



## Seufert Law Offices, PA

*We'll Get You Through It*

### From the Captain's Log A Different Latitude



So, I am sitting here at my law office in Franklin. Its Feb 9, 2017. The biggest storm this year is upon us. The snow is advancing faster than the incoming Bay of Fundy tides (*50 ft in an hour, OK maybe not that fast*). Most of the staff has been sent home early and I am waiting to do a conference call at 4 pm before leaving myself. And as I look out my office window all is cold and bleak. So, I scroll thru some pics on my laptop to cheer me up while I wait and find one. It is a pic of "Queens Dock", Stocking Island, Exumas, BA, a small outpost of heaven.



Built by Norwegian Cruise Lines when they used to sail there in the '70s with some of their smaller ships, now sitting abandoned since today's mega-cruise ships cannot fit into the small harbor. But not truly abandoned as sailors make repurpose an art form. With a sailor, our kitchen table becomes the chart table underway, a workbench to fix that faulty alternator in the afternoon, and after dinner turns into a berth for the kids, so a "Queens Dock" abandoned becomes a great place to land the dingy to let the dog run, to unload food and provisions for the evening beach and bonfire party, or to sit in the morning, feet dangling in the 80° waters sipping coffee, and watching the sun rise over paradise. While Norwegian Cruise line built it, sailors now keep it in repairs.

There's no "Queens Dock" from my office window, but the memory is just on the other side of the horizon. ●



March 2017 News



# Motorcycles and Insurance – Don't Overlook This Key Item

With warmer spring and summer temperatures not too far away, you're undoubtedly excited about the prospect of getting your motorcycle (if you own one!) on the road again. But before you do, please take a few minutes to review your current insurance policy to make sure that you have sufficient amounts of Uninsured Motorist (UIM) coverage.

UIM coverage is insurance that protects you if you suffer injuries caused by a negligent driver who doesn't carry enough insurance to cover your claim.

It goes without saying that riding a motorcycle can be dangerous – even for the most skilled and cautious riders. And, unfortunately, you can't control what other drivers on the road are doing (or how much insurance coverage they have). If you happen to be involved in a motorcycle accident, there's a good chance that the other driver may not have sufficient insurance to cover claims of people that they injure.

Not only that, injuries from motorcycle accidents tend to be more severe than those that occur in car accidents and can lead to staggering medical bills and costs. Remember, just a single surgery or a night in the hospital can run over \$25,000. As a result, you should look into getting way more than minimum UIM coverage on your motorcycle insurance policy. It's inexpensive peace of mind.

If you have questions about your motorcycle coverage, please don't hesitate to call us. We'll be happy to review your policy to make sure you're protected. •



## The Double Jeopardy Clause

The Fifth Amendment of the U.S. Constitution states that no person shall “be subject for the same offense to be twice put in jeopardy of life or limb....” In other words, the government can't prosecute or punish someone more than once for the same crime. Sounds simple enough, but there are some caveats to be aware of.

Legally speaking, “jeopardy” refers to the risk brought by criminal prosecution. The government must place a person “in jeopardy” for the Fifth Amendment protection to kick in. Generally, this occurs when a jury is sworn in, or after the first witness takes their oath and begins to testify in a trial before a judge.

Double jeopardy applies to criminal cases only. Someone acquitted of a crime can still be subject to a civil suit for monetary damages. Remember the O.J. Simpson case.

If jeopardy has not been terminated—that is, brought to a conclusion with a definitive verdict—a case may be retried. Two examples of this include a mistrial and a hung jury. A jury verdict of acquittal terminates jeopardy, and the decision cannot be overturned.



# Don't Feel Guilty Over a Personal Injury Claim



A shocking number of people who have been injured due to someone else's negligence don't bother to seek compensation for their injuries. Others may take the initial step of consulting an attorney, but then drag their feet on going any further.

Some people have an objection to seeking money they didn't "earn." In other situations, sensationalized media accounts of cases for which facts have been misconstrued or pertinent information omitted have conditioned people to shy away from pursuing compensation.

Filing a personal injury claim is not akin to cashing in a lottery ticket. In fact, many people don't get nearly

enough money for the injuries caused to them. I've never met a client who would not have wished the injuries never happened than the money they got from a settlement. You are asking for compensation for an actual loss, such as lost wages, loss of enjoyment of life, or physical or emotional pain and suffering, among many others.

For those who think maybe it was "just an accident," keep in mind that there's a huge difference between an accident and negligence. If a light bulb burns out on an apartment stairwell an hour before someone falls due to the darkness, that's likely an accident. If it burned out a week prior, the landlord had been notified immediately by tenants, and nothing was done...that's negligence.

In a personal injury case, the law states that you have a constitutional right to redress, the right to compensation for pain and suffering, lost wages, and medical bills. In addition, insurance is there to pay in most situations (with legal persuasion when necessary). The negligent party's life/business is rarely brought to ruin.

If you've been harmed as a result of someone's negligence, contact us, you've got nothing to feel guilty about. •

Every defendant has the right to at least one appeal after a conviction. If the conviction is overturned due to insufficient evidence, it is treated as an acquittal for the defendant, who cannot be prosecuted again. If the reversal is due to a technicality (e.g., unlawful search and seizure), a retrial is permitted.

If a state government tries a case, it does not preclude the federal government from trying the same matter, and vice versa. Double jeopardy does not apply.

Double jeopardy sounds straightforward, but there are a lot of nuances. If you have been charged with a crime, contact us to protect your rights. •



March 2017 Important Dates

**March 1**  
Ash Wednesday

**March 8**  
International  
Women's Day

**March 12**  
Daylight Saving  
Time begins

**March 12**  
Purim (Start)

**March 14**  
Pi Day

**March 17**  
St. Patrick's Day

**March 20**  
Spring begins

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*Protect Your Family, Protect Your Rights*



A Different  
Latitude

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## Cathy's Corner

# Valentine's Day

In honor of Valentine's Day, my daughter forwarded a Facebook questionnaire to me to fill out with questions about myself and my husband. The questions were things like "who has the worse temper?" (me), what was your first date (described below), etc. One of the questions was "who is more romantic?" It's interesting because I had just been talking to my daughter about this. She was asking me if I thought her father, my husband, was romantic. So I started thinking: what does that mean?

Romantic is defined as "characterized by the expression of love" in Webster's dictionary. I started doing some research on the history of romance. What I learned is that what romance means, what the expression of love implies, has varied both historically and culturally. In the west, culturally we equated romance with chivalry: the white horse analogy. That analogy is becoming more and more irrelevant as we change our view of the role of men and women in society in general and relationships specifically.

The first date my husband Mark and I went on was to a BC/Georgetown basketball game at the (original) Boston Garden. It was very clever on the part of Mark because I was (and am) a big Georgetown basketball fan, which is a story for another day. We were both attending Boston College Law School. At the time, BC was in the Big East with Georgetown. He even got seats behind the Georgetown bench, which was a sacrifice for Mark because he did not like Georgetown and was a big fan of Boston College athletics.

How is that romantic? It's romantic because he showed me that he cared about what mattered to me. He took the time to learn about what interested me. I think the definition "characterized by the expression of love" is completely subjective. What that means in one relationship will not necessarily apply in any other. I am guessing that most women would not believe that college basketball tickets are romantic. But because my husband took the time to learn that I was not one of those women, and continues to care about what matters to me, thirty years later we are still celebrating Valentine's Day together. •

