

# Practical wisdom, trusted advice.

September 2022

(978) 653-4092

www.MonteforteLaw.com



## Live by the Calendar

### *Balancing Family and Work Life*

When it comes to balancing work and family life, it is definitely a process. In fact, when I first started out as a brand-new lawyer, I worked at a small firm, but after a few years, I decided to finally open my own. I was doing everything myself, just begging for the phone to ring and hoping someone would call to hire me for something.

It was a lot harder to maintain that work and family life balance because I was starting a new business and trying to grow it. I didn't really know how to set those boundaries quite yet. A lot of times I took phone calls after work hours or on the weekends when I could've been spending time with my family. But I just wasn't sure how to do it any other way at the beginning.

My family and I took a vacation to the Turks and Caicos with some friends of ours, and everyone had fun on the beach, enjoying the sand and sun, and I sat in my beach chair on my phone. Some kind of fire came up at work that I needed to put out, and I could feel my kids just staring me down. They wanted me to get in the water and play with them, and my wife has always been so supportive of what I do, but I know at that moment, she wasn't thrilled.

We had paid to be there on this vacation to spend time with one another, and I was sitting on the beach dealing with a work issue.



This vacation started melting away right before my eyes, and after the call, I felt like I had that aha moment. I put my phone down and said I would never do this again.

My kids were young at the time, and I knew I would never

get back that time because once it's gone, it's gone.

I then decided to change. I needed to figure out a way to do this effectively, while still balancing work and family.

I first focused on communication. Since I'm only writing wills, trusts, and things like that, no one really has to call me for anything urgent, like criminal lawyers and such. For the most part, the nature of my job isn't an emergency.

I am very upfront with my clients — they can reach me during office hours, and I let them know that their calls and messages will be answered by us within 24 hours. I've never had a client come back to me and say that it isn't good enough, or that they don't want to work with us, so I think being upfront and honest with them goes a long way.

I've got a great team. I never have to worry because we have a process. They know who will respond, depending on the type of issue, how to handle it, and everything in between.

I'm very religious with my calendar, and we set it and stick to it. It allows me to make sure I'm not missing any of my kids' stuff, and ever since then, I have been to every soccer game, baseball game, and all the dance recitals. I was able to be at everything, including now since they're older.

And when we go on vacation, *we're on vacation*. I know the team at the office can get ahold of me if there ever is a serious emergency, but they're so great that they really don't need me. They're able to handle issues when I'm not around because when I'm away, *I'm really away*.

The same courtesy goes to my employees when they're on vacation. I don't reach out to them or try to call them on the weekends because they need their family time too. We all need our personal and family time, and the balance comes easily when you're willing to make the effort.



*—Mike Monteforte Jr.*

# Thinking Outside the Bun Leads to Legal Action

## The Story of 50 Cent vs. Taco Bell



In 2008, rapper 50 Cent filed an unlikely lawsuit against the fast-food chain Taco Bell. Was it an endorsement deal gone wrong? Quite the opposite. According to the rapper, the company had implied an endorsement deal in the media when there was none.

Taco Bell, known for their quirky and humorous ads, had released a print ad formatted as a faux “letter” to 50 Cent, requesting that 50 Cent change his name to 79, 89, or 99 Cent as a part of their latest promotion. The letter reached the national press and even television ... except for 50 Cent’s actual mailbox. In fact, 50 Cent had no idea Taco Bell used his name.

By releasing the letter, 50 Cent became the face of Taco Bell’s whole campaign, too. The letter was part of a larger hip hop-themed campaign, and customers could go to the Taco Bell website and participate in a “Rap Name Creator” to discover their rap name. They also had a “Why Pay Mo’ Rhyme Generator” that played hip hop music and a montage of “hip hop-themed scenes,” according to the rapper’s lawyer, Peter D. Raymond.

As soon as 50 Cent found out about the letter on the news, he wasn’t happy. On July 23, 2008, 50 Cent — whose real name is Curtis Jackson

— filed a federal lawsuit saying they featured the rapper in an ad campaign without his permission and profited directly from his celebrity status without paying him a multimillion-dollar fee. Raymond said his client sought \$4 million in damages.

In response, Taco Bell Corp. spokesman Rob Poetsch issued a statement saying: “We made a good faith, charitable offer to 50 Cent to change his name to either 79, 89 or 99 Cent for one day by rapping his order at a Taco Bell, and we would have been very pleased to make the \$10,000 donation to the charity of his choice.”

In the end, both sides settled, keeping the terms of the settlement confidential and paying their own legal fees. So, it’s possible that 50 Cent was paid after all, but we’ll never know the exact terms of their legal agreement, except “both sides are satisfied,” according to Raymond.

Since then, more companies have been careful about using celebrity names in their marketing without permission. It pays to think inside the bun, after all.

### ... Continued from Page 4

- **Legal representation.** If you have an attorney — and a debt collector knows this — they aren’t allowed to contact you. They must contact your attorney instead. If you are called by a debt collector while you have legal representation, make sure to give them your attorney’s information.

When a debt collector calls, they should identify themselves as a debt collector. Afterwards, they’re required to state the amount owed, that you can dispute the debt, and that you can request the name and address of the original creditor (if different from the current creditor). They should also tell you that any information provided to them in your calls, emails, or other communication will be used in their efforts to collect the debt.

There are even more restrictions on who they can call, so make sure to research for yourself if your loved ones begin receiving calls from your debtor.



### Step 2: Consider hiring an attorney.

You may want an attorney as soon as you can, so you can receive the best guidance possible. A lawyer will be your advocate when collectors engage in harassment or communication that is abusive, threatening, or deceptive.

What is harassment? It includes using profane language; threatening bodily harm; misrepresenting what you owe; making false claims that you could be arrested; threatening your property; making repeated attempts to contact you or calling you anonymously; or, as mentioned earlier, failing to state debt and creditor information on the call as required by FDCPA.

### Step 3: Report any violations to the FTC.

The Federal Trade Commission (FTC) has an online website for reporting FDCPA violations, but your attorney can help with this as well. Take a look at [FTCComplaintAssistant.com](http://FTCComplaintAssistant.com).

We hope this helps our readers to stay safe from abusive collectors. Although debt can make us feel vulnerable, never forget that you do have rights.

# TAKE A *BREAK*



## Ingredients

- 2 tbsp extra-virgin olive oil
- 1 yellow onion, chopped
- 2 cloves of garlic, minced
- 1lb ground beef
- Salt and pepper, to taste
- 1 tbsp tomato paste
- 1 1/4 cups beef broth
- 1 15-oz can tomato sauce
- 1 15-oz can diced tomatoes
- 1 tsp Italian seasoning
- 1 tsp paprika
- 1 1/2 cups elbow macaroni, uncooked
- 1 cup shredded cheddar cheese
- Fresh chopped parsley, for garnish

## Directions

1. In a large skillet over medium heat, add olive oil and wait for it to heat.
2. Once heated, add onion and cook for 5 minutes, then add garlic and cook for 1 minute.
3. Next, add the ground beef to the skillet, and cook until no longer pink. Drain the grease, then add salt and pepper.
4. Stir in the tomato paste, beef broth, tomato sauce, and diced tomatoes. Season with Italian seasoning and paprika. Add macaroni to the skillet.
5. Bring mixture to a simmer and let it cook for 15 minutes. Stir the pasta occasionally.
6. Mix in the cheddar cheese and remove the heat.

*Inspired by Delish.com*

# LIFE CAN BE UNPREDICTABLE

## *Preserving the Balance of Work and Family Life*

Workers shouldn't have to choose between the job they need and the family members they love. The Family and Medical Leave Act (FMLA) was created to allow employees to take reasonable unpaid leave for a particular family or medical reason so they can maintain a work/life balance.

### What does it provide?

The FMLA provides eligible employees up to 12 workweeks of unpaid leave a year with the requirement of group health benefits to be maintained during the leave as if employees were continuing to work. They are also entitled to resume their same or equivalent job at the end of their FMLA leave.

### Who is eligible for FMLA?

FMLA applies to all public agencies, all public and private elementary and secondary schools, and companies with 50 or more employees.

Employees can be eligible for FMLA if they have worked for their employer for at least 12 months, worked at least 1,250 hours over the past 12 months, and work at a location that employs 50 or more employees within 75 miles.

### When can I use FMLA leave?

An eligible employee can be granted up to 12 workweeks of unpaid, job-protected leave in a 12-month period for the following reason(s):

- Birth of and/or bonding with a newborn child
- The placement of a child for adoption or foster care with the employee
- To care for an immediate family member with a serious condition (child, spouse, or parent, but does not include parent in-laws)
- To take medical leave when the employee is unable to work due to a serious health condition
- For qualifying exigencies arising out of the fact that the employee's spouse, child, or parent is on covered active duty or call to covered active-duty status as a member of the National Guard, Reserves, or Regular Armed Forces

The FMLA exists so employees can tend to their families without worrying about their job, allowing them to provide the best care for their loved ones. For more information regarding whether or not your company is eligible for FMLA, check out your local government agency for more details.



MONTEFORTE LAW, P.C.  
 (978) 653-4092  
 www.MonteforteLaw.com  
 300 TradeCenter, Suite 5640  
 Woburn, MA 01801

PRST STD  
 US POSTAGE  
 PAID  
 BOISE, ID  
 PERMIT 411

# INSIDE THIS ISSUE

- 1** Being Upfront and Honest Goes a Long Way
- 2** Why Did 50 Cent Sue Taco Bell?
- 3** Goulash, Hungary's National Dish  
Your Guide to Family and Medical Leave
- 4** Can Collections Go Too Far?

## When Collections Go Too Far ... Know Your Legal Rights!

Did you know that millions of Americans have debt in collections? Anyone who has ever dealt with a collection agency can attest that it's no fun. Luckily, there are laws that limit what collection agencies can and cannot do.

### Step 1: Know your FDCPA rights.

If you ever fall behind on paying your mortgage, credit card debt, medical debt, student loans, or auto loans, it's important to know your rights under the Fair Debt Collection Practices Act (FDCPA). Especially for individuals, FDCPA covers all kinds of debt — but specifically targets third-party debt collectors such as collection agencies, debt buyers, and lawyers who practice debt collection as part of their business.

When, where, and who can contact you to collect your debt? There are some limitations, such as:



- **Time.** Debt collectors are only allowed to call you between 8 a.m. to 9 p.m. in your local time zone. Any calls outside these hours are an FDCPA violation.
- **Place.** You may be contacted by phone, mail, fax, or email; however, collectors can't contact you in "unusual places," such as hospitals, schools, or restaurants. Although they can call your home or office, you have the right to tell them not to contact you at your workplace.

*Continued on Page 2 ...*