

NJ Laws Email Newsletter E375

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Greetings Kenneth Vercammen,

1. Fly the Flag on 9/11

GET YOUR FLAG READY! Please join us in this **FLY THE FLAG** campaign and **PLEASE** forward this Email immediately to everyone in your address book asking them to also forward it. If you forward this email to least 11 people and each of those people do the same, thousands can be reached!

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THE PROGRAM: On Saturday, September 11th, 2011, an American flag should be displayed outside every home, apartment, office, and store in the United States. Every individual should make it their duty to display an American flag on this seventh anniversary of one our country's worst tragedies. We do this honor of those who lost their lives on September 11, 2001, their families, friends and loved ones who continue to endure the pain, and those who today are fighting at home and abroad to preserve our cherished freedoms.

In the days, weeks and months following 9/11, our country was bathed in American flags as citizens mourned the incredible losses and stood shoulder-to-shoulder against terrorism. Sadly, those flags have all but disappeared. Our patriotism pulled us through some tough times and it shouldn't take another attack to galvanize us in solidarity. Our American flag is the fabric of our country and

together we can prevail over terrorism of all kinds.

Action Plan: So, here's what we need you to do;

1. Forward this email to everyone you know, at least 11 people. Please don't be the one to stop this chain. Take a moment to think back to how you felt on 9/11 and let those sentiments guide you.
2. Fly an American flag of any size on 9/11. Honestly, Americans should fly the flag year-round, but if you don't, then at least make it a priority on this day.

2. Do I have a Case if involved in an Accident?

People frequently contact lawyers after they have gotten hurt to ask "do I have a case?" When answering this question, lawyers consider several factors. First, a lawyer must determine whether someone was negligent. The issue of negligence is based upon whether the injured party was owed a duty of care from someone else. Any breach of that duty of care, either through reckless or careless behavior, can be considered negligence.

However, the analysis does not stop there. A lawyer must then consider if the injured person is entitled to an award of damages. Damages are monetary compensation intended to address an injury that someone has sustained. Damages can be awarded to pay an injured party's medical bills, reimburse him for lost salary, fix damaged property, and account for pain and suffering.

In some instances, a person may have been injured through someone's negligence, but has suffered no damages. If that happens, a lawsuit may not be advisable. Obviously, no one should make this determination on their own.

Source: **News from Courter, Kobert & Cohen, PC.**

3. Recovering Attorneys' Fees in Litigation Cases?

Many litigants are surprised to learn that they cannot recover their attorneys' fees if they win their lawsuit. The reason is quite simple - New Jersey follows the American Rule. The American Rule means that each litigant pays his own attorney regardless of who ultimately prevails.

New Jersey Court Rule 4:42-9 has certain exceptions to the American Rule. It generally permits an award of attorneys' fees where such fees are allowed by statute or the Court Rules. In addition, attorneys' fees may be recovered in a contract dispute if the written agreement permits the prevailing party to recover those fees.

Prospective litigants should, therefore, be mindful of the amount of money in dispute and seek to obtain an accurate estimate of the fees and costs that will be incurred during each phase of a litigated matter. As is the case with any business decision, a cost/benefit analysis should be thoroughly considered with your lawyer before proceeding into litigation and when contemplating a potential settlement. Source: News from Courter, Kobert & Cohen, PC

For representation in Northwest NJ call Paris P.

Eliades (973) 726-0555

Family Law

Criminal Law

Sparta, New Jersey

4. Free Will Seminars and Speakers Bureau

The AARP Network Attorneys of the Edison/Metuchen/East Brunswick area had established a community Speakers Bureau to provide educational programs to AARP and senior clubs, Unions and Middlesex County companies. During the past year, volunteer attorneys of the Middlesex County Estate Planning Council have provided Legal Rights Seminars to hundreds of seniors, business owners and their employees, unions, clubs and non-profit groups. These quality daytime educational programs will educate and even entertain. Clubs and companies are invited to schedule a free seminar. The following Seminars are now available:

Details on the 2 programs currently offered:

1. WILLS & ESTATE ADMINISTRATION-
PROTECT YOUR FAMILY AND MAKE
PLANNING EASY

2. NEW PRIVACY LAW REQUIRES POWER
OF ATTORNEY OR WRITTEN CONSENT FOR
DOCTORS TO DISCUSS MEDICAL ISSUES
WITH SPOUSE OR FAMILY.

All instructors are licensed attorneys who have been in practice at least 17 years. All instructors are members of the American Bar Association, New Jersey State Bar Association, and Middlesex County Bar Association.

All programs include free written materials.

You don't have to be wealthy or near death to do some thinking about a Will. Here is your opportunity to listen to an experienced attorney who will discuss how to distribute your property as you wish and avoid many rigid provisions of state law.

Topics discussed include: Who needs a Will?; What if you die without a Will (intestacy)?; Mechanics of a Will; Selecting an executor, trustee, and guardian; Proper Will execution; Cost of an "uncomplicated Will"; Where should Wills be kept?; "Living Will"; Powers of Attorney; \$10,000 annual gift tax exclusion, Bequests to charity, Why you need a "Self-Proving" Will and Estate Administration/ Probate.

Sample materials: Hand-outs on Wills, Living Wills/Medical Advance Directive, Power of Attorney, Probate and Administration of an Estate, Real Estate, Working with your Attorney, Consumers Guide to New Jersey Laws, and Senior Citizen Rights.

SPEAKERS BUREAU

At the request of senior citizen groups, unions, and Middlesex County companies and organizations, the "Speakers Bureau" is a service designed to educate citizens about how laws affect their lives and how the judicial system operates. We have attorneys available to speak to business persons, educational, civic and social organizations on a wide range of topics during business hours.

**HELP YOUR MEMBERS LEARN THE LAW,
PREVENT OR AVOID LEGAL PROBLEMS**

Chances are many of your members have been

in a situation where they could have benefited from legal advice. Have you ever been in an accident? Has a motor vehicle or criminal complaint ever been filed against you or a member of your family? Many individuals face these and other types of problems. Often people do not protect their rights, only to later face lengthy license suspensions or even jail for failure to resolve legal problems early on. That's why Legal Rights Seminars are offered.

This means your members can get advice and possibly prevent legal problems before they occur. Most importantly, they can have peace of mind.

Americans need an attorney when legal problems strike. As in the case of medical services, early treatment can prevent catastrophe and its attendant cost in time and money. For example, psychological studies have demonstrated that there is a direct correlation between legal problems and lost work time and productivity. Employees' work performance often has a direct relationship to personal legal problems. Therefore, the sooner a solution can be found for the employees' problems, the sooner employees can focus on their work.

In today's complex world, few people can function successfully and safely without competent legal advice. In order to insure your estate plans are legally set up, you need to know exactly where you stand so that you can avoid possibly catastrophic mistakes impacting both you and your family. For additional information on the Legal Seminars, contact our Coordinator, Kenneth Vercammen's law office at (732) 572-0500.

5. Next community events & races including 911 Memorial Runs

If you are attending any of these charity races, please call or email Ken V. Often we car pool or meet at these events.

9/4/11 Jimmy D 5k New Brunswick 9am free beers

9/5 Monday Pier House 5K, Long Branch 8:30

9/5 So Plainfield 3 mile 9:15

9/10 Fallen Heroes Memorial Run Bar Anticipation, Lake Como 5k 9:30 Co-Sponsor Wakefern

9/11 911 Memorial run Belmar 6pm Belmar [not a race]

To memorialize all from the Jersey Shore who were lost on September 11, 2001

Belmar, NJ. Start On the Boardwalk across from

Dunkin Donuts [GPS- 1601 Ocean Avenue, Belmar]

Sunday - September 11 - 6 PM

This is not a Race.

We start in Belmar with the reading of the first section of names from the Jersey Shore who were lost on that tragic day. We will run in Silence as a group to the September 11 Memorial in Spring Lake where more names will be read by all of the runners and flags and flowers will be placed on the memorial. We will then proceed to a memorial as a group again in silence where the rest of the names

will be read. After an additional moment of silence we will return to the start.

There is no charge or registration fee, no t-shirts, no clock, no bib numbers and no awards. All are Invited to Commemorate those Lost.

Jersey Shore Running Club - www.jsrc.org

Editor's Note and Disclaimer:

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