions, products liability, insurance bad faith, and intricate fraud matters. His cases involve everything from relatively minor injuries to catastrophic, life-altering harm to bet-the-company commercial litigation.

Tony is a responsive communicator who gets to know his clients and keeps them well informed as to the progress of their matters. "No one should ever have to sit around and wonder what's happening with their case, waiting for their attorney to get back to them." Understanding that litigation can be costly, Tony is committed to delivering exceptional advocacy at a fair price, ensuring clients receive the representation they deserve without unnecessary financial burden. Tony is licensed in Virginia and West Virginia. Since graduating from the University of Richmond School of Law in 1991, where he served as an editor of the Law Review, Tony has been dedicated to providing elite local representation.

## Contact Us

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