



Seufert Law Offices, PA

We'll Get You Through It



From the Captain's Log You Can't Make This Stuff Up

Got a call from my friends that a musician acquaintance of theirs was coming up from Buck's County, PA to spend the weekend with them at the marina. Boy, that's a 7 hour drive for this guy. About 8:00 pm they ask me to go fetch the guy from the dingy dock as he was just driving in. Gangly and around 50 years old he walks up to me with a guitar case, handful of blankets and sleeping bag, and says – "Hi, I'm Mark, pleasure to meet you". We jump in my dingy and out to the moored boats we go. In the 5-minute boat ride this guy starts talking about how he knows the Professor, both past teachers in a Philadelphia facility for troubled teens... how he had a head injury when he was young, and another a year ago...his wife had recently divorced him ... that he left his dog alone for the weekend in his apartment and hopes she doesn't tear up his place... boy this marina is beautiful... did you know that President Garfield died not from the assassin's gunshot but by the inept doctors that tried to remove the bullet ... people from the middle eastern cultures are much easier to befriend so he's moving back to Turkey, where he had also taught English to non-English speakers... what do you have for food on the boat. This guy never stopped talking and with relief I delivered him to their boat with an excuse that I had to do some maintenance on my boat.

About an hour later I heard a guitar start to sing and I had to go back to their boat. For 5+ hours Mark played Springfield, Cat Stevens, Moody Blues. When he stopped playing his guitar he started talking, continuously, so we kept handing him his guitar back to play. The next day we headed out of the marina and down the river to the harbor entrance and someone handed him an alien doll (source of which is a whole other story) and Mark sat in the cockpit and played more beautiful music, with all the other boat traffic slowing and smiling. After that weekend he had to go back to PA but promised to return.

And the next weekend he did, this time stopping in NYC to pick up another friend so now an 8 hour trip. He arrived at 8 am, having left at midnight and again played and sang all day, deciding that his dog this time wouldn't tolerate his being away so at 8 pm he turned and headed back to NYC and then Buck's County, PA. It is said that there is a fine line between genius and insanity – not sure what side of that Mark is on. •



November 2021 News



Drugs and DWI

When it comes to DWI, many people automatically think “alcohol.” However drugs, over the counter, prescribed and illegal, can also impair your ability to safely operate a motor vehicle. Of course, alcohol combined with any form of drug almost always enhances the impact of both on an individual. Any level of impairment in New Hampshire can lead to both an arrest for and conviction of 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. In other words, those individuals had ingested drugs which were legal for them to use.



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 more difficult. That is because some drugs can be detected in an individual’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 being under a doctor’s orders to use prescription drugs or having state permission to utilize medical marijuana does not also provide authorization to drive when using those drugs. Such a person can be charged with DWI if caught driving while impaired.

If you or someone you know has been charged with DWI due to drug use of any kind contact a DWI attorney who is familiar with the scientific and legal implications of such a charge and can work to protect your rights. ●



Origins of Veterans Day

The Great War, or World War I, was ignited on June 28, 1914, with the assassination of Archduke Franz Ferdinand (and his wife), the heir to the Austro-Hungarian Empire, by a Serbian nationalist. Austria-Hungary blamed the Serbian government and requested German military support. Serbia sought Russia’s help. The war was on.

President Woodrow Wilson pledged U.S. neutrality. However, economic/financial interests; Germany’s indiscriminate sinking of passenger and merchant ships, many of which carried Americans; and a proposed secret alliance between Germany and Mexico (the “Zimmerman Telegram”) forced his hand. The United States entered the battle in April 1917.

Fast-forward to November 11, 1918. An armistice was signed to end the fighting — the Treaty of Versailles made it official seven months later. The Allied forces (Russia, France, Great Britain, United States, etc.) had emerged victorious over the Central Powers (Germany, Austria-Hungary, Bulgaria, Turkey, etc.). The war exacted a heavy toll: over 8 million soldiers killed, nearly 38 million wounded (military and civilian).

President Wilson proclaimed November 11 “Armistice Day” in 1919, a day to reflect on the heroism of Americans who served in the conflict and to express gratitude for the victory. Armistice Day became a legal holiday in 1938.

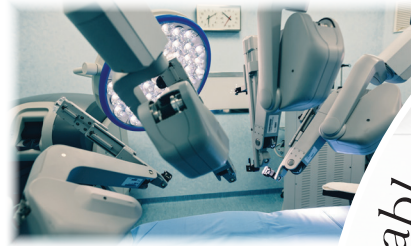
But the “war to end all wars” moniker was wishful thinking. In 1954, following World War II and the Korean War, Congress changed Armistice Day to “Veterans Day” to honor all veterans (wartime and peacetime) for their service, not just World War I vets.

The date of Veterans Day was messed with by Congress for a seven-year stretch in the 1970s with the whole long-weekend thing. However, after veterans and many state legislatures voiced their displeasure, November 11 again became a fixture in 1978..

Freedom is never free, to all U.S. veterans, thank you for your service! ●

Robotic Surgical System Sticking Points

Compared to long-incision open surgeries, laparoscopic procedures utilize multiple small incisions and a tiny camera to help the surgeon survey the situation and facilitate improved outcomes and quicker healing. Since 2000, robotic surgical systems have been touted (primarily by aggressive manufacturer marketing) as taking laparoscopic procedures to the next level.



Robotic systems, in particular the da Vinci Surgical System, consist of a large “tower” looming over the patient, and arms replete with tools, scalpels, cameras, and other medical equipment. The human surgeon sits off to the side, manning a computer console to maneuver the arms.

Robotic systems enable smoother, more precise movements and a wider range of motion. The da Vinci robot is used primarily for gynecologic, gastrointestinal, and urologic procedures.

However, robotic surgeries generally take longer than laparoscopic ones (meaning extended anesthesia) and sometimes require larger incisions. Several recent studies have found that, overall, current patient outcomes were not improved with robotic procedures.

And, robots cost up to \$2.5 million each. To recoup the cost, many hospitals encourage da Vinci procedures even when laparoscopic procedures would be more effective (and less expensive).

Additionally, there is no standard policy for training. Some hospitals give the green light to surgeons after only three practice sessions — practice doesn't make money. The Food and Drug Administration (FDA) lacks the authority to oversee training and education.

Over the past decade, the FDA has tallied 20,000+ reported da Vinci related “adverse events”: 274 deaths, 2,000+ injuries, and 17,000+ device malfunctions. The most frequent injuries include internal burns, organ punctures, nerve damage, and blood vessel/artery tears.

A surgical robot's efficiency depends on the manufacturer and/or the skill of the surgeon.

Personally, I don't think robotic surgery is all it is touted to be and would take a pass, but that's just me.

If you are harmed by a robotic surgery, contact our office for expert guidance. ●

PART II: Why Does It Matter In A DWI Case



An officer sometimes requests a Preliminary Breath Test, or PBT, during the course of a DWI investigation. If the officer makes such a request of the operator of a vehicle, it is normally road side, after the driver has done the standardized field sobriety tests but before any arrest. Unlike the request for a breath test after an arrest, there is no form for the driver to sign. The officer will make the request verbally. The officer must inform the driver that whether or not they agree to a PBT does not prevent a subsequent post arrest breath or blood test. If the driver agrees to the test, the results must be provided immediately. However, the results can be provided verbally unless the driver requests that the results be furnished in writing.

If the driver refuses to take a PBT, such a refusal is not admissible in court (except for the limited purpose of establishing probable cause for the arrest if the driver asserts that there were insufficient facts to support the arrest). However, if the driver agrees to take a PBT, the results of such a test are admissible for “any purpose” in court. PBT devices do not have most of the safeguards that the Intoxilyzer has making it arguably less accurate.

If an officer requests that you take a PBT test it probably means that the officer is concerned about whether there is enough evidence to arrest you without it. In other words, whether there is sufficient probable cause for the arrest. Do not take the test unless you have not consumed any alcohol. ●

November 2021 Notable Dates

Nov. 2
Election Day

Nov. 4
Check Your Blood Pressure Day

Nov. 7
Daylight Saving Time ends (2 a.m.)

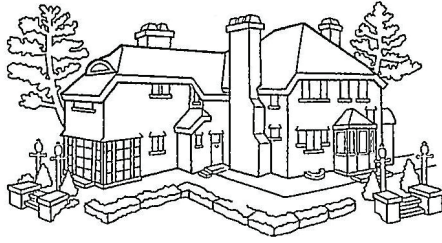
Nov. 11
Veterans Day

Nov. 23
Eat a Cranberry Day

Nov. 25
Thanksgiving

Nov. 28
Hanukkah begins (sundown)

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Protect Your Family, Protect Your Rights



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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.

Assets Uncovered after the Estate Has Closed

Sometimes, estate or trust administration appears to be all wrapped up, and the estate is officially closed or the trust is terminated. Then weeks, months, or years afterward, other assets are discovered. Now what?

Generally speaking, guidelines to distributing assets discovered after an estate has been closed encompass the following:

- When someone dies intestate (without a will), state law determines the rightful heirs of the estate's property. Newly discovered assets will be distributed by the same formula.
- If the decedent died and had a will, and if the estate needs to be reopened because of additional assets, the "new" assets will be distributed according to the provisions in the will, just as the "original" assets were.
- If the decedent passed away with a will that called for all assets to be placed in the decedent's trust, any new assets will wind up in the trust, too, to be held, sold, or distributed in accordance with the terms of the trust. The beneficiaries of the trust are the rightful recipients of newly discovered assets.

It is imperative to know who the rightful recipients are to assets discovered after the estate has been closed, and what to do next. Consulting an experienced estate attorney can help you avoid disputes, potential liability, and harm to the estate. ●

