



By David Lee Wells

# LAW 4 BIKERS



## Divorces are Down But Crime is Up

### Live in Love v Maintenance (alimony)

Schuchard v. Schuchard. The ex wife was receiving monthly maintenance of \$2,500 per month. The ex husband said he should not have to pay as she was getting financial aid from her life partner. The life partner and she had a shared bank account. He asked the court for a change of circumstance to reduce the maintenance award. If you are paying maintenance keep in good contact with your ex so you will know if she has a live in "friend".

Drunk with a gun – the defendant had a couple of beers or such and became drunk and had a loaded gun in his possession. He was charged with a felony of being drunk with a loaded firearm. The Second Amendment to the United States Constitution is not an absolute right. The government maintains the inherent power to preserve the health and safety of the people and the drunk was convicted of a felony.

Where I would rather be; people's problems, stress, and it is time to get my tax information to the CPA, the Elbow Inn sounds like a good place to kick back for a few hours. I wonder when the buzzards will start soaring over the bluffs? Surely spring is on it's way.

Where am I going, up, down, sideways or dead broke? That is the question I am getting from my clients. They want a solution to their problems. They want the lawyer to fix the problem and they would like for the attorney to do it for free. Why free? Because they are running out of money.

Why are divorces down? In financially hard times don't people fight, argue, drink to excess and hit? The answer is yes, but the people are choosing not to run to divorce court.

The main reason is the collapse of the housing market. If the family house is paid for, they could sell the house and each get 1/2 of the equity or if there is a lot of equity the money could be used to give the wife the house or trade the house for the husband's pension, stocks or bonds. The wife who has a good job and does not need alimony could start over with the kids knowing the father could pay child support of \$700 to \$1500 per month and he had a good and stable job.

Now in 2010 there is no equity in the house, they refinanced the house for vacation, to educate the kids, to pay off credit cards, etc. the home mortgage is on both of their credit reports so they cannot get credit for a new loan to buy the other spouse a house after the divorce.

The stock market and high fees killed their mutual funds and the pension plan they had is unfunded by their employer and therefore could be gone.

What do they do, argue, drink and fight, the police are called, someone goes to jail or they get in their car and go to the bar and drive home drunk and get a DUI. There is no job, there is no money, so they steal a little money at work or they do some shoplifting. If you own a business, check your books and money. If you work for someone else, watch out that some other employee does not steal and try to lay it off on you.

I have two ladies on shoplifting charges, they needed clothes and makeup, these ladies are 40 years old, not teenagers. All this type of activity means they need a lawyer to help them with their new troubles. Crime is up and crime pays, at least for lawyers.

Times are tough. Here is what I am telling people who are getting short on hours at work or have no job. People in the new millennium are going to have three careers. Careers! Not jobs.

The first thing you have to do is take an aptitude test, remember you took one back in

### Right of privacy

Do employers have a right to install cameras secretly in the workplace? The California Supreme Court has ruled the employee does not have a right of privacy and the employer may keep the cameras in place.

Unemployment benefits – the Missouri Appeals Court held that a creditor may not garnish the bank account of a debtor because the money in the account was unemployment benefits. Unemployment benefits are exempt from garnishment to pay debts.

Expunge DWI – Missouri law allows the expunging of DWI. To apply the DWI must be 10 years old. The Court can wipe out all records of arrest, plea, trial or conviction. This does not apply to CDL licenses or if you have had more alcoholic related driving offenses. With the mood of the legislature to keep making DWI laws tougher, get rid of the records of your old charges.

Red light cameras in Springfield are illegal. The Missouri Appeals Court held that Springfield Ordinance required that the case be heard in by administrative officer is in violation to Missouri law which requires the "moving violation" which goes on your license to be heard by a Municipal Court Judge or Associate Circuit Court Judge.

Drunk test – the driver who was stopped for suspicion of DUI was asked by the officer to take a breathalyzer test, which the driver did. There was a valid test. The officer did not like the result and asked her for a blood test, which she refused to take. The court held that the State can demand more than one drunk test and then suspended her license to drive.

high school. Go to your nearest Community College or State Unemployment office and

find out what you are "hard wired" to do best. Remember there was always that guy that never studied and always made "A's" in math or science, his mind worked well in those areas. These career choice tests are "Strong Inventory" or "Meyers Briggs", which will let you know where your strengths are, nursing, law enforcement, design, etc.

Second, the United States Department of Labor has listings of every job in the United States and breaks down the high and low salaries for each type of job by city. I hope you would focus on jobs that would pay the best.

Third, don't choose a career type that is going obsolete; retail clerk v automatic checkout or a computer programmer for a computer language that is obsolete or textile manufacturing, don't choose a job in a buggy whip factory. This part of the problem will take a little bit of study and research.

Pick something that you think you could do for the next 20 years. If you don't like rejection don't go into sales. There is an old saying, "if you are an optimist go into sales, if you are a cynic go to law school". Talk to people in the field you are thinking about and find out what they really do, picture yourself doing it, ask how did they get trained and found a job.

Last in your quest, is to obtain training for the type of career chosen, you need to know:

Will your present employer train you or pay for your training? Remember the older workers are retiring Baby Boomers and industry will need new workers to replace them in the next 3 to 5 years.

Do you need to go to a Community College? Their mission is to educate and train people at a reasonable cost. If a 4 year degree is what you need Community College is a good place to start. They have counselors and job coaches to help you.

Watch out for "for profit" trade schools. Sometimes they get you money from Federal student loans and you are trained for jobs that do not exist.

Be careful about the cost you pay, I am seeing young attorneys who have \$100,000 to \$200,000 in student loans but have no jobs.

So move! Don't sit on your hands during these hard times!

Times are tough, protect yourself.  
Support Our Troops.

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