



Seufert Law Offices, PA

We'll Get You Through It

From the Captain's Log May Day May Day



Yes, it's May – but May Day can have a whole different meaning. The annual ritual of getting the boat ready for the water begins as soon as the snow melts at the marina. Tarp comes off and the work begins. Now a boat, while needing to be water tight, has many hoses, clamps, and fittings to keep the good water going in and going out, and the bad water just plain out.

So this spring, like so many false starts in NH, began with some real nice weather to quickly melt the remaining snow. The marina was quickly abuzz with activity, tarps came off, ladders went up, and all looked good for an early summer. Then the weather turned too cold and rain and the marina went quiet. Undeterred, each weekend I went to the marina, only to be beaten back by Mother Nature. So when the last weekend in April turned to sun, out came the mop, bucket, soap, polishing compound, buffer and off came the winter's grind. Sunday had the wax applied and all looked good - outside. The following week the marina's trailer pulled Litigator from its winter lair and to the waiting travel lift to be lowered into the ocean. Then the May Day call from the marina manager.

Well, all the last minute rush to finish the outside created a little forgetfulness. In the bilge is a small ¼" drain plug in the intake filter for the generator's cooling system. It drains the filter basket so that it doesn't freeze in the winter. In winter's past I have forgotten to remove that drain and then needed to source a new basket, which on a 30 year old boat is no small task, and they are not cheap. So I have remembered since to make sure that gets removed in the fall. Unfortunately, one must reinstall the plug in the spring.



So the travel lift reintroduced the Litigator to terra firma until the "leak" was located. Fortunately, while I was at my office, other Captain friends were at the marina and one jumped on and found the errant leak, quickly avoiding disaster, and Litigator was placed at her berth to begin another season. Next fall I think I will place that drain plug in a more conspicuous location when I remove it. ●

May 2023 News



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Drugs and DWI

When it comes to Driving Under the Influence (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 DWI charges. 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 alcohol concentration can be done easily and with a high degree of accuracy at the time of a traffic stop, or shortly thereafter. In addition, there is a legal limit prescribed by law for alcohol. Measuring drug impairment cannot be immediate. The only way to measure a person’s drug concentration levels is by way of a blood test. In addition, there is not a legal limit prescribed by law for any drug. That means that in addition to proving that an individual’s blood test is positive for drugs, the State must also prove that the levels are high enough to cause that individual to be impaired.

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 while impaired. That impairment can still lead to an arrest for Driving While Intoxicated, even if it may be more difficult for the State to obtain a conviction. •



Hardship Or “Cinderella” License



A few years ago, New Hampshire adopted a law which allows individuals who are convicted of a DWI 1st offense to file a Petition for Limited Driving Privileges or what is generally known as a hardship, or Cinderella, license. The ability to petition for these limited driving privileges is not available to those convicted of any other DWI offense, for instance an Aggravated DWI or a DWI 2nd. The process to obtain these limited driving privileges is not an easy one even if you qualify.

Anyone requesting these limited driving privileges must set forth the reason that they need to drive. The law limits the factors which demonstrate such a need. The most common factor is getting back and forth to work. The petition requires that you list the address of your employment as well as the specific hours that you work. So if you have a job that has specific hours, even if you work third shift, you can petition for the privilege to drive to your employment. If your job involves travel from place to place you will not be able to file the petition. You can also petition for limited driving privileges to attend school or to travel to medical, alcohol and/or drug treatment.

There are additional requirements to obtain these limited driving privileges. The Court cannot grant you the Petition for Limited Driving Privileges until you have served at least forty-five days of the suspension of your license. If the Petition is granted, once the forty-five days have passed, you must go to DMV with the Petition and pay \$50 for a permit to drive. You will not get your physical license back. The Court will also require that you install an Interlock device in your car for twelve months even if you get your license reinstated earlier than that. You must also file with DMV an SR22 form which is proof of insurance on your license.

The process of filing for and obtaining these limited driving privileges is complicated. The privileges are termed “limited” because they are just that. Those factors may outweigh the advantage of having such privileges. If you are thinking of filing a Petition for Limited Driving Privileges it is important to make an informed decision. The best way to do so is to speak to an attorney who is familiar with the process. •

Riding Under the Stars

May 2023 Notable Dates

May 4
National Day of
Prayer

May 5
Cinco de Mayo

May 6
Kentucky Derby

May 14
Mother's Day

May 19
Bike to Work Day

May 26
Sally Ride Day

May 29
Memorial Day

MAY IS MOTORCYCLE SAFETY AWARENESS MONTH

Riding a motorcycle at night can be exhilarating: fresh air, stars, moonlight, less traffic, etc. But safety-wise, it's trickier, too.

Obviously, visibility is hindered — nothing lights up the landscape quite like sunshine. That means less time to react to road hazards. Potholes, downed branches, wet leaves, manhole covers, loose gravel, puddles, ice patches, deer and moose crossing the roads, are frequently more hazardous to motorcyclists than motorists, given motorcycles are less stable and riders way more exposed. Streetlights and oncoming headlights might create glare or be blinding, too.

Temperature fluctuations after dark can also impair visibility. For instance, fog could cause condensation on a rider's visor, windshield, and rearview mirrors; applying antifog solution is wise. Falling roadway temperatures can also reduce tire traction.

Motorcyclists are already behind the eight ball when it comes to being seen. Make sure all reflective gear and equipment are up to the task and all lights in good working order.

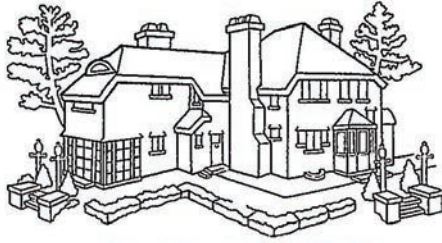
Nightfall also ushers in an upswing in drunk drivers who have exited bars, restaurants, parties, and barbecues. Driving under the influence puts everyone on the road at risk, especially motorcyclists.

Nocturnal creatures may scamper or mosey across roadways. Some freeze in the headlights of an approaching vehicle, as their eyes need time to adjust from complete darkness to sudden illumination.

After a long day, drowsiness might overtake motorists and cyclists alike, which is as dangerous as driving while intoxicated. Reaction time, judgment, and awareness are compromised, and if a driver nods off....

If you are injured due to the negligence of another driver, contact our office to protect your rights. •

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Protect Your Family, Protect Your Rights



May Day
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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.

All-Important Jury Selection

The vast majority of personal injury cases (95%) are settled out of court. That means 5% still go to trial, and one factor has the potential to decide a case before the trial even begins: jury selection.

The facts of a case, witnesses, attorney skill, and likeability all impact case outcomes, but the importance of jury selection cannot be overstated. A process called jury panel voir dire kicks off the proceedings.

In voir dire, plaintiff and defense attorneys are given the opportunity to personally question potential jurors to determine their biases. The voir dire process is the only time attorneys can have back-and-forth conversations with potential jurors and establish rapport. Direct addresses to the jury at trial are one-way conversations: opening statement, closing statement, rebuttal.

Attorneys can seek to excuse a prospective juror from the jury pool for “just cause.” A judge may grant the request if he/she agrees that the juror is highly likely to be biased toward one side. Attorneys also have a limited number of “peremptory strikes” that can be used to remove someone from the jury pool without explanation — e.g., just a hunch that a prospective juror would be a thorn in their side. Bottom line, each side is pushing for a favorable jury to reach their desired outcome.

Our firm is always prepared to go to trial when a fair settlement cannot be reached. We will utilize our skill and experience to select a favorable jury, win your case, and maximize your recovery. ●

