

**Tidbits from the Law – January 2010**  
**By Denice A. Gierach**

We thought that the following might be of interest to you:

. . .If you or your friends have used a self help service such as Legalzoom to do legal documents, be careful. This service has a large disclaimer which takes away any responsibility for the reliability of the documents or the suitability for your use of those documents. The reason for this is that you are assumed to be the “lawyer” who chooses the correct legal form and know how to use it. Since you probably do not know all issues involved in estate planning, including the tax impact of your documents, don’t be short sighted by trying to save a couple of bucks now, only to have a much larger cost after you die, because the documents were not done properly.

. . .There were no required distributions last year from IRA’s and other plans for individuals who are 70-1/2 and older. Congress is not likely to extend this relief for 2010 required distributions. Be mindful if you have had income tax withheld from the distributions, you may have to pay additional estimated taxes to make up the difference.

. . .A new law, called the Endangered Missing Person Advisory Program, became law on January 1, 2010. The purpose of this law is to help locate elderly people who have gone missing in Illinois. This law requires the police to send out alerts when senior citizens or high risk adults with disability go missing. This is similar to the “Amber alert” system for children, but is aimed at older adults (with Alzheimer’s or some other form of dementia or illness) by giving public notification of endangered missing elders. This is will called the “Silver Alert.”

. . .There has been a growing trend in this economy for a rise in discrimination claims by employees whose jobs have been terminated by their employers. This is normally the case when there is a rise in unemployment. Since the budget passed for 2009 boosted the budget for the EEOC by \$15 million and Obama has proposed an additional increase for 2010, this will probably mean an increase of enforcement in this area of the law.

. . .In Nevada, there is a case against a pharmacy to determine if the pharmacy is liable for injuries caused by a patient’s drug abuse. Nevada has a prescription tracking system, which tells the pharmacist what the patient is taking and whether the patient may be abusing narcotics. This tracking system is in 33 states. In that case, the patient pled guilty to reckless driving after a June 2004 accident that killed one man and injured another. Her car contained prescription bottles and other assorted loose pills, including hydrocodone and other painkillers. A decision is due shortly on the Nevada case. This is a case worth following as people become “hooked” on various pain medicines.

. . .In Illinois, if you are doing a home repaid or remodeling, the contractor is required by law to give you a Consumer Rights Brochure. If the contractor does not give you the brochure, they will not be able to sue you for the nonperformance of the contract, if you fail to pay. They will be able to sue you under a concept called *quantum meruit* for the value of the improvements to your property that you did not pay for.