



Seufert Law Offices, PA

We'll Get You Through It

From the Captain's Log Some Tough Hombres



In Florida during February 2017 school vacation week last month, and not wanting to repeat the usual suspects (Disney World, Seaworld, etc.) we did something different and visited the Koreshan State Historical Site in Estero, FL. It is only a day event, but worth the day.

So back in the late 1890's some crazy northern settlers from Chicago came to swamp-land Florida to live among the alligators and mosquitos and establish a commune to practice their religion – that mankind really lived inside the earth and the sky and sun were just reflections on the earth's outer crust.

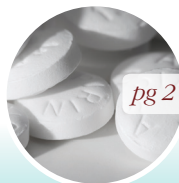
Yes, they were crazy but had the fortitude and grit to fashion machine shops, sawmills, boarding houses, dining halls, stores, laundry, bakery and generator station not only to subsist but to also sell excess supply to the neighboring towns. The generator station is what really caught my eye with the massive Fairbanks-Morse diesel engine that ran the generator to produce all the electricity for the compound, and also neighboring towns. Its massive size, and how they delivered it from civilization to this alligator swamp where they built this settlement, amazed me.

So, I wondered just how tough and smart these hombres were to hack this all out of the swamp.

Only problem with their genius was that they practiced strict celibacy, so 60 years or so later the last survivors died off and now it's just a memory. That living inside the earth theory may have been a little crazy - but did they really think thru that celibacy idea as it really didn't work out? •



March 2017 News



The Daily Aspirin Tug-of-War

Aspirin has been shown to reduce the risk of heart attack in people who have already had one. But what if healthy people took a daily aspirin to prevent heart issues to begin with?



Aspirin is a powerful anti-inflammatory agent that helps reduce inflammation that can trigger a heart attack. Prior to 2014, many doctors recommended that those at higher risk for heart trouble—family history, high blood pressure, elevated cholesterol, diabetic, etc.—over age 50, and not at increased risk of bleeding begin taking a low dose of aspirin every day.

However, in 2014 the Food and Drug Administration (FDA) deemed that preventive dosages of aspirin in otherwise healthy people produced more risk than reward. Aspirin can irritate stomach and intestinal tissues, which may lead to ulcers and intestinal bleeding.

There was pushback from the American Heart Association (AHA) and the U.S. Preventive Services Task Force (USPSTF), a government-appointed panel of health experts. Although agreeing that daily aspirin use came with risks, both groups continue to recommend its usage for those who have not yet had a heart attack, but are at higher risk for one, and meet the other criteria.

A recent study conducted by the University of Southern California Keck School of Medicine backs the AHA and USPSTF. However, those who add years to their life by being free of heart disease will be more likely to develop cancer, diabetes, and other age-related diseases.

The bottom line: So, the grim reaper will still get all of us some day, so eat dessert 1st. ●

Dividing Assets In A Divorce (What's mine is mine – and maybe what's yours is mine too)



A divorcing couple may decide to divide their assets on their own. If they mutually agree, then they will not need to leave the decision of that division in the hands of a judge. However, even if the parties want to work together, the division of assets can be complicated. In addition, sometimes the parties cannot agree on such a division and the decision is made by a judge after a hearing. The judge bases that decision on the law in New Hampshire regarding property division.

New Hampshire is very similar to a “community” property state, in that all property, tangible and intangible, real or personal, belonging to either or both parties, whether title to the property is held in the hands of one of or both of the parties, owned before - or acquired during the marriage, can be allocated by the court to either of the parties.

In addition, New Hampshire is an equitable distribution state. As a result, community property is divided equitably but not necessarily “equally”. While the presumption is that equal division is equitable, judges may take into account each spouse’s ability to support themselves, length of the marriage, sacrifices during the marriage, the age of the parties, and general health and ability of each party to earn an income, whether the property was acquired before the marriage, and the respective efforts of the parties in acquiring the property.

If divorce appears imminent, contact a divorce attorney who can give you advice to help you through the process. ●

DWI Breath Testing And The Intoxilyzer

The legislature has decided that police officers no longer need to supply an individual with a captured sample of their breath when that individual takes a breath test subsequent to a DWI arrest. Captured samples, which were caught in clear tubes, could be sent by individuals to an independent lab for testing. This acted as a check on the accuracy of the Intoxilyzer machine. There is a new form that is to be signed by the individual taking the test and a witness. The person taking the test either waives his/her right for an additional test or agrees to an independent blood draw. In other words, the second sample is now a blood sample, not a sample of breath taken from the machine.



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

The new rule sets out how this happens. Specifically, each arresting department now has blood collection kits that, when used, will be sent to the State Forensic Lab who, in turn, can release the samples for independent testing. This new Rule probably makes no practical difference as those second samples when tested were very rarely out of tolerance, in other words different from the reading that the machine provided. When there was a reported difference, that difference was usually always higher. In other words, the Intoxilyzer usually provided a result that was lower than the actual blood alcohol content of that individual, not higher.

Police officers may tell individuals that in order to get the independent test, they can go to the nearest hospital or ConvenientMD Urgent Care facility and have their blood drawn. But without the Police first contacting these facilities, explaining to them the new law, and obtaining their willingness to do the draw the ability to get a second sample is nearly impossible. Hospitals or other such facilities are almost certainly not going to be responsive to an individual walking in unannounced and asking for an independent blood alcohol test.

While the legislature may have the best of intentions in passing this legislation it would be better served to work directly with the agencies involved in drafting the specific language. Just our 2 cents, for what it's worth. •



Did You Hear?

According to recently released data, the U.S. divorce rate has declined for the past three years, and now sits at its lowest level in decades. Currently, the divorce rate among married women aged 15 or older is 16.9 per 1,000, down from a peak of nearly 23 in 1980. Conversely, marriage rates have increased in recent years, though researchers indicate that the two statistical trends are not necessarily related. And crazy or not, NH allows a girl to marry at age 13 and boy at 14, with a judge's consent, and an attempt to raise age in these laws was defeated in Concord last month. •

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Protect Your Family, Protect Your Rights



Some Tough
Hombres

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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

St. Patrick's Day

On St. Patrick's Day it is customary to wear shamrocks and/or green clothing or accessories (the "wearing of the green"). St. Patrick is said to have used the shamrock, a three-leaved plant, to explain the Holy Trinity to the pagan Irish. In pagan Ireland, three was a significant number. St. Patrick is, of course, the patron saint of Ireland. He was born British but abducted as a teenager Irish pirates. He was able to escape when he said that God spoke to him and told him to go to the coast, a ship would be there on which he could flee captivity. Upon returning home, he studied and became a priest. He returned to Ireland and began to preach to the Irish, most of whom were pagan at the time. As a result of his preaching, he converted thousands of Irish to Catholicism. St. Patrick's Day actually commemorates the anniversary of his death.



Traditionally, St. Patrick's Day celebrations include parades, drinking and, in this country, eating corned beef and cabbage. St. Patrick's Day often falls during Lent. This can pose a problem for Catholics, because of the restrictions placed on eating meat and consuming alcohol. However, those restrictions are often lifted for St. Patrick's Day. As a matter of fact, the Cardinal in Boston has lifted the restriction on eating meat this year so that New Englanders can still enjoy the traditional New England boiled dinner as part of their celebration.

The color green has been associated with Ireland since at least the 1640s, when the green harp flag was used by the Irish Catholic Confederation. Green ribbons and shamrocks have been worn on St. Patrick's Day since at least the 1680s. The Friendly Brothers of St. Patrick, an Irish fraternity founded in about 1750, adopted green as its color. The phrase "wearing of the green" comes from a song of the same name, which laments United Irishmen supporters being persecuted for wearing green. Throughout the 19th and 20th centuries, the color green and its association with St. Patrick's Day.

So, wear green, eat corned beef and raise a toast to St. Patrick, even if you're not Irish. •