

What You Should Know about Your Legal Health

INTRODUCTION

As with your physical health, you can avoid problems by periodically checking your legal health. Areas to consider include contracts, consumer rights, estate planning, insurance coverage, retirement planning and wills. You should review your legal papers about once a year to see if the relevant plans and documents reflect your current needs.

Such an annual legal checkup may uncover problems that can be corrected before they cause trouble. For example, if you see that your property insurance is inadequate because of increased home values, you might decide to increase your homeowner's insurance to protect yourself from possible losses. Or, at the birth or death of a loved one, you may want to reevaluate your will or life insurance policy.

You can conduct a self-check, or a lawyer can perform the legal checkup for you. Like the physician and dentist who perform your health checkups, a lawyer knows how to diagnose legal problems and prescribe cures.

During the legal checkup, you can review your family situation, finances, real estate ownership, employment, investments and business interests. If remedial action is needed, your lawyer can recommend additional services such as changing your will, preparing a durable power of attorney for elderly parents or preparing a lease for rental property.

This pamphlet reviews a few legal problems commonly uncovered by legal checkups. Your lawyer can help you resolve these and other legal problems. The legal work is often relatively inexpensive, especially compared to the costly disasters that could result from unanticipated problems.

MARRIAGE

Couples sometimes enter in prenuptial agreements or separation agreements to avoid disputes in the event of divorce.

Such contracts can deal with property rights, support, child custody and visitations. You may be able to enter into such agreements before or during marriage. Unmarried couples living together sometimes use a contract to specify their expected rights and responsibilities, and may enter agreements similar to the ones used by married couples.

Separation agreements routinely specify who, in the event of divorce, will have custody of children, and stipulate the frequency and duration of visits by the other spouse. Prenuptial and separation agreements can also address various contingencies such as selling your home and valuing one another's interest in pension plans. Such contracts might also require that a spouse pledge property to be forfeited for failure to comply with the agreement.

DIVORCE

You should consult your lawyer if your marriage is ending. Your lawyer can provide recommendations for experienced counselors or clergy members who might be able to help you repair your marriage. If attempts at reconciliation are unsuccessful, you will need sound professional advice to determine child custody, financial support and make a fair division of the property of the marriage. Your lawyer can also seek protection if your spouse threatens to assault or harass you, take your children in violation of custody or visitation rights, or hide property belonging to the marriage.

WILLS AND ESTATE PLANS

Good legal health usually includes having an estate plan with a valid will. Without a will, your property may not be distributed as you desire, extra expenses and taxes may be incurred, and some family members may inherit your property against your wishes.

Trusts are another estate-planning tool. A trust is a document that allows you to transfer property to loved ones using a trustee to carry out your instructions. Trusts created in a will are called testamentary trust. Trusts can also be created by a contract called a living trust. Living trusts can be useful estate-planning tools for everyone, not just the rich. A living trust can help you avoid probate and keep your affairs private.

Review your estate planning documents whenever important life changes take place—when you marry, have a child, move to a new state or lose a loved one. Be sure your estate plan keeps pace with the value of your property and changes in the tax laws. Revisions can be made with a new document or an amendment to an existing one, but you should never try to make a change by writing or crossing out on your old will or trust.

BUYING AND SELLING A HOME

Beware of common pitfalls when buying and selling a home, most people's largest investment. For example, the home buyer should avoid unfavorable provisions in the sales contract, such as failure to provide for the return of the deposit if there are major defects in the home. The seller should watch out for onerous provisions in the listing contract and sales agreement, such as requirements to pay an agent's commission even if a sale is not completed. If you are buying or selling, check with a lawyer before you sign a contract. The lawyer can review the contract, handle negotiations and arrange for documents that protect your interests and complete the sale. At Merideth Nagel, P.A. we are not only real estate lawyers but also full-service title agents. We provide an effortless closing experience with knowledgeable assistance by attorney Nagel and her highly trained and experienced staff of real estate paralegals, at the same or better cost as a non-attorney title agent. Ms. Nagel and her staff have over thirty years of combined title experience, in both residential and commercial transactions.

INJURIES

Accidental injuries can occur in your home, apartment or car, at your workplace or stores, offices and medical centers. You and your family members may be entitled to compensation from those who contributed to the injury—the driver of another vehicle, the owner of an unsafe building, the provider of improper medical treatment, the manufacturer of a defective product or the employer with unsafe working conditions. Compensation for injuries can include reimbursement of your medical expenses and monetary damages for disability, lost income, and pain and suffering. Whether or not compensation can be recovered from the responsible party, you may be covered under your own insurance policies. Your lawyer can explain your rights and help you recover compensation from responsible parties and insurance companies in the event of such injury.

EMPLOYMENT

Legal difficulties sometimes arise in the workplace. For example, your job application may have been rejected because of your age or race, or you may have been denied a promotion because you refuse the romantic advances of a supervisor. You may have been fired illegally for refusing to break the law, failing to work on your Sabbath or because of the results of a drug test.

The laws that protect employees against discrimination and unfair job actions have expanded, but frequently have strict procedures and time limits for filing claims. If you fail to take prompt action, you may lose your rights.

Your lawyer can evaluate your situation and tell you your rights. He or she can also explain legal procedures, including arbitration under a labor contract, pursuing a claim with the Equal Employment Opportunity Commission or filing a lawsuit. If a lawsuit is unavoidable, your lawyer can evaluate your chances of winning and estimate the court costs and legal fees.

TAX PLANNING

Gifts, contributions, medical and business expenses, investments, and other expenditures can have important tax consequences. Also, births, deaths, marriage, divorce and other events can affect your tax situation. Your lawyer can advise you how to minimize your

YOUR LAWYER

Your lawyer can help you to avoid legal problems and solve them when they are unavoidable. He or she can give you valuable advice during major events in your life: marriage, divorce, buying and selling a home or responding to an accident.

Sometimes the solution is simply the preparation of a document to protect your rights or

establish your preferences. At other times, a problem may require that your lawyer start a lawsuit to protect or defend your rights.

It is important to see your lawyer early: before problems occurs, or if there is already a problem, before it becomes more aggravated and costly. For example, if you are seriously injured in an auto accident, contact a lawyer promptly so that evidence can be gathered from the accident site and witnesses interviewed before memories fade. If you are buying or selling a home, be sure to see your lawyer before signing a contract.

A regular checkup of your legal health can be just as important as your physical and dental examinations. Legal checkups remind you of your rights and duties, detect problems, and can result in you taking action before trouble starts. Good legal health will protect your family, your home, your vehicles, your valuables and your investments. It can also provide peace of mind.

Consult your lawyer for a “legal checkup.” If you do not have a lawyer, please consider contacting our offices at the number listed below. We look forward to working with you!

This pamphlet provides general information. This pamphlet does not provide legal advice about specific legal problems. Let us advise you about your particular situation. The hiring of a lawyer is an important decision. Let us provide you with free information concerning our experience and qualifications.