

Law and Life Newsletter

Legal Lead Story: Changes in North Carolina Law

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Got Mine! Get Yours!

Get your UNCG men's basketball tickets today and watch the Spartans take on ACC and Southern Conference opponents in the legendary Greensboro Coliseum!



For ticket info visit http://www.uncgsports.com/ViewArticle.dbml?DB_OEM_ID=5300&ATCLID=3748278&KEY=&DB_OEM_ID=5300&DB_LANG=&IN_SUBSCRIBER_CONTENT=.

Go Spartans!

The North Carolina General Assembly has passed many laws that take effect on December 1, 2009. Here are a few of these laws.

- It will be illegal for anyone driving a car to text message or email while driving on a public street. A conviction or guilty plea would mean payment of court costs and a \$100 fine but no driver's license points or insurance points would be issued (Session Law 2009-135).

- School districts will be able to use cameras on buses to detect and prosecute people who pass a stopped school bus. The penalty will be increased for killing a person when passing a stopped school bus (S.L. 2009-147).

- Cyber-bullying and online tormenting of a minor will become a misdemeanor criminal offense (S.L. 2009-551).

- It will be illegal to cover the state name, year sticker, or month sticker on a license plate with a frame (S.L. 2009-456).

- Defrauding an agency or department of the State of North Carolina will become much more expensive. Making a false claim or assisting in the making of such a claim, among other actions,

could mean a large fine (minimum of \$5,500) and even the payment of triple damages to the State.

Individuals will be allowed to file legal actions for fraud committed upon the State of North Carolina and, if a recovery is obtained, the individual would be entitled to a percentage of the recovery (S.L. 2009-554).

- There will be an increase in the monetary amount exemption for a primary residence when faced with execution of a civil judgment (S.L. 2009-417).

- The monetary penalties will stiffen for violators of child labor laws (S.L. 2009-351).

- It will be a misdemeanor to damage or destroy a portable toilet or pumper truck (S.L. 2009-37).

- There will be a higher fine and possible jail time for willful violators of orders to pay child support (S.L. 2009-335).

- Registered sex offenders will no longer be able to obtain or renew a school bus endorsement for a commercial driver's license [CDL] (S.L. 2009-491).

Here are some laws of note that become effective January 1, 2010:

- Smoking will be sharply limited in public places and places of employment.

Smoking will be prohibited enclosed areas of restaurants and bars as well as in state government buildings and state motor vehicles (S.L. 2009-27).

- Military personnel could qualify for an exemption from having to take a CDL skills test (S.L. 2009-494).

- The monetary allowance for the surviving spouse of a person dying intestate (without a will) will double (S.L. 2009-183).

- All cities, counties, and school boards will be required to adopt a code of ethics and, on an annual basis, obtain continuing education on ethics (S.L. 2009-403).

- An individual will not be denied unemployment benefits merely because the individual is seeking part-time work (S.L. 2009-301).

For a more detailed listing of 2009 and 2010 changes to North Carolina laws, visit <http://www.ncga.state.nc.us/documents/sites/legislativepublications/2009%20Effective%20Dates/2009%20Effective%20Dates.pdf>. -OLO

Subpoena

A subpoena is one of the devices that is available to parties in a lawsuit. The subpoena (not to be confused with a *summons*, which will be covered in a later edition of the Law and Life Newsletter) commands a person, company, or organization to appear in court or otherwise participate in legal proceedings. A subpoena can also be used to require a person, company, or organization to produce certain documents relevant to the legal proceeding.

Only a judge, clerk of court, magistrate, or an attorney can issue a subpoena. If you are representing yourself in a

case and need to have a subpoena issued, you must go to the clerk of court in the county in which your case is pending.

Once a subpoena is issued, it must be served on the person, company, or organization. A subpoena can be served by a sheriff's deputy or via certified mail, return receipt requested.

Just because a subpoena is issued does not mean it is proper. A subpoena can be challenged on many grounds including the confidentiality of the information sought, the documents being outside of the possession and control of the person or entity subpoenaed, or the documents not sufficiently

related to the case at hand. The recipient of a subpoena can demand a hearing in court to determine if the subpoena is proper. If you are served with a subpoena, you may want to consult with an attorney to determine if you are legally required to appear or produce the items requested.

Whatever you do, do not just ignore a subpoena. Failure to follow the legal process to contest a subpoena could lead to you being deemed in contempt of court which could mean monetary punishment and even being placed in jail. Use or respond to that subpoena wisely and know your rights! -OLO

Question & Answer

Q: How can I handle my traffic ticket so that it does not affect my driver's license and my insurance?

A: As with so many things related to the law, it depends. You should never just pay a ticket because by doing so you are pleading guilty to the offense with which you are charged. In most cases an attorney can obtain a reduction (and with some cases, even a dismissal) of the ticket which could have a substantial affect on your license points and your insurance rates. North Carolina has 100 counties and each county has a district attorney's office that handles the prosecution and disposition of traffic tickets. The policies and procedures for handling traffic tickets can vary greatly from county to county. One other thing to consider is that the district attorney's office and the clerk of court are prohibited from giving you legal advice as to how to handle your ticket. Misadvice such as "just get a prayer for judgment" or "just pay that out-of-state traffic ticket since it will not affect your NC driver's license" has cost many people money and, on some occasions, their privilege to drive.

Most of you know that soon after you receive a traffic ticket your mailbox is flooded with letters and offers from attorneys to handle your case. However, it is important to hire an attorney you know and trust. If you receive a ticket in Guilford, Randolph, or Forsyth Counties, contact the O'Neal Law Office for personal attention and professional results in getting the matter resolved. -OLO

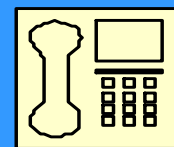
FREE CONSULTATION!

Have a legal problem or issue and need some help? Call the O'Neal Law Office to schedule your appointment to discuss the following:

- Unemployment Hearing
- Traffic Tickets
- Motor Vehicle Wrecks and Personal Injury
- Auto Dealer Fraud (new and used vehicles)
- Motor Vehicle Repair Issues
- Wrongful Death
- Professional Negligence
- Contract Drafting
- Civil Litigation
- Debt Collection Defenses

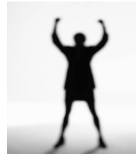
And much more!

Call 336-510-7904 to schedule your consultation today!





Join the UNCG license plate campaign! Download your application now: <http://www.uncg.edu/ala/downloads/applicationforuncglicenseplate.pdf>.



Make 2010 your Year of Action!

Set a goal to deal with at least three unresolved, pending issues in your life. Whether it be an outstanding legal issue, mending of fences with a family member or close friend, a review of your spiritual life, a lifelong yearning to travel to a special place, a dream to open your own business, starting a lifestyle of good nutrition and regular exercise, take the time and map out your well-laid plan. Life is short so make the most of it and be encouraged. Make it a great and happy new year!

Spartan Spotlight----What's Going On?

UNCG is a busy place. Did you know that UNCG Alumni can participate in a trip to a Carolina Panthers football game, a holiday project to help the community, social events at men's basketball games at the Greensboro Coliseum, networking with current Spartan students, and much more? Here are some tools to help you stay in the loop on UNCG events geared:

Links to UNCG news sites and campus publications:

http://www.uncg.edu/campus_links/univ_news/

Alumni events calendar: <http://www.uncg.edu/ala/calendar.html>.

Great stories about UNCG: <http://ure.uncg.edu/inspirechange/>

Review these websites for news items and upcoming activities that interest you. Attend events and bring a friend. Share your Spartan story with a friend or potential Spartan student. All of us are ambassadors of UNCG and we can make a difference in continuing to advance the name and enhance the reputation of our alma mater. Thank you in advance for your help. Go Spartans! -OLO

A Special Thank You!

I want to send a special thanks to all of you who have entrusted me with your legal matters and situations over the years. I take great pride in servicing my clients and I strive for good results. I also appreciate the many referrals and kind words many of you have spoken about me and to me. As another calendar year draws to a close, I wish you, your family, and friends a safe and happy holiday season.

Seasons Greetings!

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Healthful Hints---Questions for Your Waiter

Dining out can be fun and, in today's busy world, is often a necessity. For people who try to watch what they eat, dining out can create some anxiety as they think through the menu options and try to create a meal that satisfies the palate and benefits the body. With some aforethought and persistence you can get combine the two and enjoy your dining experience.

Here are a few questions to ask your waiter or waitress:

Do you have a healthy choice menu? This trend has spread like wildfire but scrutinize the choices to ensure they really are healthy.

Can I replace the bread with a vegetable? Many restaurants tempt you with the endless basket of warm bread to accompany your meal. It is easy to get in trouble here. Perhaps the restaurant can give you some carrot or celery sticks or a small salad instead? It's worth a try.

Can I have that grilled or baked instead of fried? Fried may taste good but is not good for the body.

Can I have a baked potato instead of those fries? This goes back to the "baked over fried" theory.

Can I have the sauce on the side? Putting the sauce and dressings on the side can help you control portion size and cut calories and sodium.

Can I order a group of side items for the price of an entrée? Some restaurants have an entrée that consists of 3 or 4 side items. If not, see if your waiter or waitress can accommodate your request.

Can I take the rest of my meal to go? Eating some now and some later is instant portion control and allows you to get multiple meals for your money.

These questions can make a huge difference in the quality of your meal and most restaurants are happy to try to satisfy your desires. The only stupid question is the one you do not ask so do not assume; just ask. Enjoy your meal and enjoy your next workout! --OLO

Check This Out! Websites for you...

<http://www.realtor.com> The official site of the National Association of Realtors has a database of thousands of homes across the United States. Use numerous options to focus your search. Other site features include a financial calculators, help with locating a mover, and a collection of home and garden articles.

<http://www.choosetosave.org> In today's trying financial times, saving money has never been a better option. This site has calculators to help you save, budget, invest, and otherwise get your financial house in order.

<http://www.parents.com> A great source of articles, tips, weblinks, and other resources for busy parents. Every parent should take a few minutes to visit this site and bookmark it for future reference. The visit will be well worth your time. -OLO