



# Seufert Law Offices, PA

*We'll Get You Through It*

## From the Captain's Log Chip Off The Old Block



My younger son is an avid fisherman. He prefers offshore shark fishing, and is quite good at it. Over the past few months he has been hinting that he would like to get his own fishing boat, something that could take his family offshore with, “just like Dad’s boat”. He started looking and sending me various pics, some not suitable, others with potential. We traveled around looking at some. Finally he found what looked like a perfect match, a 38’ Ocean Super Sport. It was a salvage boat, having suffered a sinking but refloated and gutted by the prior owner, who then ran out of time and ambition. But the price was right, free for the trucking to my son’s house, which was around \$2K.

Once she was in his yard then more texts, what motors should we get as the old ones were destroyed in the sinking? Some were not suitable but others had potential, and as he is much more of a gear head than this Captain I deferred to him on the final choice. He found a perfect match, a Cummins 450 hp with transmission for a steal, but of course it would be a trip to Brunswick ME to take a look. It will also require that he find another exactly the same as his 38’ is twin inboards, but this would be a start. So at o’dark ’30 he picks me up and I see in the rear seat his wife and two children, always a treat to be with them. On the way up to northern ME his wife reminded him that all his requisition trips were 100’s of miles, and also of the growing list of projects started and not yet finished, he declined to comment. I also reminded them that this project list goes back to childhood, again he declined to comment. At the allotted hour we arrived and the engine/transmission was as advertised so money was exchanged and a 3000 lb engine/transmission was set in the back of his 1-ton pickup by the forklift.

Let’s hope this project gets completed. ●

### November 2022 News



# What is “Implied Consent”?

NH RSA 265-A:4 provides that “any person operating a vehicle or an OHRV on a way, or a boat on public waters, is deemed to have given consent to a blood alcohol test or physical tests if that person has been arrested for an offense that arises out of acts the State alleges were committed while the person was operating under the influence of intoxicating liquor and/or drugs.”



If the arrest is for a violation or a misdemeanor, the driver has the right to refuse a request for a blood alcohol test, but at the potential cost of having his or her driver's license or operating privileges suspended. That suspension is for six months for the first refusal with no prior DWI convictions. The suspension is for two (2) years for a second refusal or if there is a prior DWI conviction. The same suspension is imposed if the driver agrees to a test the results of which are an .08 or higher if the driver is twenty-one (21) or older, .02 if not.

If the driver refuses a blood alcohol test, any suspension will run consecutively to any other suspension, in other words either before or after any suspension imposed by the court. If the driver takes a test with a result above the legal limit, the suspension may run concurrently, at the same time as any other suspension.

The Implied Consent suspension is completely separate from the DWI charge at court. The driver is required to request to hearing to avoid any possible suspension at DMV. Such a request must be made within thirty (30) days of the day the person is provided notice of the refusal or the blood alcohol results. DMV will suspend the driver's license, or operating privileges for an out of state operator, if the driver does not request a hearing.

If you are arrested for DWI, you need to request a hearing at DMV within the thirty (30) day time frame, either on your own or with the help of an attorney. Failure to do so will result in DMV suspending your license for a significant period of time. •

## Succinct, Profound, and Enduring



President Abraham Lincoln delivered his revered Gettysburg Address on November 19, 1863, at the dedication of the Gettysburg National Cemetery. Notably, he was not the keynote speaker scheduled that day.

Preceding Lincoln's address, renowned orator Edward Everett — an academic, politician, and diplomat — spoke eloquently for two hours. Lincoln delivered his 272-word address in two to three minutes, focusing on universal ideas of human equality, devotion, and sacrifice — nothing explicitly mentioning the Civil War. Afterward, an admiring Everett told Lincoln, “I should be glad that I could flatter myself that I came as near to the central idea of the occasion, in two hours, as you did in two minutes.”

Contrary to popular legend, historians concur that Lincoln did not hurriedly write his address on the back of an envelope while riding the train from Washington, D.C., to Gettysburg. Drafts were written on White House stationery in neat, even script, unlike what a person riding a bumpy train would have fashioned. Lincoln penned five copies of his address (with slight variations). They reside at the Library of Congress (2), Illinois State Historical Library, Cornell University, and the White House.

It was good that Lincoln's speech was brief. Turns out he may have had smallpox when he delivered it. He had been experiencing high fever, headaches, backaches, and scarlet blisters on his skin. Lincoln took three weeks to recover upon his return to the White House.

Not everyone was a fan of Lincoln's address. The *Patriot & Union* newspaper of Harrisburg, Pa., dismissed it as nothing more than “silly remarks.” However, 150 years later, it (now the *Patriot-News*) issued a retraction of its original review, citing the influence of partisanship at the time ... and “possibly strong drink.” •





# Surgical Errors

All surgeries carry inherent risks to patients who undergo them, but doctor/nurse negligence can further complicate this situation. Negligence can occur in “major” or “minor” surgeries, as well as tests/screenings/diagnosis, worsening patients’ health outcome and sometimes resulting in death.

Following is a list of some surgical errors that are more common than they should be:

- Surgery on the wrong patient. Miscommunication between health-care professionals, lack of preoperative verification, and inadequate hospital protocol can lead to the loss of healthy organs and other consequences, not to mention that the original intended surgery still hasn’t been performed.
- Wrong-side surgery. Whether a patient has the wrong leg amputated or a healthy kidney removed and the diseased one left untouched, it’s a mistake that should never happen.
- Foreign objects left in the body. Sometimes when a patient is “closed up” after surgery, they wind up having more parts inside them than prior to surgery. Sponges, clamps, gauze, pads, and scalpels have on occasion been left behind, inside patients. Extreme pain, serious infection, and death are the obvious potential outcomes. A patient who survives initially will need another surgery to remove the left-behind item.
- Anesthesia errors. Too much anesthesia may lead to lack of oxygen, brain damage, and death. Too little might result in a patient waking up in the middle of surgery in excruciating pain.
- Collateral damage. While surgery to correct one problem may be successful, other problems are sometimes created. A punctured organ or damaged nerves may lead to lifetime disabilities, chronic pain, and serious infection.

If you’ve been a victim of a surgical error, contact an experienced medical malpractice attorney to fight for your rights for just compensation. •

November 2022 Notable Dates

**Nov. 1**  
Authors Day

**Nov. 6**  
Daylight saving  
time ends

**Nov. 8**  
Election Day

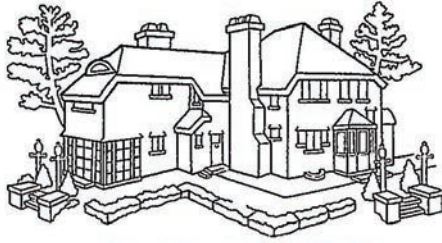
**Nov. 11**  
Veterans Day

**Nov. 14**  
Pickle Day

**Nov. 24**  
Thanksgiving

**Nov. 25**  
Black Friday

Seufert Law Offices, PA  
Attorneys At Law



59 Central Street, Franklin, NH 03235  
(603) 934-9837

[www.seufertlaw.com](http://www.seufertlaw.com)

*Protect Your Family, Protect Your Rights*



## Chip Off The Old Block

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# Guardianship and Adoption Are Not the Same

A guardianship establishes a legal relationship between a child and an adult who is not the child's biological parent. The guardian is responsible for all the basic day-to-day needs of the child, such as food, shelter, emotional support, education, consent for medical treatment, and so forth.

There are various forms of guardianship; most of them do not nullify certain privileges or obligations of the biological parents, such as visitation, child-support payments, and inheritance when there is no will. In basic terms, the biological parents are still viewed as the child's parents in the eyes of the law but the guardian has custody and the say today as to how the child is raised. In NH a guardianship is not "permanent". It lasts as long as there is a need for a guardian, or until the child reaches 18, but in certain circumstances can be extended.

Adoption on the other hand is the legal process by which the natural parents rights are extinguished and new "parents" assume all the parental rights and responsibilities for the child, and this is permanent. The biological parents lose all their parental rights and are relieved of all responsibility to the child. From a legal perspective, the relationship between the biological parents and the child has been severed.

In cases of remarriage when a stepparent cannot adopt the stepchild due to the other biological parent not consenting to an adoption, the stepparent can apply for guardianship to gain more legal rights and standing.

If you have questions or concerns about guardianship or adoption, contact a family law attorney for the expert guidance you need. •

