



Seufert Law Offices, PA

We'll Get You Through It



From the Captain's Log Peace in the Middle East

Hezbollah, Taliban, Boko Haram, the Middle East is such a train wreck. Having travelled to the Middle East many years ago during a lull in the various civil wars, the people, the food, and the landscapes were all such a wonder, but the scars of civil unrest were evident everywhere, and the ghosts of future conflicts omnipresence. Having returned to the relative peace and security of the US (although not so much lately) I had a new appreciation of how democracy works to unify a country. In the Middle East, however, the culture is more tribal, if you are not from my village you may be my enemy.

Fast forward and I was leaving the dock at Great Bay Marine on my dingy ride to the Litigator when another sailor was returning from his boat to the dock. He had a passenger trying to alight from the dingy onto the dock, was having trouble, and I offered some assistance. The following week this same captain was motoring his dingy past the Litigator and stopped and asked politely if I could assist with installing some solar panels on his boat as he had seen me installing some on mine during the springtime ritual that we sailors call "commissioning the boat" – or what my wife describes as "running away to the boatyard every weekend". I offered to assist and arrangements were set for the following weekend to visit his boat and take measurements. Turns out Ned is Middle Eastern, from Turkey. His boat, "Turkish Delight" has been docked at the marina for a dozen years but the chance to say hello never realized, until our meeting at the dock, and then him following up a week later. Ned immigrated to the US as a young man seeking a better life and found NH to be an ideal place to live. We have since had long talks about boat maintenance, politics, religion, and good whiskey. The agreements far greater than the disagreements.



I just wonder if we could just say hello to a stranger and exchange small talk if the world might become a better place. •

August 2020 News



Bankruptcy Options

The coronavirus outbreak has forever changed the way people live. From mom-and-pop stores that had to close down because of control measures to countless individuals who lost their jobs for related reasons, the outbreak has made it difficult for many people to pay for bills, debts, and mortgage payments.

If you're in this situation right now, you may have already considered declaring bankruptcy. It can help reduce your debts and keep bill collectors at bay. But it also affects your credit score and your ability to acquire a loan in the future. Our bankruptcy lawyer in NH helps you determine the pros and cons so that you can be confident with making your next move.



The Fundamentals of Bankruptcy

Bankruptcy may be a way for you to get out of debt when you know that it's otherwise close to impossible for you to get out of. People usually file for Chapter 7 or Chapter 13 bankruptcy.

Chapter 7 bankruptcy liquidates non-exempt assets and discharges all unsecured debts. Under this form of bankruptcy, you keep most, if not all, of your assets. Alternatively, Chapter 13 bankruptcy is available if your income is too high for Chapter 7 or you have too many assets, but most all people are within the Chapter 7 limits.

Both bankruptcies would be on your record for seven to 10 years.

If there's one thing you have to keep in mind about filing your bankruptcy, it's that the price of financial freedom can have negative consequences on your financial record. An experienced lawyer may ease the impact. They'll help you rebuild your credit score.

The Perfect Time to Declare Bankruptcy

Contrary to the common assumption that businesses are the ones who typically declare bankruptcy, it's individuals who file bankruptcy more often. Many people take this opportunity to start over when they no longer have the income to pay for a mortgage, credit cards, or car loans.

There's no "ideal time" to file for bankruptcy. But if you're struggling financially and you no longer have the means to meet your financial obligations in the coming years, now may be the best time to ask the court for relief with some of your loans, mortgages, bills, and others qualified expenditures.

Let Our Bankruptcy Lawyers Help

Our Chapter 7 and Chapter 13 bankruptcy lawyers help you learn about debt control strategies that allow you to make the most of bankruptcy protection. Request an online free consultation today. ●



The Process of a Divorce/ Parenting Petition And Court

A divorce and a parenting petition have a very similar process making their way through court. Both actions begin with the filing of a Petition and end with Orders which always include a Final Decree and may include orders on child support, alimony and parenting time. The difference between the two is that in a Parenting Petition because the parties are not married, there is no joint property. In other words, the Court cannot order a division of debt and assets.

Both cases start with the filing of a Petition. If there are children in a divorce, it will also include a Uniform Support Order (child support) and a Parenting Plan, which are the two most important documents in a Parenting Petition. Sometimes in a Parenting Petition the parties are living together and neither party wants to give up the residence. In a divorce, a residence is marital property and the parties can ask the judge for an order if they cannot come to an agreement. In a Parenting Petition, because the parties do not have a legal obligation to each other, the judge only has jurisdiction over any children. Therefore, a judge cannot settle the dispute regarding the residence or any other property, such as a bank account, that the parties may have in common.

Both a divorce and a parenting case can be settled by agreement, mediation or through hearings at the Court. If a case does end up in litigation at Court, the judge will make important decisions about parenting time, child support and who gets what debts or assets. If you can come to an agreement it means you control the outcome of your case rather than leaving the outcome to a judge who is not familiar with the parties or their situation. ●

Enhanced Damages

Punitive damages refer to a legal recompense (a monetary benefit) that a court awards a victim if it finds that the defendant grossly and intentionally committed the offense. It is meant to punish the defendant, which is why it is never imposed on its own. Instead, the court awards punitive damages on top of compensatory damages. As it is a form of punishment, punitive damages are also called exemplary damages.

If you're filing a personal injury case in New Hampshire and hoped to ask for punitive damages, you'll be surprised to know that it has been outlawed since 2015.

Section 507:16 of the 2015 New Hampshire Revised Statutes on Actions, Process, and Service of Process states that *"No punitive damages shall be awarded in any action."* It would require the passing of a new statute to make punitive charges legal again in the state.

New Hampshire is not alone in making punitive damages unavailable. Rhode Island has the same rule, but only on wrongful death actions. For the rest of the states that allow punitive damages, some have applied caps on the amount the plaintiff can ask for, while others take into account the exceptions of their collateral source rule, if there are any.

Why Are Punitive Damages Unavailable?

New Hampshire disagrees with the notion that defendants should receive exemplary damages for the sake of receiving punishment. It chooses to emphasize the scope and severity of the plaintiff's injury rather than merely punishing the defendant. How? By offering enhanced compensatory damages instead of punitive damages.

What Is the Doctrine of Enhanced Compensatory Damages?

A court in New Hampshire may expand or supplement the damages a plaintiff will receive if the defendant's actions were particularly egregious. According to state law, courts may only award enhanced compensatory damages if the defendant's actions had been "wanton, malicious, or oppressive."

If you wish to be awarded these damages, you must prove that the defendant acted wantonly or maliciously or that the aggravation you experienced warrants this decision.



What Cases Get Awarded with Enhanced Compensatory Damages?

This doctrine stresses that ordinary carelessness, or negligence, does not call for enhanced compensatory damages. Unfortunately, it also means that cases that usually get punitive damages awarded to plaintiffs may not have a similar outcome in New Hampshire.

For example, a typical car crash due to drunk driving usually does not merit enhanced compensatory damages, but if the defendant's driving was particularly egregious, say driving 100 + mph, swerving all over the road, just waiting to cause a horrific crash, that may be enough to prove the reckless indifference that NH classifies as "wanton conduct."

What will finally convince a court to award these damages is a case by case basis, the worse the defendant's conduct the more likely to get into the Enhanced Compensatory range, but that is the exception and not the rule. Of course, intentional ill will, hostile, or evil motive certainly moves it up a notch.

Personal Injury Attorneys Can Help

Pursuing enhanced compensatory damages in New Hampshire is challenging, both because of NH Law, as well as that some insurance policies do not cover the defendant's actions if intentional ill will, hostile, or evil motive is alleged.

To secure just compensation for a personal injury, you'll need experienced personal injury attorneys. To get enhanced compensatory damages, you need to prove that the defendants' actions were wanton, malicious, or oppressive. ●

August 2020 Notable Dates

August 1

National Raspberry
Cream Pie Day

August 3

National Watermelon Day

August 7

National Lighthouse Day

August 13

National Left-Handers Day

August 18

Bad Poetry Day

August 21

National Senior
Citizens Day

August 26

National Dog Day

August 27

Just Because Day

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Protect Your Family, Protect Your Rights



Peace in the
Middle East

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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.

Alcohol Isn't the Only Cause of Driving Impairment

When it comes to DWI, many people automatically think “alcohol.” However, a myriad of drugs—illegal, prescription, and over-the-counter—can also impair one’s ability to safely operate a motor vehicle and subject a person to DUI charges. In addition, adding alcohol to ingestion of drugs (legal or illegal), in combination can also lead to DWI.

The National Highway Traffic Safety Administration estimated that in 2014, approximately 22 percent of drivers involved in fatal auto accidents were impaired by drugs. In over half those cases, prescription drug usage was involved.

Drugs of many varieties can cause drowsiness, dizziness, impaired motor skills, diminished reflexes, sensitivity to light, and impaired judgment—all of which can make driving a perilous venture. In addition, not all drugs affect people in the same way.

Measuring a person’s blood-alcohol concentration can be done easily and with a high degree of accuracy at the time of a traffic stop, or shortly thereafter. Measuring drug impairment is a bit trickier. For instance, some drugs can be detected in a person’s bloodstream or urine for weeks after use, making it difficult to determine actual impairment at a given time.

Drivers need to keep in mind that just because they are under doctor’s orders to use a certain prescription drug, or they have state permission to utilize medical marijuana, that does not give them the green light to drive, they can be charged with DUI if caught driving while impaired by them.

If you or someone you know has been charged with DUI due to drug use of any kind, contact a DUI attorney who knows the ins and outs of the scientific and legal implications in order to protect your rights. ●

