



Seufert Law Offices, PA

We'll Get You Through It

From the Captain's Log Don't Panic



Not sure that the wave has hit, or is still coming. Either way it is a “bend over and feel a slight pressure” moment for many of us. In the big picture, COVID19 is bad, but humanity has dealt with worse. From an historical perspective, the Black Death of Europe, 1350's, saw 200 million die, with some cities losing 60% of their entire populations. Small Pox of 1600's saw 50 million die when the Spanish Conquistadors invaded the Americas bringing the “white man disease” to the natives. The Spanish Flu of 1918 killed another 50 million; the Justinian Plague of the 6th Century killed another 50 million. All these occurred when the world was a much less populated place so losses in these numbers was a big part of humanity. So let us be worried, but let us also keep it in perspective. While it is terrible for those of us who have lost loved ones from COVID19, or may still, humanity has stood the test of time.

On the other end, one commentator said that COVID19 has compressed 5 years of technological progress onto us in 5 weeks. In the legal world, many Court's and State Agencies have adopted telephonic or Zoom meetings for non-critical hearings. In the Bankruptcy arena no longer do the clients need to attend their court hearings in Concord, they come to our office and “appear” via speaker phone. Now some of them might otherwise want to drive to Concord, find a parking space in downtown, go through security and take their belts and shoes and put them on the conveyor belt, huddle in the court room for the Bankruptcy Trustee to call them up front in front of everybody else, and ask them a series of potentially embarrassing questions. But for the majority they prefer to come to my office at the pre-appointed time, we call the court and punch in our passcode, and in 10 minutes they are done and on with their day. Consider the cost in time, and fossil fuel, to drive say from Plymouth to Concord, drive around for that one parking spot, wait perhaps an hour in the courthouse, then drive the hour back to Plymouth. Certainly there is a benefit in the adoption of new ways.



I suspect some of you may now be working remote from home. Consider if you worked in Boston and had to fight a 90-minute commute, each way, and now the commute is 20 feet from the kitchen.

Yes, these are tough times, but how many productive, practical, and positive changes may come from it? •

May 2020 News



Is Your Will Current?

One of the common misconceptions people have about Wills is that they're basically a "set it and forget it" type of a deal. Meaning that once you've signed one you really don't have to make changes to it. The reality is that Wills should be updated throughout your life to account for important changes that happen to you and to make sure your assets are distributed in the manner in which you had intended.

Some life changes or circumstances that could warrant a change to your will can include:

- If you find yourself no longer getting along with your chosen executor or a beneficiary;
- If there is the death of a beneficiary or the birth of a new family member;
- If the size of your estate has significantly increased or decreased;
- If you decide that you want to change the amounts you are leaving to beneficiaries;
- If you move to another state.

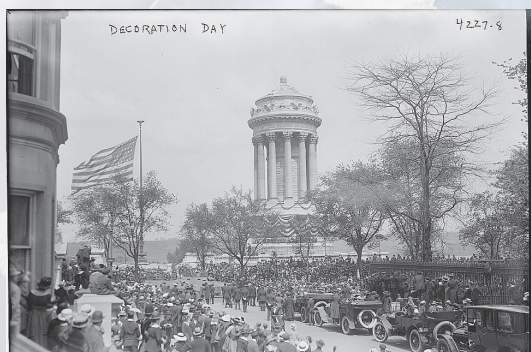
If changes are not made to the Will it won't necessarily invalidate the document, but is it now your current wishes?. However, in some instances, not making key alterations to a Will can make the document unenforceable.

Changes to a Will are not complicated, they can just be re-drafted, or a change can be made by a codicil, which is an addendum that is written, signed, witnessed, and notarized. You just want to make sure the Will is still relevant.

As always, should you have any questions regarding your will or possible changes you need to have made to it, please do not hesitate to contact our office. •



From Decoration Day to Memorial Day



The Civil War claimed over 600,000 soldiers' lives, Union and Confederate combined. During the latter stages of the war and shortly after its cessation, communities throughout the country began commemorating the fallen by decorating their graves with flowers, wreaths, and flags, and conducting community-wide observances.

In May 1868, General John A. Logan, a Union hero and commander of the Grand Army of the Republic, an organization of Union veterans, issued a proclamation establishing May 30 as the official day to decorate the graves of those "who died in the defense of their country during the late rebellion." Hence, Decoration Day was born.

On May 30, 1868, President Ulysses S. Grant presided over the first Decoration Day ceremony at Arlington National Cemetery, which four years prior had been the plantation of Confederate General Robert E. Lee. The South wasn't eager to observe Decoration Day, objecting to the aforementioned word selection of General Logan's proclamation. They waited until after World War I, when the observance was expanded to include those who perished in all the country's wars.

May 30 was known as Decoration Day through World War II. The term Memorial Day, in existence since 1882, shouldered Decoration Day out of the way shortly thereafter. However, it was not declared the official name of the holiday until 1967.

In 1971, Memorial Day was shifted by law from May 30 to the last Monday in May, assuring a three-day weekend. Some veterans' service organizations, such as the American Legion, are working to restore the original date.

At 3 p.m. this Memorial Day, set down your grilled fare and beverage to take part in the National Moment of Remembrance — 60 seconds to reflect upon those who paid the ultimate price. Maybe this year we also pay respect to our 1st Responders for their front-line COVID19 defense. •

Warrantless Arrests



The 4th Amendment to the Constitution sets restrictions on the government's ability to conduct searches and seizures of its citizens. One of those restrictions is that an individual cannot be arrested without a warrant absent specific, delineated circumstances. If an officer does arrest an individual without a warrant, the State needs to prove that the warrantless arrest falls into one of those delineated exceptions.

The most common exception to a warrantless arrest is when the crime happens in the officer's presence. For instance, when an officer makes an arrest for DWI, that crime has almost always happened in the officer's presence. An officer can also make an arrest without a warrant for a felony if the arrest takes place in a public place. There are a few other very limited exceptions to the requirement that an officer obtain a warrant before making an arrest.

Any warrantless arrest should be reviewed by an attorney. The attorney will look to make sure that the officer had constitutional grounds to make an arrest without a warrant. If the arrest is unlawful, the attorney should file a Motion to Suppress evidence gained as a result of that arrest. Even if the officer did have a warrant, there may be constitutional issues with the drafting or signing of the warrant that can also lead to a Motion to Suppress. The 4th Amendment provides restrictions to searches and seizures by the government. It is important that we ensure that those restrictions are adhered to. •

May 2020 Notable Dates

May 1
School Principal's Day

May 3
National Two Different Colored Shoes Day

May 9
National Lost Sock Memorial Day

May 11
National Foam Rolling Day

May 14
National Dance Like a Chicken Day

May 18
National Visit Your Relatives Day

May 24
National Scavenger Hunt Day

May 29
National Paperclip Day

May I Have the Language of Origin, Please?

The Super Bowl of spelling bees is the Scripps National Spelling Bee. The E.W. Scripps Company took ownership of the bee in 1941; however, the bee originated under the banner of the *Louisville-Courier Journal* newspaper in 1925. Their goal was to pump up student interest in an otherwise tedious subject by offering an elevated platform, a trophy, and \$500 in gold coins.

Mission accomplished. An injection of financial incentive never hurts. These days, the victor can look forward to a \$50,000 cash payout, among other prizes. Can you spell "moolah"?

There were co-winners of the bee in 1950, 1957, 1962, and 2014 2016, and eight declared winners in 2019. Each received full cash prizes. To prevent ties, a written tiebreaker was instituted for the 2017 and 2018 bees. Naturally it wasn't needed either year, and bee organizers decided to ditch it. Too many logistical headaches.

Misspellings, obviously, will get contestants booted from the competition, but there are four other exit routes as well. They include not approaching the microphone in time for one's turn, unless there are extenuating circumstances (bathroom emergency, perhaps?); engaging in unsportsmanlike conduct; altering letters in the process of retracing a spelling; and mumbling incoherently while spelling.

There's also a clandestine element to the bee. The spelling bee word committee (12 members) approves all words used in the competition. But the first rule of membership is not admitting membership. Outside of lead "pronouncer"/moderator Dr. Jacques Bailly — who's been doing it since 2003, assisted for 12 years prior to that, and won the bee in 1980 — the rest are an Illuminati-like mystery. •



By Scripps National Spelling Bee - Flickr: D3S 7219, CC BY 2.0, <https://commons.wikimedia.org/w/index.php?curid=15389208>

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



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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.

What Should You Do if an Officer Suspects You of Driving Under the Influence?

If you get pulled over for DWI (DUI), do not do field sobriety tests. Any pre-arrest tests you may be asked to take are not mandatory. You will not lose your license for refusing any such tests. The requirement to take a field sobriety or blood alcohol test only applies after you are arrested. If you refuse at that time, the State will seek to suspend your license. You are also not required to answer any questions regarding your activities. Prior to arrest, a driver is only required to provide license and registration.

In asking questions and requesting field sobriety or other testing, an officer is gathering information to determine if there is probable cause for an arrest. By answering questions or performing tests, you are assisting the officer in **developing probable cause**. It would be difficult for an officer to gather sufficient evidence for an arrest if the only observations that officer had were of you sitting in the vehicle.

Often the officer will ask the operator to step out of the vehicle. Unless you are going to be placed into custody an officer cannot order you out of the vehicle: that is merely a request. (Custody usually, but not always, leads to an arrest). If you are ordered out of the vehicle, comply with the officer's order. The time to challenge the officer's decision to place you in custody is not as it is happening. A failure to comply can lead to additional charges. If the officer has not developed probable cause to arrest you, a motion to dismiss those charges can be filed. ●

