



Your Legal Cornerstone

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"MY SPACE" IS EVERYONE'S SPACE !!

By: Randolph C. Lafferty, Esquire
Youngblood, Lafferty & Sampoli, PA

Social networks are amazing tools to communicate with family and friends and to make new connections. Such sites are "virtual communities" which are on the Internet. Users can go to these various sites (the most popular of which are "Facebook" and "MySpace") and connect with their "friends" or with others who have similar interests. For employers, and employees, the use of these sites is not without risk!

The "right to privacy" is a Constitutionally protected right. The result of this constitutional right has broad protections and includes limitations upon employers, when dealing with either potential or current employees, in requesting personal information to be disclosed. Yet so many people have no hesitation about posting such information on the Internet. This information can be as personal as sexual orientation, religious beliefs, political views and personal habits such as smoking and drinking. Surveys have established that employers are increasingly doing "background checks" of potential employees using these social networking sites ... and relying upon that information! One survey found 12 percent of prospective employers screened employees using social networking sites and that 63 percent of those employers did not hire a prospective employee on the basis of information uncovered by the candidate online!

Of course, employers also face potential risks. To rely upon certain personal information in making determinations on either hiring or promotion could be violative of antidiscrimination laws, Federal and/or State. Also, there are potential implications under the federal Fair Credit Reporting Act. Lastly, many of these social networking sites have restrictions on the use of information posted by members.

Another area where information available through these Internet sites can be harmful is where you are involved in litigation. Information regarding your physical or mental status can be used by an adverse party. Often, it can be cast in an unfair or unintended light in the hope of convincing a judge or jury of a position unfavorable to you.

Many of these social networking sites have privacy protections regarding the type of information that can be disclosed about you. Many of these privacy settings are difficult to understand and use and, in some instances, can be "worked around" in various ways.

In the final analysis, the best practice to follow in all instances is that if you don't want something to be known by the entire world, don't post it on a social networking site regardless of your settings!

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Preparing for Divorce By Eric S. Robinson, Esquire

Divorce is a major life change for everyone in the family. As with any important decision, a person considering divorce should be as prepared and informed as possible when making this decision. There are several issues and factors which should be considered when contemplating divorce.

Once a decision is made to seek a divorce, it can rarely be retracted. A person contemplating divorce should be absolutely sure it is what (s)he wants. Absent physical and/or substance abuse, couples may benefit from counseling, and may be able to work through their differences. Even when the decision to divorce is confirmed, counseling can assist with issues relating to communication and how to discuss the divorce with children.

Contested issues in divorce largely center around two areas: finances and children. It is crucial to gather as much information as possible before the divorce is started.

The divorcing party should obtain as much information about the family's finances as possible. This includes copies of all bank and retirement account statements, copies of tax returns and other payment advices for the past three years, as well as copies of the family's health insurance benefit documents and any insurance policies. If one of the parties has a business, copies of the business tax returns are necessary as well. A budget should be developed for what the family has actually spent over the past year on family expenses. Reviewing utility and credit card bills, as well as bank and credit card statements for the past year will assist in developing a realistic budget. This budget will also serve as a guidepost for discussing support obligations and post-divorce living arrangements. Finally, the person should gather information relating to debts, including mortgage and home equity loans, car payments, credit card and other personal loans, as well as any business loans or tax liabilities. This information should include the date of the loan, monthly payment and pay-off amount, the name of the person(s) obligated on the loan, and what the loan was used for. The Court will not only divide property, but also responsibility for marital debt. All of this information, gathered and organized, will assist the attorney in assessing the issues in the case.

Most good attorneys do not want their clients fighting over the children and parenting plan, as the attorney knows such a battle is expensive and can cause long term disruption between the child and parents. The parties should be prepared to discuss in detail what the parenting plan has been prior to the parties separating. If one parent stayed home with the children, or if the parties opted to send their children to a private school or overnight summer camp, the Court, absent serious concerns about safety or the ability of the parent, will often continue the status quo if it is economically and physically feasible to do so. The parties should also think about holidays and special celebrations, and how these events will be dealt with in the future. The parties must be prepared to be flexible, as children's activities, habits and needs will change and evolve as they grow. Absent serious concerns about abuse or the ability to care for the children, it is important to the child that (s)he have a good relationship with both parents, and that both parents be respectful and tolerant of the other parent's role in the child's life.

It is important to rank your priorities. What is the most important and why? You may not have a say in some issues, such as whether both parents can attend parent teacher conferences. Other issues may be dependent on the financial situation, such as whether a party can afford to continue to live in the marital home. Being clear on your priorities will help your attorney to properly advise whether these goals can be achieved. Additionally, keeping these priorities in mind will help keep a person from becoming distracted by minor issues. The more disagreements there are, the more time consuming and expensive a divorce becomes.

Divorce can be difficult and support systems are helpful. Family and friends are helpful in many ways but are not always objective. They are also often not qualified to give legal or mental health advice, thus you should not use them as a substitute for an attorney or mental health professional. Clergy, support groups, hobbies and physical activity are also beneficial to relieve stress and to help deal with the many emotions that are stirred up during the divorce process.

While divorce is difficult, it does not have to be devastating. The more prepared a person is going into the process, the smoother it can be.

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WHAT TO DO IF YOU'RE INVOLVED IN A CAR ACCIDENT:

By: Lisa Marcus, Paralegal

Being involved in a car accident can sometimes be a scary and stressful situation. Taking the right steps immediately following the accident can help prevent problems later down the road. If you have been involved in a motor vehicle accident, you should:

- 1) Stay at the scene of the accident. Put on your hazard lights to warn other motorists of the situation. If your vehicle is in the road, do not stand next to your vehicle. Wait on the side of the road or on the curb to avoid being struck by passing motorists.
- 2) If there are any injuries, call an ambulance.
- 3) Call the police to report the accident. They will likely send an officer to the scene.
- 4) Take photographs of the accident scene and of the vehicles involved.
- 5) Take down the driver's license number, license plate number and the insurance information of all vehicles involved.
- 6) Report the accident to your insurance company.

 Think **Green!** Please do not print this newsletter unless it is necessary.

THE GENERAL LEGAL NEWS PROVIDED IN THIS NEWSLETTER SHOULD NOT BE RELIED UPON FOR LEGAL ADVICE. SPECIFIC QUESTIONS SHOULD BE DIRECTED TO OUR OFFICE.

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PERSONAL LINES ...

Youngblood, Lafferty & Sampoli is proud to welcome Rebecca C. Lafferty, Esquire to the firm. Rebecca is admitted to practice in both New Jersey and Pennsylvania. She is a member of the New Jersey, Atlantic County and Pennsylvania Bar Associations. She is also a member of the Vincent S. Hanneman Inn of Court and a past member of the Delaware Valley Environmental Inn of Court.

The Personal Injury Practice Group would like to welcome Eric S. Robinson to our team. Eric has been with the firm since 2004 and previously worked with the insurance defense group. In addition to personal injury matters, Eric also specializes in matrimonial law and municipal defense, and will continue to work on insurance defense.



**The Attorneys And Staff At Youngblood,
Lafferty And Sampoli Would Like To
Wish You And Your Family A Healthy
And Happy Holiday Season!**



Congratulations to Joseph L. Youngblood, III and Eric S. Robinson for being selected as 2010 New Jersey Rising Stars by New Jersey Super Lawyers and Law and Politics. Rising Stars honors attorneys 40 years old or younger, or who have been practicing for 10 years or less, in California, Georgia, Idaho, Illinois, Massachusetts, Minnesota, Montana, Nevada, New Jersey, Ohio, Pennsylvania, Texas, Utah, Virginia, Washington, Wisconsin and Wyoming.

Congratulations to Randolph C. Lafferty, L. Patricia Sampoli, and L. Anthony Gibson for again being named as Super Lawyers by New Jersey Super Lawyers and Law and Politics. Randolph was also selected as a Super Lawyer, Corporate Counsel in the field of Business Litigation.

As the year comes to a close, Youngblood, Lafferty & Sampoli would like to recognize some of our staff members who have reached milestone anniversaries this year:

Diane Rogers, 31 years; Sharon Elkner, 30 years; Karen Kaplan, 21 years; Darlene Munizza, 20 years; Jim Mulherin, 15 years.

We would like to thank them all for their many years of service and dedication!

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