

AFTER AN ACCIDENT

Act Fast If You Have An Injury Claim

If you've been in an accident and intend to make a claim, there are several reasons why you must get legal help promptly.

One reason is there are time limits ("statutes of limitations") for making claims. If you wait too long and the statute of limitations passes, your claim will be dismissed, no matter how valid it is.

Another reason to get legal help fast is that delay can hurt your case. The longer after the accident, the harder it can be to find witnesses and gather evidence.

Since waiting can cause your claim to be dismissed or lower your potential recovery, seek legal help as soon after an accident as possible.

Business Legal Problems, continued from page 3

can keep you out of disputes.

• Use care in hiring employees. This will result in longer-term employees and fewer employment-related legal disputes. It's also worthwhile to have employment documents, like job applications and employee manuals, reviewed by a lawyer to help prevent disputes from their contents.

• Inspect your business's premises for safety. You can be held liable for accidents not only if you knew about a dangerous condition and did not fix it, but also if you should have known about it. Thus, periodically check your entire premises to make sure they are safe for customers and others.

Following these tips can help your business save money and avoid legal disputes and other problems.



THANK YOU FOR YOUR REFERRALS

Our firm receives many new clients as a result of referrals from clients and other friends of our firm. We would like to thank everyone who refers family and friends to our firm. We appreciate the trust and confidence you show in us by making these referrals.

Thank you for thinking of us when you or someone you know needs legal help. We will continue to strive to provide top quality legal service to you and everyone you refer to our firm.



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LEGAL BULLETIN

SUMMER 2013

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Do You Have These Important Estate Planning Documents?

Carefully planning your estate offers many benefits, including making sure your property goes where you want, saving money for your heirs, letting your estate be transferred faster, and helping you plan in case you become disabled. Certain tools are part of most estate plans. They include:

▲ A will. Wills are used to say who you want to receive your property when you die. But wills can do other things as well. A will can say who you

want to be in charge of distributing your property (your "executor"). It can also say who you want to serve as guardian for your children if you and your spouse die while they are minors.

▲ A living trust. This can help avoid the delays and costs of probate, which is the court procedure of administering your will.

Trusts are legal devices that let someone stop being the "owner" of property but still control it. They help

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Know Your Rights If An Accident Happens

Accidents are part of life. Try as we do to avoid them, they happen anyway. If you get in an accident, you have many rights. Whether it's an auto collision or other type of accident, it's important to know them. Here are some key rights accident victims should know:

• Right to fair compensation. Accident victims have the right to fair compensation. This usually means an amount of money to return you as close as

possible to your position before the accident. Thus, you can recover for many things, including lost wages, medical bills, and pain and suffering.

Of course, just being in an accident does not automatically mean you are entitled to money. The other side must pay you only if they are at fault. However, in most states, accident victims can still recover money even if they are

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LEGAL BRIEFS



Dispute Over Oral Agreement To Sell Home Ends Up In Court

In home sale transactions, potential buyers and sellers sometimes try to lock in a price quickly with a verbal commitment, leaving the details to be worked out later. A recent case is a reminder that home sale agreements must be in writing to be enforced.

Joyce L. owned a home and verbally agreed to sell it to her neighbors if she made a certain gain on the sale. When Joyce told her daughter Karen about the proposed sale, Karen said she wanted to buy the house. The next day, the neighbor's real estate agent presented Joyce with a written contract, saying her oral agreement to sell the house was binding and if she did not sign the contract, she would be sued. Joyce reluctantly signed it, but later asked a court to cancel the sale.

A court ruled for Joyce, saying no contract to sell was ever formed. The oral agreement to buy the house was invalid, as oral agreements to buy real estate are not binding. The written contract was also invalid, since Joyce signed it only under the threat of being sued.

Modifying Child Support Payments

After a divorce in which children are involved, one or both of the parents may later want to change the amount of child support. If both parents agree to a change, it can be made. However, a judge must approve the change for it to be enforceable.

If both parents do not agree to the change, the parent who wants the change can ask a court to order it. Generally, the parent must show that there has been a change in circumstances, such as:

- the child has a medical emergency;
- the parent paying support has suffered a financial hardship, like the loss of a job or large medical bills; or
- the parent receiving support has changed financial circumstances due to a job loss, medical expenses or other problems.

Parents who want to raise or lower the amount of child support should seek legal help. Make the change request promptly, as courts usually will not make a change in the amount of support retroactive. For example, if a person lost a job but did not ask for a change until several months later, the court will likely make the new amount of child support effective on the later date, not when the person lost the job.

Your Rights,

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partly at fault for the accident.

• Right to talk to your lawyer before answering questions. In a car accident you may need to give your name, address, license and insurance information. But you don't have to say anything about the accident itself. Usually the less said at the accident scene, the better. It's hard to be composed, and things you say could hurt you later. Therefore, you should not discuss the accident until consulting your lawyer.

Accident victims can make a claim even if they are partly at fault for the accident.

• Right to get medical care from the doctor you want. Don't let the other side or an insurance company pressure you to see a certain doctor. Get care from the doctor you trust.

• Right to get property repaired. If you were in a car accident, you have the right to have your car fixed to its pre-accident condition. If the car is "totaled," you're entitled its pre-accident value.

• Right to decide whether to accept settlement offers. If you are in an accident, don't let the other side or an insurance adjuster pressure you to accept a fast settlement just to end the matter. This will likely result in receiving less than you are entitled to receive, as the value of most claims usually is not known until weeks or months after the accident.

Accidents happen, but you have many rights if you are in one. Knowing and exercising them will help you obtain all you are entitled to receive after an accident.

This newsletter is published for the clients and friends of this firm. It has general information. Due to constant changes in the law, exceptions to general rules of law, and variations of state laws, seek professional legal advice before acting on any matter. ©2013 ANSI

Tips To Avoid Legal Problems In Your Business

There are different ways for a business to deal with the law. One way is to ignore the law, wait for problems, and then solve them. Another way is to regularly review your business's activities and then take steps to comply with the law, thereby reducing the chance of disputes. This proactive approach is called "preventive law." Here are preventive law tips that can help any business run more profitably and with fewer legal problems.

- Choose the best form of entity.

You can be a sole proprietorship, which means you own your business alone, or a partnership if you have one or more co-owners. To limit personal liability, you can be a corporation, limited partnership or limited liability company.

• Research and protect your company name and brand names. These can be registered in your state as trademarks, and if you use them in two or more states, they can be registered in the U.S. Trademark Office. Research and registration reduce the risk of other companies



infringing your trademarks.

• Protect other intangible property. Creative advertising can be protected under copyright law. Business secrets are protected by trade secret law. Inventions can earn you a patent. Using these tools helps keep other companies from using what you created, and

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Important Estate Planning Documents, *continued from page 1*

avoid probate because they allow property to be transferred without going through this process. Trusts can also help lower estate taxes.

▲ Life insurance. When you die, this pays money to people you designate. The purpose might be to provide money for your loved ones. Insurance proceeds usually do not go through probate.

▲ A power of attorney. This lets you appoint someone to handle your financial affairs. It authorizes them to sign documents as if they were you. A usual power of attorney expires if you become incompetent. But that could be when you need it most. So another form, called a "durable" power of attorney, stays valid until you die, as long as you do not revoke it.

If you want the power of attorney to take effect only when you cannot act, you can grant a "springing" durable power of attorney. It takes effect in situations you specify, such as if your doctor

and a trusted family member agree you are incapacitated.

▲ A health care power of attorney. This lets you appoint someone to make your medical decisions if you cannot make them. The decisions can cover a variety of medical matters.

▲ A living will. This lets you specify types of life prolonging treatment you want — or do not want — if you are terminally ill. It is called a living will because it takes effect while you are alive.

Estate planning involves arranging your financial and medical affairs to be handled by the people you want when you become unable to handle them yourself due to illness, incapacity or death. It involves thinking about the future and having the right documents to help make sure your wishes are carried out. Your attorney can help you prepare a plan for managing your property

while you are alive, and make sure you have all the needed documents to manage your estate when the time comes.

Estate Planning Tools Checklist

Here are some of the most important estate planning tools:

- ✓ A will - to name who receives your property when you die.
- ✓ A living trust - to help avoid probate and possibly lower estate taxes.
- ✓ A power of attorney - to name someone to handle your financial affairs if you cannot do so yourself.
- ✓ A health care power of attorney - to name who will make your medical decisions if you are incapacitated.
- ✓ A living will - to state your wishes on the use of life prolonging treatment if you are terminally ill.