

The Road To Justice Starts Here

Exclusively Representing Women in Divorce, Custody and Support Matters.

what's inside

page 2

Easy holiday recipe

Early-stage probate fraud

“Like” the Law Offices of Paul H. Nathan facebook page for a good cause before December 20th!

page 3

Some couples choose long-term separation

DUI/DWI—Serious offense, serious penalties

page 4

Distracted walking: A growing concern

driverless cars, LEGAL REPERCUSSIONS

Driverless cars are capable of driving completely without human help. Though this technological innovation may seem like the greatest thing since the invention of the car itself, it may raise some legal issues. After Google and Toyota announced their launch of these autonomous cars, some states began to mold their laws in response to this invention. In 2012, Nevada, Florida and California all passed laws addressing this issue. According to a Harvard Law article¹, these responses are only the beginning steps of the issue at hand. These cars will require states to mold their driving leisure laws, and the National Highway Traffic Safety Administration would need to devise new vehicle safety standards that are constant with the new technology and software.



Image © Audi

The main question that many have been asking is: If you get into a car accident caused by these cars, who do you blame? Is it the driver's fault for being in the car that caused the accident, even though he was technically not operating it? Or is it the company that created this vehicle at fault? Laws will have to be created to address these issues, because all of the current laws were created for humans operating the vehicles, not autonomous machines. Another important issue to consider is how these laws could affect the market itself. Autonomous cars might imply that the driver now becomes the passenger; so if an accident occurs, the liability would have to be defined by the state. If the blame gets put on the driver, this might affect the market for these cars. Vice versa, if the laws benefit the driver and not the company, fewer companies will likely invest in these cars.²

This new technology is going to continue to expand. In fact, companies such as Audi and Mercedes have stated that they have plans to create one of these vehicles. Audi has already obtained a test license for autonomous cars in Nevada. If these companies are successful in creating an efficient and safe driverless car, this could reduce the number of deaths caused by drunk, distracted, or tired drivers. However, if the machine fails, even in one case, it could raise a legal issue that we are not currently prepared to address.

With the expansion of this technology, these legal issues must be addressed. Perhaps it is time for more states to consider shaping their laws in order to keep up with this innovative technology. ■

¹ <http://www3.law.harvard.edu/orgs/citylaw/2013/04/11/driverless-cars-the-law-the-future-of-cities/>

² <http://www3.law.harvard.edu/orgs/citylaw/2013/04/11/driverless-cars-the-law-the-future-of-cities/>

peppermint bark

This tasty treat is sure to be loved by everyone at your holiday gatherings this year. Enjoy!

Total Time: 1 hour; Prep: 5 min; Inactive: 45 min; Cook: 10 min; Yield: about 2 pounds of candy

INGREDIENTS

- Crushed candy canes, to yield 1 cup
- 2 pounds white chocolate
- Peppermint flavorings, optional

DIRECTIONS

Place candy canes in a plastic bag and hammer into 1/4-inch chunks or smaller.

Melt the chocolate in a double boiler. Combine candy cane chunks with chocolate (add peppermint flavoring at this point if desired). Pour mixture onto a cookie sheet layered with parchment or waxed paper and place in the refrigerator for 45 minutes or until firm. Remove from cookie sheet and break into pieces (like peanut brittle). ■



Source: FoodNetwork.com

early-stage probate fraud

There are a number of shenanigans that can go on with wills and estates, and the administration thereof. Prior to the death of the testator (the person who made the will), there are instances of undue influence—when someone manipulates, coerces, or intimidates the testator to craft their will a certain way to reap the financial benefits.

But fraud can rear its ugly head after the passing of the testator and at the beginning stages of probate—the method by which an estate is administered and processed through the legal system. It may go unnoticed since the rightful heirs have a lot on their minds surrounding the emotional loss of a loved one. Here are a few examples:

- A child written out of a will may try to obtain a copy of an old will in which he/she was still a beneficiary and submit it to probate in an attempt to receive property they're not entitled to.
- Some people aren't above drafting a fake will or codicil (an addition to a will) and entering it into probate.
- An executor is instructed to leave an estate to charity. However, the wayward executor may substitute cheap imitations of property and make off with the authentic items (e.g., antique furniture).
- A child of the deceased may enter the deceased's home without permission and remove valuable items before the probate process has officially begun.
- If the deceased did not have a will, some rightful heirs may intentionally omit other legitimate heirs on the probate petition to inflate their share of the estate.

If you suspect probate fraud, contact an experienced probate attorney to protect your rights. ■

“Like” the Law Offices of Paul H. Nathan facebook page for a good cause before December 20th!

We will donate \$1 to the San Francisco Homeless Advocacy Project (HAP) for every new “like” on our facebook page before December 20th, 2013. Get your “like” registered and we will make our donation!

HAP provides legal services and supporting social services to individuals and families in San Francisco who are homeless or at imminent risk of homelessness, while prioritizing individuals who have mental health disabilities.

HAP serves over 1500 clients per year through the work of staff attorneys, social workers and advocates, student interns, and volunteer legal and social service professionals. The most common legal issues addressed at HAP are federal disability benefits advocacy, eviction defense in emergency situations, and immigration documentation.

We are doing this donation because nobody should be homeless, especially during the holiday season. ■

SOME COUPLES CHOOSE long-term separation

Approximately 85 percent of couples who separate eventually divorce within three years; however, the remaining 15 percent choose not to divorce that soon, if at all. Some of the “separated” couples even choose to live under the same roof, despite the fact that the marriage is essentially over.

There are some incentives for forgoing divorce, the bulk of them economic. For instance, remaining married, though separated, means that both parties can continue to maintain the health insurance coverage they’ve shared.

A couple that stays married can make the most of potential income tax benefits, such as enhanced deductions that pertain to married couples.

In marriages that endured for 10 years or more, an ex-spouse qualifies to receive a share of the other ex-spouse’s Social Security benefits. If a couple run into

marital issues, but are at the eight-year mark in their marriage, they may opt to hold on for another couple of years before divorcing to attain this perk.

There are, sometimes, other considerations for not divorcing. Keeping up appearances may make social situations more comfortable. Some couples may stay together for their young children, to spare them the trauma of divorce.

There are risks to remaining separated instead of divorcing. For example, debt is shared in some states, which could be a problem if one spouse is thrifty and the other not so much. If one spouse falls behind on credit-card payments, both spouses’ credit ratings may be affected.

These are but a few examples of possible benefits and risks to remaining separated instead of divorcing. It’s not a situation to be taken lightly. Contact a family law attorney for guidance on the matter. ■

December 2013 Important Dates

December 7 – Pearl Harbor Day
December 21 – First Day of Winter
December 25 – Christmas Day
December 26 – Kwanzaa Begins
December 31 – New Year’s Eve

DUI/DWI— serious offense, serious penalties

All states classify a first-offense DUI/DWI as a misdemeanor punishable by up to six months in prison. Lesser penalties may include a fine, suspension or restriction of one’s driver’s license, mandated attendance in a DUI/DWI education course, community service, shorter jail time, and/or probation up to three years.

Succeeding offenses will expand upon the above-mentioned penalties. Aggravating circumstances will also elevate the severity of punishment:

- Blood-alcohol content of .20% or higher.
- Driving 20–30 mph over the speed limit.
- Refusing to submit to a chemical test (blood, breath, or urine).
- Underage drinking and driving.
- Transporting a child while under the influence.
- Causing injury to someone, or damage to property. A DUI/DWI charge can escalate to a felony if someone is harmed; if someone is killed (including a passenger in your own vehicle), a manslaughter, vehicular homicide, or murder charge may be filed.

States might also confiscate the guilty driver’s car or cancel their registration to keep them off the road. In addition, the state may order that an ignition interlock device be attached to the DUI/DWI offender’s car, which is an alcohol sensor/breath test that determines whether a driver is fit to drive; if not, the car won’t start.



Continued on next page.



540 Pacific Ave., San Francisco, CA 94133
Telephone: 415.341.1144
Facsimile: 415.341.1155
www.NathanLawOffices.com

driverless cars, LEGAL REPERCUSSIONS



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.

distracted walking: A GROWING CONCERN

Cell phones play a major role in distracted driving, but it seems they pose dangers for pedestrian users, too. Accidents spurred by distracted walking that required an emergency-room visit increased nearly six fold from years 2005 to 2010 (from 256 to 1,506). Whether spraining an ankle from failure to recognize the edge of a curb, losing a head-on encounter with a pole that appears “out of nowhere,” or walking smack into a moving vehicle, pedestrians experience the gamut of injuries.

Pedestrians utilizing cell phones may suffer from “inattention blindness”—seeing an object but failing to process it. One theory on this is that cell-phone conversations tax two sensory areas of the brain: audio and visual. Someone on a cell phone visual-

izes images based on the conversation at hand. Real images get the short shrift.

The lion’s share of injuries involving distracted walking is incurred by the 16–25 age group. Talking on the cell phone accounted for 69 percent of injuries, as opposed to 9 percent for texting.

The evidence strongly suggests that when it comes to safe cell-phone use, a stationary position is by far the best strategy. Motion and cell-phone usage seem to equal trouble—whether it’s driving *or* walking. ■

“DUI/DWI—serious offense, serious penalties” continued from page 3.

A guilty party may have their car insurance canceled, or at the very least, their rates will skyrocket. A DUI/DWI will be indelibly etched on their permanent record, disqualifying them from certain vocations. They may also be subject to a civil lawsuit seeking damages.

One way to avoid the ramifications of drunk driving is to never drink and drive. If you have been charged with DUI/DWI, call a DUI/DWI attorney to protect your rights. ■

Visit us at www.NathanLawOffices.com