



Seufert Law Offices, PA

We'll Get You Through It

From the Captain's Log Jan, 2017

Well we start a new year, and it will probably be another crazy one. We have a new President, who lost the popular vote so more Americans voted against him then for, but he is our next President, gotta love our politics- where is the world heading? In England, they voted to succeed from the European Union in an electoral "civil war", what would the US be like if our civil war went the other way, where is the world heading? Russians are hacking our computers, the Mr. Pin head, or Kim Jong Un, of North Korea threatens to aim nuclear missiles at the US, ISIS seems to be blowing up innocent people all over the world with impunity. Yes, it is a crazy world.



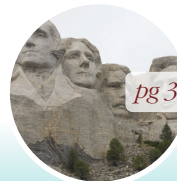
So, I decided to fly to Florida over the holidays to visit my Mom who was turning 81 (*what really happened is that she found out that we weren't flying to Florida this holiday season as usual so called me late one night over Thanksgiving to say she "understood that we couldn't make it with my son's busy schedule and all and understood but at 80 she just didn't know how many more holidays she had. Yah the next morning I booked the red eye for New year's week.*) So, on New Year's day at 2:30 am I headed to Logan for my flight to Ft. Myers, when I landed she was so "happy I could make it". But then after spending 4 beautiful days with her, mostly just the two of us laughing and having fun, it brought all the Russian hacking, presidential politics, the sky is falling, into perspective. Yes, we can be whipsawed and fearful of all the external forces, crazy stuff may happen in 2017. But have you hugged your children enough, called your Mom enough, even to just say hello; paid attention to those things that in the end probably we will remember, or be remembered for, more than Russian hacking and the latest political scandal.

So, for 2017 - take a breath, wave to your neighbor in the morning, tell your children you love them.

And call your Mom. •



January 2017 News



Avoid Shortcuts with Children's Car Safety

Car crashes are the leading cause of death for children older than age 3 in the United States, and lead to roughly 179,000 injuries annually. The Centers for Disease Control and Prevention states that child safety seats lower the risk of death for infant passengers by 71 percent, and toddlers (ages 1–4) by 54 percent—if used correctly.

NH law also requires all persons under 18 years old to wear seatbelts, and under 7 (unless over 57 inches tall) to be in a DOT approved car seat.

The American Academy of Pediatrics offers the following guidelines:

- Exclusive use of rear-facing seats in the back seat for infants and toddlers until age 2 (or until weight and height maximums are exceeded, which differ from state to state).
- Forward-facing car seats in the back seat for kids older than age 2 until they grow out of them, per manufacturer recommendations.
- Utilization of a belt-positioning booster seat for school-age children until a regular seatbelt fits properly.
- Kids big enough for a regular seatbelt should remain in the back seat until age 13 before graduating to the front.



A new study, published in the *American Journal of Preventive Medicine*, saw researchers stake out gas stations, fast-food restaurants, and childcare and recreation centers, among other locations, to monitor parents' observance of proper restraints for their children while traveling. The most striking result was that guideline adherence became more lax as children got older. Many kids as young as age 5 were sitting in the front seat, often unrestrained. Overall, a low percentage of children were using the restraints recommended for their age groups. •



Arrest Warrants

Unless an offense is committed in the presence of an officer, such as a DWI, or the safety of the public is at risk, an officer needs a warrant to make an arrest. Both the United States as well as the New Hampshire Constitution set out the requirements for the issuance of an arrest warrant.

In the first instance, there needs to be probable cause. An officer has to demonstrate that more probably than not a criminal offense was committed by an individual who is specifically identified. The officer can use circumstantial as well

as eye witness evidence to establish probable cause.

Once the officer believes that there is probable cause, the next step is to draft an affidavit and warrant. The officer will set out in the affidavit the facts that give rise to probable cause. The officer will also draft the arrest warrant itself. The warrant will be for certain specified offenses. Usually the officer will draft the complaints that correspond to the offenses listed in the warrant. That is done so that the signator to the warrant, who must be a justice of the peace or a judge, can see that the facts set forth in the affidavit give rise to probable cause for the elements of the offenses in the complaints.

The officer will then present those documents to the individual who is making a determination as to whether there is probable cause for an arrest warrant to be issued. That individual must be "neutral and detached". In other words, another officer or someone familiar with the defendant or any of the witnesses, could not sign the warrant. On occasion, the individual reviewing the affidavit will ask the officer questions about the facts recited in the affidavit. Any such questions and answers must be noted on the affidavit.

If the signatory finds probable cause, an arrest warrant will issue. Once that happens, the officer would most likely contact the defendant named in the warrant to see if they would come down to the police department to turn themselves in. It is easier for both sides: it saves the officer from chasing down the individual to arrest them, and it saves that person the embarrassment of being arrested at home or at work.

If this should happen to you, do not answer any questions posed by any officer other than those such as name and date of birth. You do not want to say anything to incriminate yourself. Maintain your right to remain silent. •

The Big Four... *the History of Mount Rushmore*



Most of us NH folks know that Niels Nielsen and his son, David, were known as the caretakers of our Old Man of the Mountain, until its collapse.

But South Dakota had its own, one of his favorite past times. October 31, 2016, marked the 75th anniversary of iconic Mount Rushmore, the monument to four U.S. presidents—Washington, Jefferson, Lincoln, and Teddy Roosevelt—located in the Black Hills of Keystone, South Dakota. The concept for

Mount Rushmore originated with Doane Robinson, who wanted to create an attraction to draw tourists from all over the country. Mission accomplished.

Robinson contacted sculptor Gutzon Borglum in 1925, who had been working on the massive monument to the Confederacy in Georgia but was not able to complete it due to a falling out with management. He wasn't out of work for long. South Dakota beckoned.

Work on Mount Rushmore began in 1927 and was completed in 1941. According to the National Park Service, over 400 workers climbed 700 steps each day to get to the job site, and got paid \$8 per day to do their dynamite sculpting. No workers died throughout the 14 years of construction—an impressive feat, considering the combination of heights, rocks, and powerful explosives.

The monument underwent a complete makeover at one point. Thomas Jefferson was originally going to be to Washington's right. It wasn't working out, so he was blasted out of the way and repositioned on the other side.

Borglum died of a heart attack in 1941 with Mount Rushmore not yet completed. His son took over the rest of that year. After the usual winter hiatus, work was suspended and the project declared finished. World War II was in the offing; there were higher priorities. Although incomplete, Mount Rushmore was still awe-inspiring. Nothing over the last 75 years has changed that assessment. •

January 2017 Important Dates

January 1
New Year's Day

January 1
Hanukkah Ends

January 16
Martin Luther
King Day

January 20
Presidential
Inauguration Day

January 28
Chinese
New Year

E-Cigarettes...an Explosive Topic

Since their entry into the U.S. marketplace in 2008, electronic cigarettes (a.k.a. e-cigs) have grown in popularity. E-cigs are battery-powered devices that heat a combination of nicotine, propylene glycol, and glycerin to form a vapor that the user inhales—and come in a wide variety of flavors. People can get their nicotine fix by “vaping,” while avoiding the smoke and carcinogenic elements of conventional cigarettes.

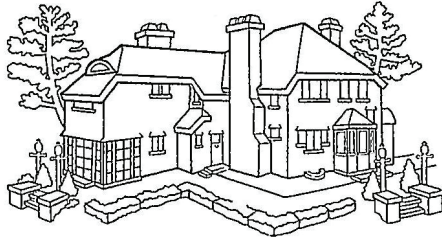
However, e-cigs pose their own set of health risks, possibly leading to cardiovascular issues, respiratory distress, eye irritation, and harm to babies developing in the womb, to name a few. In addition, 70–90 percent of e-cig users continue to smoke conventional cigarettes. Since e-cigs are relatively new to the marketplace, there are no long-term studies to draw upon concerning heart and lung health or cancer-causing potential.

To top it off, the e-cig device itself may be hazardous to one's health. The liquid nicotine is heated via a lithium-ion battery. Lithium-ion batteries pack a lot of energy into a small unit; they're energy dense...and volatile. If a battery is defective and/or overheats, it may burst into flame or explode. E-cigs are cylindrical in shape, with the weakest structural points at the ends, which can prompt them to rocket into a user's face, or someone else's in the vicinity. In 2015, first-degree burns to the face, eye injuries, knocked-out teeth, fractured facial bones, and even a fractured vertebrae resulting in paralysis were reported as a result of exploding e-cigs.

Bottom line: be cautious if you're an e-cig user, and if you happen to suffer an injury as a result of a defective e-cig, be sure to contact our office to discuss your situation. •



Seufert Law Offices, PA
Attorneys At Law



59 Central Street, Franklin, NH 03235
(603) 934-9837

www.seufertlaw.com

Protect Your Family, Protect Your Rights



Jan, 2017

SEE PAGE ONE

This publication is intended to educate the general public about personal injury, medical malpractice, and other issues. It is for information purposes only and is not intended to be legal advice. Prior to acting on any information contained here, you should seek and retain competent counsel. The information in this newsletter may be freely copied and distributed as long as the newsletter is copied in its entirety.

Cathy's Corner

Skiing Through The Eyes of a Three Year Old

My husband grew up in Ashland, which means he started to ski almost as soon as he could walk. (Has anyone ever heard of Glidden's? That family ran a rope tow up and down a slope on their property in Ashland.) So, our kids each started to ski when they were three. While they were in preschool, we did the mom and me program at a local ski area. Once a week, we would spend a few hours in ski lessons, and of course free ski afterwards. The only people on the slopes on a weekday morning were the preschoolers, their parents and the instructors. The children in the lessons were too young to use ski poles. The adults couldn't use poles because they needed to help the little ones get on and off the lift.

We have good friends who have children the same age as ours. They were also in a mom and me ski program. When our son, the youngest of the kids, was three and old enough to sign up for lessons, we planned a trip to Stowe in March. We rented a condominium and drove up on Friday for the weekend.

Saturday morning we got up and headed to the slopes. We left the equipment outside the lodge and went inside to put on our boots, etc. Once we were all ready, which is interesting with four preschoolers, we went outside to get our skis on. We were now looking directly at the slopes and the skiers coming down them. It was the first time that our son had ever seen ski poles. One thing I need to explain is that he was obsessed with weapons. He had every plastic firearm, sword and bow and arrow made. He had drawers full of them. He took one look at all of those ski poles and in his three year old voice called out "hey Dad, when do I get arrows?"

Skiing was better than he had ever imagined: apparently once you got good enough, you were issued arrows. I'm sure in his mind every single one of those arrows was destined to be shot at his sister. I was glad that Dad had to break the news to him: he was never going to be able to shoot an arrow, or any other weapon, while he skied. ●

