



Seufert Law Offices, PA

We'll Get You Through It



From the Captain's Log Obsession in Seattle

So off to Seattle, where over 2000 of my closest friends gathered once again for the semi-annual trial lawyer's convention. We partake of educational seminars during the day, and a bit of whiskey at night. The nice thing is that I have some lawyer friends in the Seattle and Portland areas that I was able to catch up with, which is always fun. Having been to Seattle in 2018 there were a few things I hadn't gotten to see back then, so tried to get those in. And Seattle is Pacific Ocean, so I'll give you one guess as to what else I had to do in some spare time.

OBSESSION is a storied 70' former Maxi Class racer, who spent her wayward youth racing in the Atlantic and the Med. She was built at the Derecktor Shipyard, where my former 60' was built, and is 100' tall, tipping the scales at 34 tons. A friend's law firm in ME had chartered her for an afternoon and it was 1st call, 1st on. I was the 2nd volunteer. Its current captain is a retired San Diego firefighter who now is a full time live-aboard sailor with his own 52', but in storage in the Sea of Cortez for the summer, so he was in Seattle to grub together some food and whiskey money for his upcoming winter sailing season. A few minutes away from the pier I ask him if I could give the girl a go and he gladly turns the wheel over. To say she is responsive is an understatement, there was no doubt as to her pedigree. A few other sailors aboard also wanted some wheel time so I had to pass the wheel, but baby, she loves to sail.



Maybe she'll be up for sale sometime? •

August 2022 News



Road Construction Zone Danger Cuts Both Ways



Each year, hundreds of road construction workers across the country are killed in work zones due to traffic incidents. One of the top causes is drivers who pass on the outside of the construction zone and collide with workers, equipment, or other vehicles. Drivers passing through work zones need to pay attention, follow instructions, and observe the speed limits.

However, construction zones can be dangerous for passersby as well. According to a study conducted by the Federal Highway Administration in 2010, construction zones were the sites of roughly 87,000 vehicular accidents per year, nationally, leading to over 37,000 injuries, not to mention damage to property.

Work zones containing incorrect, improper, or confusing signage; insufficient warnings on lane closures, merges, or shifts; sudden speed changes; missing cones or barrels at key points; dangerously uneven pavement or unblocked, unmarked holes in the road; poor lighting; and construction vehicles entering and exiting the roadway in a reckless manner are a few of the hazards that may lead to accidents.

Road repair/construction is an inevitability. Roadways in a state of disrepair will be a source of danger to motorists and need to be fixed. But it needs to be done with the highest standards of safety and care in mind. All of the situations mentioned previously are completely avoidable.

If you are the victim of negligence at a road construction zone, you may file a claim against a worker, the construction company, the city, or other entity involved in the situation. Contact an auto accident attorney to safeguard your rights. ●

Navajo Code Talkers Day — August 14



In the early stages of WWII, the Japanese military — supremely skilled at deciphering codes — disrupted U.S. strategies at every turn. In 1942, Philip Johnston, the son of missionaries who lived on the Navajo Nation, suggested using the Navajo language as a military code, since it was complex, geographically isolated, and largely unwritten.

A Navajo recruitment program was instituted in May 1942. The first 29 recruits (eventually “code talkers”) had to undergo basic training, meet linguistic requirements in English and Navajo, and pass a radio operations course. Then they embarked on hammering out coded language with military communications personnel.

The Navajo radio code consisted of words selected from the Navajo language and applied to military phrases. There were over 200 terms initially; 400+ by war’s end. In battle, the code was not written down anywhere; it was all transmitted orally and deciphered in the code talkers’ heads. Most importantly, the Japanese never cracked the code.

Marine officials were stunned at how quickly code talkers — on the front lines — could transmit, receive, and decode messages from other code talkers despite intense pressure. During the battle of Iwo Jima, six code talkers sent over 800 encrypted messages. All were transmitted and received without error.

(Years later, one code talker commented on the irony of the federal government discouraging Native American language and culture through government-run assimilation programs at the time, but utilizing the Navajo language to prevail in war.)

The Navajo Code Talkers program remained classified until 1968, delaying acclaim for the roughly 400 heroes who made it happen. Eventually, an official day of honor was established in 1982, and all code talkers received Congressional Medals of Honor by 2001. The movie *Windtalkers* (2002) spotlighted their exploits. Four code talkers are still alive today. ●



DWI Investigations

If you get pulled over and an officer wishes to conduct an investigation regarding a possible DWI (DUI) you are not required to do field sobriety tests prior to arrest. 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 generally 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. If you are going to be placed into custody an officer can order you out of the vehicle. (Custody usually, but not always, leads to an arrest). Ask the officer if you are being ordered out of the vehicle. 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.

If the officer cannot develop probable cause to arrest the vehicle can still be towed and the driver placed into protective custody. But that custody ends without any charges and as soon as the driver is released to a sober individual. ●

Divorce After 50

One of the most significant issues in a divorce later in life is the squeezed time frame to recover financially. A divorce means dividing assets with your spouse. Current market value is not the exclusive consideration of an asset. Some assets will become more valuable farther down the road.

Deciding who gets the house is a primary example. Age triggers eligibility for tax exemptions and waivers for real estate tax. A reverse mortgage, which can offer a potential stream of income, is an option beginning at age 62. Deductions for mortgage interest can be important in later years. Owning a house means access to equity if you choose to downsize.

Plans for retirement present another set of challenges that will require the careful attention of your attorney when the final divorce paperwork is being prepared. A separate court order, a Qualified Domestic Relations Order, may be necessary to cover the division of retirement benefits.

A small sample of the details your attorney should find the answers to are:

- whether you are eligible to receive distributions and still avoid tax penalties;
- whether you're entitled to any contributions made to your spouse's retirement plan(s) after the divorce; and
- whether you can get survivor benefits if your spouse dies after the divorce.

Social security comes into play as well and involves various factors: age, length of marriage, and number of years divorced, among others. These can all determine what you are entitled to as far as your spouse's social security benefits. Social security benefits are not assets that a divorce court can divide, but you need to be aware of the regulations to maximize your post-divorce income.

Divorce is unpleasant at any age, but its effects may be more far-reaching later in life. ●



August 2022 Notable Dates

Aug. 1
Mountain Climbing Day

Aug. 6
Root Beer Float Day

Aug. 8
Dollar Day

Aug. 13
Filet Mignon Day

Aug. 19
Soft Ice Cream Day

Aug. 24
Peach Pie Day

Aug. 29
More Herbs, Less Salt Day



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



Obsession in
Seattle

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.

Getting Student Pedestrians to School Safely

A new school year will arrive next month, and getting kids to and from school safely is priority number one. Although fewer than 15% of U.S. students walk to school, that's still approximately 7.5 million kid pedestrians nationwide (Research.com).

According to the National Safety Council, 128 pedestrians ages 5-15 were killed in 2020 as a result of crashes; roughly 15,000 were injured. Younger children are at risk for pedestrian accidents due to their small size, unfamiliarity with traffic laws, and lack of discernment in judging distance and speed. Older kids might be distracted (e.g., phones, music) or think safe practices don't apply to them.

Negligent drivers play a significant role in children's pedestrian injuries/deaths, too. However, let's focus on proactive moves parents can take to enhance safety.

Choose the safest route for your child. Sidewalks, fewer crossings, areas with lower speed limits, marked crosswalks, good visibility, and intersections with crossing guards are a fine start. **Then walk that route with your (younger) child** prior to the school year — possibly several times — pointing out potential hazards along the way.

Demonstrate proper crossing techniques at intersections and driveways. **Teach good habits early** — “look left, right, left,” being mindful of potential drivers in parked cars, etc.

Have your child wear brightly colored or retro-reflective clothing to achieve peak visibility. Emphasize that **phones, earbuds, and other devices have no place** on the trek to school.

Walking to school has key benefits. Studies have shown it improves social skills, teaches time management (you dawdle, you pay), and is excellent exercise.

If your young student is injured as a result of negligence, contact our office. We'll fight for the compensation you deserve. ●

