

LAW OFFICES OF ELLIOT S. SCHLISSEL

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THE LAW OFFICES OF
ELLIOT S. SCHLISSEL
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WHAT TO DO IF YOU ARE IN A CAR ACCIDENT

Stop

No matter how minor the accident, hit and run penalties are severe. Stop at the nearest point you can without obstructing traffic more than necessary. If you hit a parked car, try to find the owner. If you cannot, leave your name, address and an explanation at the scene and notify the police.

Render Aid

Give first aid to the extent you are qualified. Stop bleeding. Don't move an injured person in any way that could add to his injuries.

Get Help

Call for an ambulance or fire engine if needed, or flag down a motorist and ask him to call or radio. Call the police except in very minor accidents.

Protect Against Further Damage

Use your car's flashers, flares, warning triangles or other vehicles' headlights to warn approaching motorists of the accident.

Gather and Record Information

Most states require you to exchange identification, vehicle and

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CHOOSING A LAWYER

There are certain events in everyone's life that are recognized as the most traumatic, most stressful...A divorce, the death of a loved one, a serious financial difficulty, being arrested or buying and selling a home. These are the times when it is necessary to enlist the services of a lawyer. Our law firm seeks to make the legal processes a bit less confusing and less stressful.

Elliot S. Schlissel, Esq. and Harriet Causin, Esq. understand the emotional upheaval that can accompany major changes in a person's life. We are sensitive to the needs of our clients. "We are primarily a firm of lawyers representing individuals."

Many of our clients are working people. We try to be flexible to accommodate the schedules of our clients. We treat every client, whether their case is a large one

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WILL BANKRUPTCY SAVE YOU?



Bankruptcy is meant to provide "a new opportunity in life unhampered by the pressure and discouragement of pre-existing debt," according to the Supreme Court. Bankruptcy does not carry a stigma of failure and it is a fairly inexpensive procedure. It is an area where expert advice is essential.

Most people who consider bankruptcy have been in financial difficulty for quite a while. If you are unable to pay your debts, your creditors are hounding you or you stand the possibility of losing your home, you should consider the possibility of filing bankruptcy. Timing can be very critical with regard to bankruptcy filings. The filing of the bankruptcy temporarily stops all creditors action against you, including lawsuits already filed, collection of judgments already entered, not to mention phone calls, income executions (wage garnishments) and threatening letters.

Your future financial prospects are important in timing the filing of the

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TAKING THE MYSTERY OUT OF PROBATE

Probate is a word that conjures up images of cobwebs, labyrinths and orphans. Traditional probate procedures tended to be lengthy, complex and expensive. Fortunately, in New York, probate is an organized process when undertaken by a competent attorney and should not be complicated or very long.

The process is conceptually very simple. A Will appoints a person to manage the Estate. This individual's title is called either Executor if a man, or Executrix, if a woman. The deceased (decedent) person's property is distributed, debts and taxes are paid and expenses of final illness and interment are dealt with. Here is a closer look of what's involved if you are named the Executor of the Estate:

Opening the Estate

The process is started by the submission of the Will and various documents entitled "Petition for Letters Testamentary" to the Surrogate's Court in the County where the decedent resided. Relatives, heirs and creditors of the decedent are notified in this filing. The court issues you "Letters Testamentary" (if the individual dies with a Will) or Letters of Administration (if the individual died without a Will). This gives the Executor or Executrix the authority to act on behalf of the Estate. The Executor hires a lawyer to represent the Estate. The lawyer prepares all the necessary legal documents and walks the Executor through each and every step of the process. It is important to work these terms out in advance to avoid any misunderstandings. When the fee arrangement is worked out it is written down in a document called a "retainer agreement" that spells out the specific financial terms.

Investigating the Estate

After the Will has been probated, the Executor must locate all of the property in the Estate, determine its value, collect the money owed the Estate and pay the Estate's debts. Professional appraisals are sometimes needed for real estate, jewelry, furniture and art.

Paying Taxes

The Executor is responsible to see to it that the inheritance taxes on the Estate are paid. The Executor also must see to it that the decedent's final Federal and State income taxes are paid.

Distributing the Estate

After all the taxes, expenses of burial and medical expenses for the deceased have been paid, the Executor distributes the remaining assets to the heirs or the beneficiaries of the Estate. There is a waiting period during which people can object to the distribution of the Estate.

Very few people who find themselves appointed the Executor or Executrix of a Will have ever had any experience in matters of this nature. It is extremely important that you retain an attorney who is familiar with the Estate process so you can rely on him or her to see to it that the Estate is handled properly. The Law Offices of Elliot S. Schlissel are experienced in handling the probate and administration of Estates. If you find yourself named as the Executor or Executrix of a Will or you seek to be named as the administrator of an Estate where someone dies without a Will (intestate), please call us for a free consultation regarding this matter.



Looks like Benson finally found the time to draw up a will.

WHAT TO DO IF YOU ARE IN A CAR ACCIDENT

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insurance information with others involved in the accident. Write everything down. Get the names, addresses and license plates of witnesses. Measure distances and skid marks. Diagram the accident and make notes on weather, lights, etc. Get the name and badge number of the police officer at the scene and find out how to get an accident report.

Be Careful What You Say

Try not to express an opinion about who was at fault. Even if you think you may be to blame, it may turn out the other driver was more at fault. Concentrate on the facts, not opinions or motives, when talking to the police.

See a Doctor

Injuries are not always immediately apparent. See a doctor unless you're sure you don't need to.

Inform Your Insurance Company

Failure to promptly notify your insurer could affect your coverage.

Report the Accident

Call the police. File an accident report with the police. If the police do not come

to the scene of the accident, at your earliest convenience, go to the nearest police station and file an accident report.

Consult a Lawyer

If you are injured through the fault of another, it is advisable for you to immediately contact an attorney. An attorney who handles personal injury matters can evaluate an injured person's rights. New York State law requires all owners of motor vehicles to maintain car insurance. Injured individuals therefore theoretically always have a pool of funds to collect from for personal injuries and pain and suffering caused by an auto accident.

In the event you are in an auto accident or are injured, the Law Office of Elliot S. Schlissel will provide a free initial consultation without obligation of any kind. In the event the client decides to retain the services of our law office, our fee will generally be based on a percentage of the recovery payable at the conclusion of the case. In the event there is no recovery, there will generally be no legal fee incurred by the client. Out of pocket expenses incurred such as court costs, fees charged for medical reports and other disbursements are payable by the client at the conclusion of the case.

COPING WITH TRAFFIC TICKETS AND ARRESTS

Almost everyone who drives has gotten a traffic ticket or two. It seems that everyone has a story or two about the unfairness of a traffic ticket or the injustice of a traffic court. Here are several reasons why the traffic enforcement system may seem unfair to you:

Selective Enforcement

The large majority of traffic violations go unpunished! On many roads the majority of the drivers technically are "speeding". High percentages of right turns at stop signs and red lights are made without complete stops. Running yellow lights, failing to signal lane changes, following too closely are violations that are so frequent and punishment to sporadic that "why pick on me?" or "why this time?" is a natural reaction.

Driving While Intoxicated

Under the New York Vehicle and Traffic Law, driving while intoxicated is a crime. Depending on the circumstances it can either be a misdemeanor or a felony. Nobody takes driving while intoxicated lightly anymore. The penalties for conviction of driving while intoxicated include loss of driving privileges and sometimes jail time.

Driving With a Suspended License

If you drive with a suspended driver's license, you can be charged with a crime. Driving with a suspended license is in some instances a crime in the State of New York. If an individual has more than one outstanding charge for driving with a suspended license, the seriousness of the crime and the potential penalties increases with each additional charge against the individual. Jail time and/or heavy financial penalties are often metered out to individuals charged this offense.

Driving Without Insurance

New York State mandates that every licensed driver must have car insurance. There are both criminal and administrative penalties for driving without car insurance. This is a serious matter. Should you be charged under the Vehicle and Traffic Law, you have an absolute right to have an attorney defend you. Conviction of driving without insurance will cause the Department of Motor Vehicles to suspend your license for one year.

Traffic Convictions

Convictions can be picked up by your car insurance carrier. This may cause you to lose your insurance or to have your insurance rates increased. In certain situations when an individual's insurance is cancelled for traffic convictions they are put into the "assigned risk pool." Individuals who must obtain their insurance under the assigned



risk pool very often find they must pay thousands of dollars a year in increased insurance premiums to maintain car insurance. Conviction with driving without insurance will cause the Department of Motor Vehicles to suspend your license for one year.

If you are arrested

Should you be arrested, provide the police with your name, address and where you live. It is advisable, in most situations, not to answer further questions pertaining to any allegations or incidents until you have consulted with an attorney.

You have an absolute right to speak with an attorney. As soon as you advise the arresting officer you wish to speak with your attorney he is not allowed to question you any further. You must be allowed to call your attorney and obtain his advice and counsel with regard to how to handle the circumstances involving your arrest. If you have problems with traffic tickets or your license has been suspended or you have been arrested, it is in your interest to consult with an attorney.

Our firm has extensive experience in representing individuals charged with driving with a suspended license, driving while intoxicated, speeding tickets and other traffic related matters. We also represent individuals charged with all types of criminal activity. In many cases we have been successful in vacating arrest warrants, restoring driver's licenses, reducing fines and helping our clients avoid going to jail.

WILL BANKRUPTCY SAVE YOU?

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bankruptcy. Economic and financial difficulties will strain even the most harmonious family relationship. Divorce or separation may also cause financial as well as emotional problems for at least one party. Serious illness can be financially devastating. Money problems can also lead to health problems.

In the event you have financial difficulties please contact the Law Office of Elliot S. Schlissel. We will provide you with a free consultation regarding this matter. We will answer your questions, determine if your bankruptcy is appropriate in your situation and we will review the legal expenses, time-frame for the filing and discharge of the bankruptcy and explain all of the details involved in the bankruptcy process.

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CHOOSING A LAWYER

or small one, with dignity and prompt, efficient and courteous service. Our Lynbrook law office handles **Matrimonial and Family law, Wills, Trusts, Estates, Criminal Law, Traffic Matters, Bankruptcy, Real Estate Closings and General Practice Matters.**



Elliot S. Schlissel has been practicing law for more than 18 years. He attended Hofstra University School of Law and SUNY at Buffalo Law School. He received a scholarship to study international protection of human rights at the Council of Europe in Strasburg, France. He is currently a member of the New York State, Nassau County, Queens County and Suffolk County Bar Associations, and served two terms as the President of the Commercial Lawyers Conference of New York, a regional bar association.

Harriet Causin, Esq. concentrates in the area of matrimonial and family law. She is on the Board of Directors at the Nassau County Women's Bar Association from 1993 to the present. She is an active member of the Matrimonial and Family Law Committees and the Child Custody Subcommittee.

Should you have a legal problem or question, feel free to call us. We do not usually charge a fee for an initial consultation.

WHAT TO DO IF YOUR MARRIAGE DOES NOT WORK

Few situations are as stressful as a family breakup. Everyone involved needs as much sympathy and support as friends and family can muster. Often spouses feel that a **separation** to give the parties time to think about future action whether to move forward with a divorce or to seek counselling or reconciliation is an effective way to deal with marital difficulties.

A **legal separation** can be accomplished by both the husband and wife entering into a written Separation Agreement which provides that the parties live separately while they remain married. This agreement also deals with financial issues, child support, spousal maintenance, division of property (known as equitable distribution in the State of New York) and other matters of importance to the parties. **A Separation Agreement is handled out of court.**

Grounds for Divorce in New York State

- A) Cruel and Inhuman Treatment - This involves either mental cruelty or physical cruelty.
- B) Adultery - Sexual relations with an individual other than one's spouse.
- C) Imprisonment of one of the parties to the marriage for a period of three (3) years or more.
- D) Abandonment - When a party removes himself or herself from the marital home for a period of one year or either of the parties refuses to have sexual relations with the other party for a period of one year (constructive abandonment).
- E) No Fault Ground - The parties are living apart pursuant to a valid Separation Agreement for a period of one year.

In the event you have marital difficulties it is important to get legal advice early. The Law Office of Elliot S. Schlissel will be happy to set up an appointment with you to discuss your marital difficulties. We understand the turmoil and emotional distress caused by marital difficulties and we are very sensitive to the problems faced by families in these situations.

Child Support

Should you feel you are entitled to child support or if you are in the position where legal action has been taken against you in the Family Court to obtain child support, **it is essential that you consult with an attorney regarding your legal rights and responsibilities.** Feel free to call us should you have any questions regarding matrimonial or Family Court matters.

This newsletter was provided as a service of the:
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ELLIOT S. SCHLISSEL
SERVING NASSAU/SUFFOLK/NYC AREA MORE THAN 18 YEARS.

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TEST YOUR LEGAL KNOWLEDGE



True or False ?

1. Breaking into a home with the intent of removing something that doesn't belong to you is considered robbery.
2. A person may obtain a divorce in New York State by bringing legal action in either the Supreme Court or the Family Court.
3. For a Will to be valid in New York State it must be properly notarized.
4. An individual who goes bankrupt does not need to surrender all of his credit cards.
5. There is a presumption that a Wife in a divorce proceeding should receive custody of young children.
6. If an individual dies who has a Will the Will would need to be probated.
7. Grandparents are entitled to visitation rights in the event of a divorce.

ANSWERS

1. **FALSE** - Breaking into a home with the intent of taking something that doesn't belong to you involves the commission of the crime of burglary.
2. **FALSE** - Only the Supreme Court has the jurisdiction in the State of New York to grant a divorce.
3. **FALSE** - It needs to be witnessed by a minimum of two persons who receive no benefits under the Will. A Will does not need to be notarized to be valid.
4. **TRUE** - The credit card that has a zero balance need not be surrendered or forfeited upon filing a bankruptcy.
5. **FALSE** - The law in the State of New York does not presume that either a husband or wife is better able to take care of young children and therefore should receive custody.
6. **FALSE** - If an Estate is set up so no property passes through the Will, the Will need not be probated.
7. **TRUE** - In New York State grandparents have visitation rights with their grandchildren in divorce situations.

**DIVORCE/FAMILY COURT
WILLS, TRUSTS & ESTATES
CRIMINAL MATTERS/DWI
ACCIDENT CASES
BANKRUPTCY**

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